

Application Serial No. 79/275,865 (“REDLINE”)

**Request to withdraw refusal as to trademark application no. 79/275,865**

This communication is responsive to the Non-Final Office Action dated March 03, 2020, the Examining Attorney refused registration of the applied-for mark based on an alleged likelihood of confusion with the cited registration, U.S. Registration No. 2,382,929 for REDLINE. Applicant respectfully disagrees and avers that there is no likelihood of confusion and requests that the refusal be withdrawn and allow registration of Applicant’s Mark for the reasons set forth below.

The Examining Attorney also objected to the identification of the goods. In conformity with the examiner’s recommendations, the identification of goods has been appropriately amended as described below.

Lastly, as described below, the color description of the mark has been amended in conformity with the Examining Attorney’s request.

**LIKELIHOOD OF CONFUSION**

**U.S. Registration No. 2,382,929 for REDLINE (the ‘929 Registration)**

The Applicant submits that the owner of the ‘929 Registration is Applicant’s distributor for the goods identified in the registration. Applicant is beginning the process of entering into an appropriate assignment of rights in the ‘929 Registration to the Applicant including an assignment of the associated goodwill. Therefore, following entry into an appropriate agreement including assigning the cited registration in accordance with 15 U.S. Code § 1060, the cited registration should not be cited as a bar to Applicant’s applied-for registration. The Applicant would like to reserve the right to present substantive arguments in response to the refusal based on the likelihood of confusion with the ‘929 Registration in the event the Applicant does not reach an agreement with its distributor.

**IDENTIFICATION OF GOODS**

The Applicant adopts the Examining Attorney’s suggested modification and amends the identification of the goods as follow:

Building materials not of metal for bridging gaps in buildings, bridges, superstructures, and roads, namely, expansion joints; non-metallic building materials, namely, expansion joints made of asphalt, pitch and bitumen for bridging gaps in buildings, bridges, superstructures, and roads; roof-covering materials not of metal; non-metallic building materials, namely, Containment systems for large scale liquid spills or releases, namely, berms made of cement or artificial stone.

## **COLOR DESCRIPTION OF THE MARK**

The Applicant adopts the Examining Attorney's suggested modification to the description of the mark as follows:

The mark consists of the wording REDLINE appearing in white on a red background.