


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK

Applicant:	Charisma Brands, LLC	Docket No.:	77663.00200
Serial No.:	87/815,473	Examining Attorney:	Ryan Lavoie
Filed:	February 28, 2018	Law Office No.:	108
Mark:		International Class:	028

OFFICE ACTION RESPONSE

Applicant responds to the Office Action dated July 27, 2020. Applicant hereby provides the consent of the cited Registrant to register the subject Application. The executed Consent Agreement is attached as Exhibit A. Moreover, the parties are also bound to a confidential Settlement Agreement which has not been provided to the USPTO. Both parties have agreed to a specific scope of use for their respective goods and have agreed no confusion is likely.

Per TMEP 1207, and cases cited therein, “the Court of Appeals for the Federal Circuit has indicated that consent agreements should be given great weight, and that the USPTO should not substitute its judgment concerning likelihood of confusion for the judgment of the real parties in interest . . .”. (See TMEP 1207.01(d)(viii) citing *In re Four Seasons Hotels Ltd.*, 987 F.2d 1565, 26 USPQ2d 1071 (Fed. Cir. 1993); *In re N.A.D. Inc.*, 754 F.2d 996, 224 USPQ 969 (Fed. Cir. 1985)).

Accordingly, the parties, who have litigated the matter, and have resolved concerns by way of undertaking certain goods/services/limitations, agree there is no potential for confusion. The parties are in the best position to understand the market and therefore their

consent agreement should be given great weight and the USPTO should not “substitute its judgment” in this case. Accordingly, Applicant respectfully submits that the issues raised in the outstanding Office Action have been addressed and that Applicant’s mark should be advanced to publication. If it would be helpful in expediting the prosecution of this application, the undersigned would welcome a telephone call at the number listed herein at the Examining Attorney’s convenience.

EXHIBIT A

[Consent Agreement Attached]

LETTER OF CONSENT

AMDL Collections, Inc., doing business as Adore Plush Company ("AMDL"), having an address at 1231 N. Barsten Way, Anaheim, California 92806 hereby grants and provides this Letter of Consent (the "Consent") to Charisma Brands, LLC ("Charisma"), having a business address at 23141 Verdugo Drive, Suite 100, Laguna Hills, California 92653 for the following application:

U.S. Application Serial Number 87/815,473 for the mark **ADORA** (& Design) in connection with certain goods in Class 28, namely: *Dolls and dolls' clothing; Plush dolls; Soft sculpture dolls; Soft sculpture plush toys; Stuffed dolls and animals; Stuffed and plush toys.*

The parties have entered into a settlement agreement that permits the foregoing application to mature to registration. Neither party believes that Charisma's use of the mark specified therein will cause actual confusion among the consuming public. Nevertheless, should the parties become aware of any actual confusion among the consuming public resulting from the concurrent use of their respective marks permitted under their settlement agreement, each party shall take reasonable measures to redirect such consumers to the proper party, and the parties shall cooperate in good faith to prevent such confusion from recurring in the future, in each case according to the terms of their settlement agreement.

This Consent is governed by, subject to, and shall be construed in accordance with the settlement agreement between the parties. In the event of any conflict between this Consent and that settlement agreement, the settlement agreement shall control.

AMDL Collections, Inc.

By: 

Name: DAFNE LE

Title: PRESIDENT

Date: 12-01-2020