

Application No. 97/173,891
Reply to Office Action of September 26, 2022
Attorney Docket No. 21-44455

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 97/173,891
Applicant: Reset Content, LLC
Filing Date: Dec. 15, 2021
Mark: RESET
Examiner: HERRERA-MARCUS, ROSELL
Law Office: 124
Docket No. 21-44455

Commissioner for Trademarks
ATTN: Trademark Examining Operation
P.O. Box 1451
Alexandria, Virginia 22313-1451

RESPONSE TO OFFICE ACTION

Dear Commissioner:

Responsive to the Office Action mailed September 26, 2022, please amend without prejudice the above-identified trademark application as follows:

In the Identification of Goods:

Please revise to read as follows:

International Class 030: non-alcoholic botanical based beverages, namely, tea;
Kombucha tea;

International Class 032: Non-alcoholic distilled spirits; non-alcoholic seltzer; non-alcoholic cocktail mix; beer

International Class 033: Alcoholic beverages except beers; vodka; distilled spirits; spirits;
hard seltzer; Hard kombucha tea

Classification of Goods:

Applicant requests that the classification be revised to be in International Classes 30, 32, and 33. Additionally, a Request to Divide will be filed to pursue Class 33 goods in a separate application.

REMARKS

In the Office Action, the Examining Attorney identified two U.S. Applications, Serial Nos. 90869,910 (the ‘910 Application) and 90320,179 (“the ‘179 Application) that precede applicant’s filing date.

Regarding 90869910, Applicant notes that the application has been abandoned as of November 14, 2022, therefore a potential refusal to register in view of the ‘910 Application is moot.

Regarding 90320179, Applicant notes that this application has been suspended for over a year, since November 4, 2021, and respectfully disagrees that the mark and the applied for goods and services present a possible likelihood of consumer confusion given the differences in the marks in sight, sound, and commercial connotation, the differences in goods and services, the wide range of goods and services applied for, and the potential that Applicant may not have a bona fide intent to use the mark in connection with such a large composition of goods and services. Accordingly, Applicant reserves all rights to submit further arguments in the future should a refusal to register under Section 2(d) arise.

Applicant has amended the identification to clarify the goods, and paid the required fee. Following the amendment, Applicant will file a request to divide out the Class 33 goods. Then, Classes 30 and 32 will remain. Should the potential refusal to register in view of the ‘179

Application still stand, Applicant requests that the Class 30 and 32 application be suspended pending disposition of the '179 Application.

Having responded to each of the Examining Attorney's concerns, Applicant asserts that the application is now in condition for allowance and solicits such action. If a telephone interview will advance the allowance of the application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant requests the Examining Attorney contact Applicant's representative at the number listed below.

It is believed that additional fees are due for two classes and the Examining Attorney is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: January 19, 2023

/Kristin B. Kosinski/
Kristin B. Kosinski, Reg. No. 45,599

12100 Wilshire Blvd., Suite 1700
Los Angeles, CA 90025
Tel: (310) 451-0647
Fax: (310) 394-4477
www.cislo.com

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically with the Trademark Electronic Application System (TEAS) on the date shown below:

on January 19, 2023

/Kristin B. Kosinski/ January 19, 2023
Kristin B. Kosinski, Reg. No. 45,599 Date