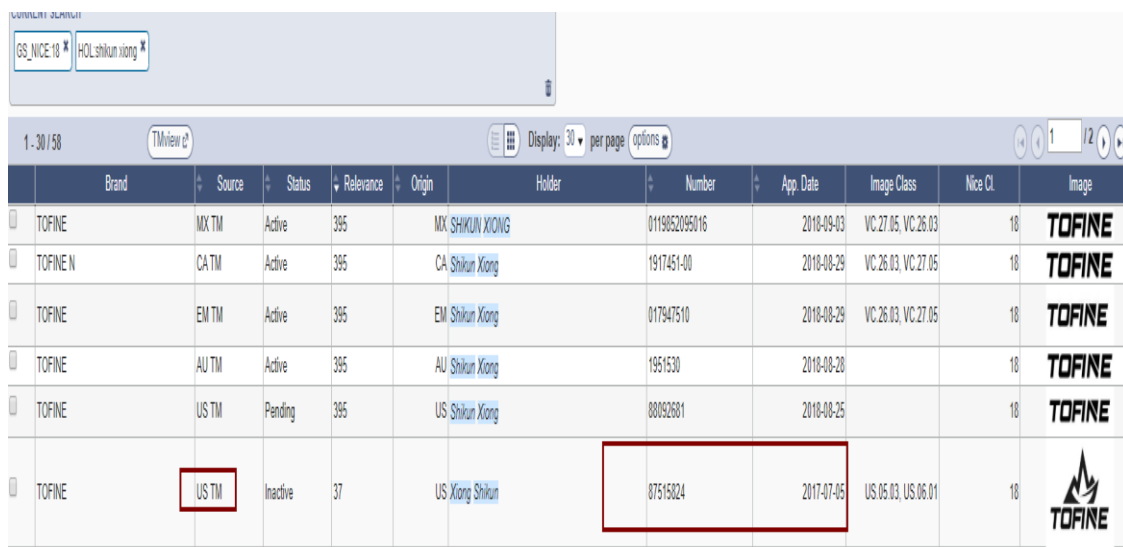








Dear examiner:

Registration of the applied-for mark("TOFIEN" , U.S. Registration No. 88092681) is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5803427. According to your refusal, we make explanation as below:

1) "TOFIEN" we applied belongs to products of Class 18, while "Toofine" belongs to Class 14. The two trademark applications are completely in different fields. Therefore there is no conflict, and it will not confuse consumers. Wearing a watch of Toofine, customers will not associate it with TOFIEN's backpack, because they are different products. And the English letters and pattern designs of these two applications are totally different. Although "TOFIEN" and "Toofine" are different from each other by the letter "O", the design styles of the two applications different, and the standard samples are carefully designed.

2) The earliest application time of the "TOFIEN" we applied is prior to "Toofine" application. As shown in the attached table, the applicant submitted the "TOFIEN" US trademark application in July 2017. By that time, our trademark application has passed the preliminary examining. During the time of Publication, a notice of opposition was raised, and we missed the time for response, which led to the trademark invalidation and a heavy loss.



Brand	Source	Status	Relevance	Origin	Holder	Number	App. Date	Image Class	Nice Cl.	Image
TOFINE	MX TM	Active	395	MX	SHIKUN XIANG	0118052095016	2018-09-03	VC.27.05, VC.26.03	18	
TOFINE	CA TM	Active	395	CA	Shikun Xiang	1917451-00	2018-08-29	VC.26.03, VC.27.05	18	
TOFINE	EM TM	Active	395	EM	Shikun Xiang	017947510	2018-08-29	VC.26.03, VC.27.05	18	
TOFINE	AU TM	Active	395	AU	Shikun Xiang	1951530	2018-08-28		18	
TOFINE	US TM	Pending	395	US	Shikun Xiang	88092681	2018-08-25		18	
TOFINE	US TM	Inactive	37	US	Xiang Shikun	87515824	2017-07-05	US.05.03, US.06.01	18	

3, The reason we choose TOFIEN as our trademark application mark is because of the Chinese meaning of "TUOFENG" which is the trade name of our company. In order to make consumers remember both our company and the brand, we chose TOFIEN as our trademark application.

4, In 2018, our company reapplied for this trademark, and applied for use in multiple countries, such as the European Union, Japan, Russia, Australia, Mexico, the United Kingdom. We have obtained trademark registration certificates in all these regions. In terms of business, we have used this mark in a wide range. We have invested a lot of time and money to promote and publicize our products and our company's mark TOFIEN. At the same time, with years of mass production and sales in the market, we have certain inventory in stock. Our customers highly recognize the quality of our products, and they know our company well, which is the property of our company.

5, I will attach the trademark certificates copy and sales websites and stock records of other countries. These indicate that the trademark is very widely used and accepted by our customers and the public. To protect our rights and interests, we sincerely hope that our application for trademark TOFIEN, registration no: 88092681, will be approved for the next procedure.

Thank you!
OWNER OF MARK: Shikun Xiong

Attachment 1.

EU Trademark Registration Certificate, Registration Number: 017947510

Attachment 2.

Japan Trademark Registration Certificate, Registration Number: 6173424

Attachment 3.

Russian Trademark Registration Certificate, Registration Number: 704395

Attachment 4.

Australian Trademark Registration Certificate, Registration Number: 1951530

Attachment 5.

Mexican Trademark Registration Certificate, Registration Number: 1949394

Attachment 6.

UK Trademark Registration Certificate, registration Number: 00003334626

Attachment 7.

China Trademark Registration Certificate, Registration Number: 8428192

Amazon US sales link:

<https://www.amazon.com/gp/product/B019WGCY74>

Tmall China flagship store sales link:

<https://detail.tmall.com/item.htm?spm=a1z09.8149145.0.0.27762f33tyrRX6&id=618199310140>