


APPLICATION SERIAL NO. 88690509
MARK: Slayer (logo) 
APPLICANT: Seattle Espresso Machine Corporation

RESPONSE TO OFFICE ACTION - PRIOR REGISTRATION NOTED

In the Office Action, the Examiner Attorney has cited a prior registration. According to the Examiner, due to the presence of the said prior registration, applicant's mark shall be refused registration for part of the goods claimed, under Trademark Act Section 2(d).

The objected goods are the following:

CLASS 11: "*Steam generators; Steam producing machines; Steam boilers for steam generating; Apparatus and installations for steam generating*"

The referenced registration is the registration No. 3576700 "SCENT SLAYER", in connection with the following goods:

CLASS 11: "*Stand-alone machine with ozone generator, which removes odors from garments, fabrics, curtains and surrounding air*".

Applicant would like to present the following arguments in support of the absence of the potential conflict between applicant's mark and the mark in the referenced registration.

Comparison of the goods

Applicant has amended the identification of the goods in class 11 to read as follows:

"Class 11: *Electric apparatus for making coffee; Electric coffee machines; Electric coffee makers; Electric espresso machines; Steam generators being part of coffee machines*".

It is noted that all the goods subject to the refusal have been deleted from the application, except for "Steam generators", which has been specified to be part of coffee machines, as follows: "*Steam generators, being part of coffee machines*". Therefore, the application does not claim goods neither identical nor similar to those listed in the prior registration.

The goods at stake have no counterpart in the earlier registrations and are likely to be sold through different channels of trade, excluding any risk of confusion for the consumers.

Comparison of the signs

Since the goods for which the application was partially refused have been deleted/specified, there is no need to proceed further with the comparison of the signs. The Applicant in fact believes that the marks at stake can peacefully coexist in the market.

Conclusions

In conclusion, since the Applicant amended the application to exclude/specify all the goods for which the refusal was issued, it is respectfully requested that the Examining Attorney withdraws the refusal to register under Section 2(d) and pass the application to publication.