

April 2, 2021

Regina Hines

/Regina C. Hines/

Law Office 114

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Dear Regina,

I am responding to the documents and initial decisions regarding the stylized mark for Get Used By Elie, Case ID 90018880. If we are correct, the application was reviewed, and refused because Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 4557329, 4557287, 4557059, 3223502, 3838953, 3877662, and 2653216. Specifically, consumers would likely be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. We understand that two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services.

We appreciate your thorough response, and respectfully suggest that the application of our stylized mark does not cause a likelihood of confusion to the registrations mentioned. We do not believe that consumers would likely be confused, mistaken or deceived by the stylized mark for which we seek registration. We see no discernible similarities between our stylized mark and the marks, or goods or services with respect to the registration numbers above.

The registration numbers mentioned in your response, as indicated above, mostly refer to Elie Tahari, a living person that has registered his name, likeness and stylized marks across names, registrations and classifications. Our stylized mark is not intended to infer any relationship whatsoever to Elie Tahari. There is no record of Elie Tahari's use of Get Used By Elie – the phrase or stylized mark – in any registration number indicated above.

We did not see any use of both Get Used By Elie, and Elie Tahari marks, in combination or in reference to one another, in the data that was submitted with your response. We have found no merchandise whatsoever that conflates the mark Get Used by Elie with any mark owned by Elie Tahari. To our knowledge, so commonality exists.

The only area in which we find confusion between Get Used By Elie, and Elie Tahari, appear on eBay and related sites, where independent re-sellers combine the two names. The product they are featuring focuses on one mark or the other, but never both. We suspect the phrase combinations exist in webpage descriptors, not because of any intellectual property ownership (which we would find in any

event on USPTO), but because independent sellers are creating phrases that would maximize search engine results among buyers of previously owned apparel.

We attach:

- our own evaluation of the registration numbers mentioned above, in which there is no common references between Elie Tahari and Get Used By Elie;
- Our search to any ownership of the name Elie -by Elie Tahari or another intellectual property owner - absent of any results;
- A reiteration of the Get Used By Elie trademark ownership registration history, in which the last reported owners of such marks before our application either discontinued or abandoned such ownership in 1992.

We are also attaching alternative stylized marks for your review. Based upon the registration numbers you included that intimated confusion, we see that Elie in ALL CAPS may lead to concern since most of the stylized marks owned, created or registered by Elie Tahari are identified in all caps: ELIE TAHARI. Thus, revised stylized marks for Get Used By Elie will feature Elie in either initial cap, or elie without capitalization. We are prepared to move forward with either strategy.

Regina, we thank you for being so thorough and attentive to our business initiative, and look forward to seeing your subsequent evaluations of the marks we hope to register.

With sincere regards,



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