

Application No.: 87/887,185
Mark: MYLO
Applicant: Bolt Threads, Inc.

OFFICE ACTION RESPONSE

Applicant Bolt Threads, Inc. (“Bolt Threads”) respectfully requests that the Examining Attorney allow its application for MYLO, Application Serial No. 87/887,185, to proceed to publication as (1) Reg. No. 3,687,064 has abandoned and (2) there is no likelihood of confusion with Reg. No. 5,624,232 for the mark MILO (& design).

BACKGROUND

By way of background, Bolt Threads is a leading bioengineering company that is focusing on making innovative textile products. It plans to use the applied for MYLO mark in connection with an innovative leather-alternative made from mycelium, which is the root structure of mushrooms. *See* Ex. 1. MYLO is a creative play on “myco,” which is a prefix that means “fungus.” *See* Ex. 2. As such, in the context of goods in Class 18, consumers will understand that Bolt Threads’ MYLO mark is a playful allusion to the fact that its products are made from mycelium.

ARGUMENT


I. THE CITED MARK MILOU IS ABANDONED

Bolt Threads respectfully notes that the cited Reg. No. 3,687,064 for the mark MILOU is abandoned. The required § 8 Declaration was not submitted on or before the grace period expired on March 23, 2019, and the registration status has thus updated to “Dead.” As a result, Applicant submits that the cited mark no longer poses a basis for refusal and respectfully requests that the partial refusal against Class 14 be withdrawn.

II. APPLICANT’S MARK IS NOT CONFUSINGLY SIMILAR TO REG. NO. 5,624,232

Bolt Threads respectfully requests that its MYLO mark be approved for publication, as it




is not confusingly similar to Registration No. 5,624,232 for the mark . The cited mark is visually distinguishable and, as discussed above, consumers will understand MYLO to carry a conceptually distinct meaning from MILO, thereby creating materially different commercial impressions.

First, as noted above, in the context of Bolt Threads’ Class 18 goods, consumers will readily recognize MYLO as a playful reference to the source material mycelium. This is a very different meaning and commercial impression from the cited mark, which is likely to be seen as an individual’s given name. Indeed, the cited mark carries no suggestion that its products are related to mushrooms, and therefore will be readily distinguished in the marketplace.

In addition, consumers will clearly recognize at a glance the visual differences between



the  design mark and the applied for MYLO mark. The cited mark claims a distinct, ornate design — which is the largest and most eye-catching aspect of the mark — that is not present in the applied for mark. Moreover, the fact that the cited mark is limited to the depicted design further emphasizes the visual aspect of the mark, which increases the probative value of the visual differences between the marks, including the visual differences created by the ‘y’ in Bolt Threads’ MYLO mark, and thereby making consumer confusion between the goods unlikely. *See, In re Covalinski*, 113 U.S.P.Q.2d 1166 (TTAB 2014) (finding that registered mark RACEGIRL and applied for mark REDNECK RACEGIRL (& design) were sufficiently distinct such that confusion was unlikely even when the marks were used on in-part identical goods).

In sum, the visual and conceptual differences between the marks create a distinct commercial impression for Bolt Threads' MYLO mark. As such, Bolt Threads respectfully submits that these differences outweigh any phonetic similarity, making confusion unlikely.

CONCLUSION

Bolt Threads respectfully requests that the Examining Attorney withdraw the refusal against Classes 14 and 18 and allow the MYLO application to proceed to publication.

