

Dear Examiner,

Per the Suspension Notice for the Trademark Application with the serial number 88134521 for the word mark EBANEL (the "Mark"), the Examiner has suspended action on the application due to a likelihood of confusion under Trademark Act Section 2(d) with a prior-filed pending application.

The prior-filed pending application (which has since registered) is for the mark BANEL with serial number 88110250 (the "Prior Filed Mark"), for use on "China ornaments; Cups; Drinking flasks; Electric toothbrushes; Glass bowls; Heads for electric toothbrushes; Make-up brushes; Manual toothbrushes; Scoops for household purposes; Stew-pans; Syringes for watering flowers and plants" in International Class 021.

Applicant has applied to register the mark EBANEL for use on "Medicated cosmetics" and "Cosmetics" in International Classes 005 and 003 respectively.

Despite the Examiner's suspension of the Mark's trademark registration application due to an apparent likelihood of confusion with the Prior Filed Mark, Applicant's mark and the Prior Filed Mark are not likely to be confused for the following reasons:

- 1.) The marks themselves are different. The actual stylized usage of the marks is also very different, yielding very different visual impressions. BANEL is represented in large blocky letters in all-caps, and EBANEL is in cursive, with only the E capitalized.
- 2.) The products are unrelated. BANEL covers goods in International Class 021, housewares and glass. EBANEL covers goods in International Classes 005 and 003, pharmaceuticals and cosmetics, respectively.

The goods covered by BANEL and those covered by EBANEL are sold to different markets and the sale of one does not affect the other. Housewares and cosmetics are found in different stores.

- 2.) The (separate) target markets of housewares and cosmetic preparations are highly sophisticated and exercise a high degree of purchaser care. They are concerned with things like type of materials used in construction, origin of the product, as well as active and/or special ingredients. They can differentiate between housewares and cosmetic preparations.
- 3.) Even if both mark owners expand their product lines, there is little likelihood that they will expand into each other's markets. Housewares and cosmetic preparations are serviced by different brands.

In consideration of the above, Applicant requests the Examining Attorney allow the Trademark Application for the mark EBANEL proceed to publication.

Sincerely,
Charles Kim
Attorney of Record