/Keith Toms/

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EXHIBIT 1



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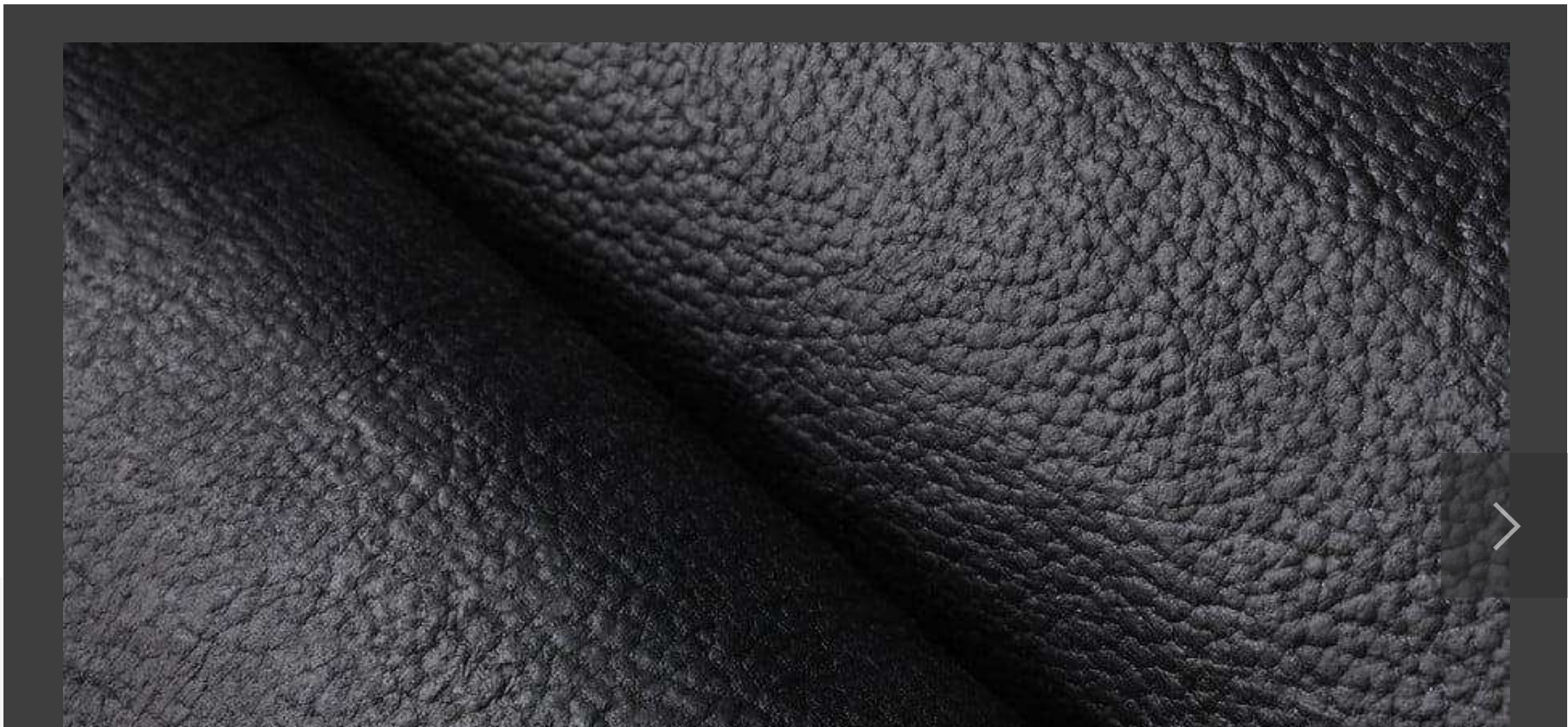


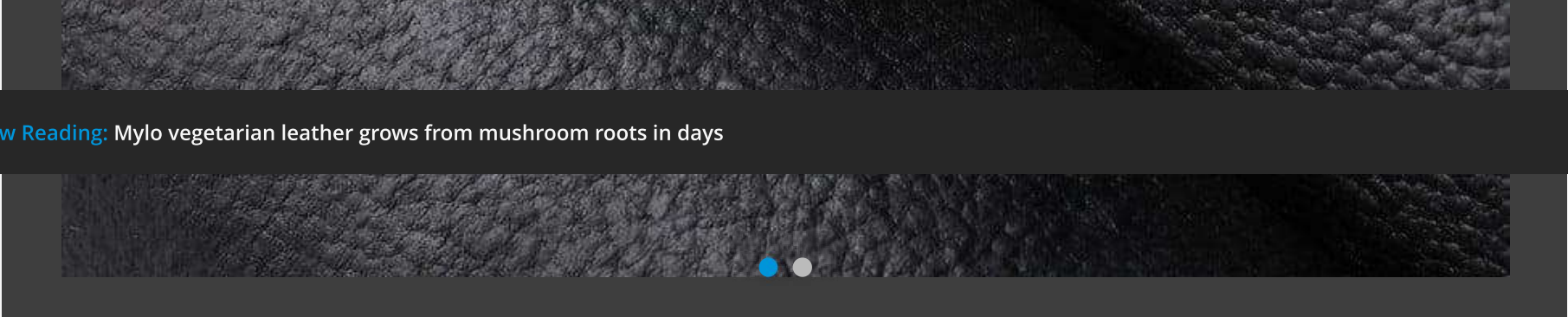
Mylo vegetarian leather grows from mushroom roots in days

By **Bruce Brown** — Posted on April 19, 2018 12:52PM PST



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An environmentally sustainable material created from fast-growing mushroom root systems could disrupt the leather clothing business. San Francisco-based [Bolt Threads](#)' focus on the earth's urgent need for sustainable fashion resulted in [Mylo](#), a sustainable biomaterial the company claims looks and feels like cowhide.

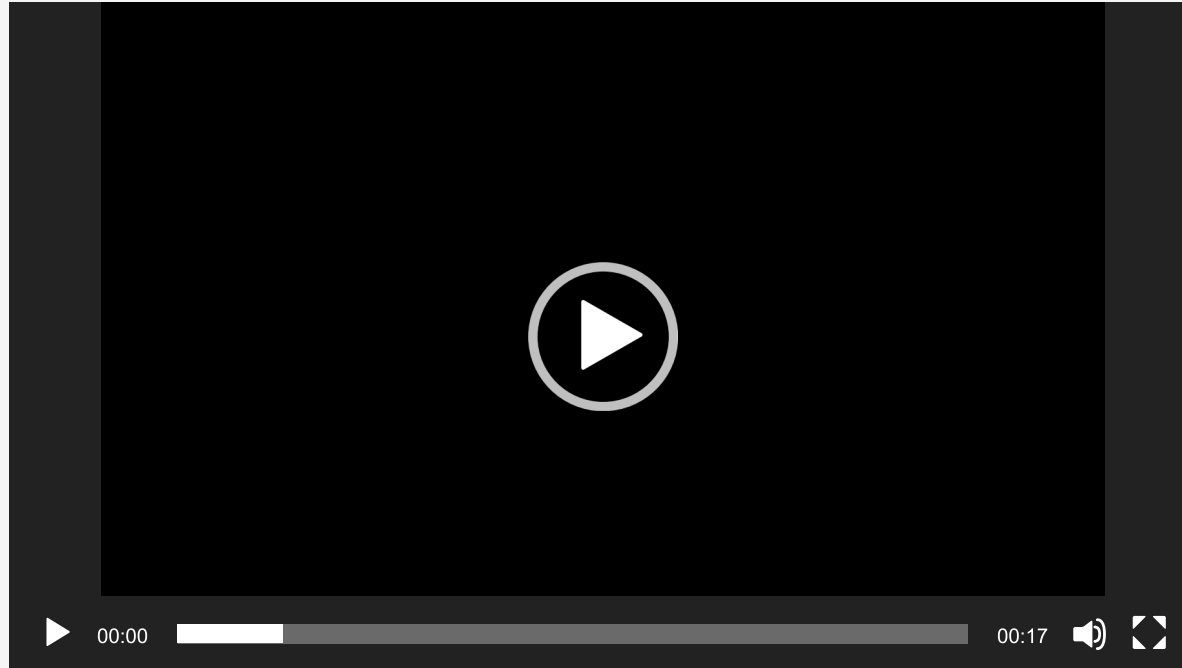
Leather garments fall in and out of fashion, in part because of how leather is created. Regardless of current styles, when animal advocates and environmentalists sound off on leather clothing and accessories, animal cruelty and atmospheric damage caused by massive quantities of destructive gases are the common themes.

Want the leather look but hold back because you like animals and entertain fond thoughts about our planet? Don't turn to faux leather. Plastic-based leather substitutes often look and feel somehow "off." Typically hot and clammy because they don't breathe naturally, petroleum-derived fake leather garments raise environmentalists' ire as well.

Mylo follows Bolt Thread's earlier success with [Microsilks](#), a synthetic spider silk. The company produces Microsilks with a process [Forbes described](#) as "oddly similar to making beer." [Synthetic leather](#) was the next challenge and Mylo is the result.

Mylo vegetarian leather grows quickly according to [Bolt Threads](#). The key ingredient is mycelium, the mushroom underground root structure. When mushrooms grow in forests in the wild, massive networks of

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“We developed Mylo from mycelium cells by creating optimal growing conditions for it to self-assemble into a supple, sustainable material that looks and feels remarkably like animal leather,” according to the company website. “Mylo can be produced in days versus years, without the material waste of using animal hides.”

Bolt Threads grows mycelium cells in beds of corn stalks with carefully controlled temperature and humidity. After the company adds unspecified additional nutrients billions of cells develop. The cells form thick 3D-interconnected networks. The next steps in the process include compressing the 3D-network structure and then tanning and dyeing the much thinner material.

Mylo isn't leather because it is not made of animal hides. However, according to Bolt Threads, Mylo is soft, supple and has a warm feel. The company also claims the material is strong and abrasion-resistant.

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Bolt Threads introduced Mylo at the Victoria and Albert Museum's [Fashioned from Nature](#) exhibition in April with sample material and the Mylo Falabella Prototype One, a bag designed by Stella McCartney. With additional technology optimization, Bolt Threads plans to market Mylo commercially.

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EXHIBIT 2

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myco- ●

- 1 a combining form meaning “mushroom, fungus,” used in the formation of compound words:
mycology.

QUIZZES

TAKE THIS QUIZ IF A DAZZLING VOCABULARY IS YOUR DESIDERATUM!

Have the Words of the Day from October 19–25, 2020, made an indelible mark on your memory? Take the quiz to find out!