

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Examining Operation**

IN RE: Application No. 88/471,750

Mark:



Applicant: Villanova University in the State of Pennsylvania

Law Office: 117

Examining Attorney: Karen Sulita Dindayal

Attorney Docket No. 0906327-0013/26US

REQUEST TO REMOVE APPLICATION FROM SUSPENSION




Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451


Dear Madam:

The Applicant, Villanova University in the State of Pennsylvania, by and through its undersigned counsel, responds to the Suspension Notice issued on November 13, 2019 and Requests that the Application be removed from suspension for the following reasons:

REMARKS

The examiner has suspended the application pending the outcome of Application Serial No. 87/802,936. Applicant respectfully disagrees with the suspension of this application and the potential likelihood of confusion with Application Serial No. 87/802, 936. It appears that the examiner has disregarded the fact that the applicant, Villanova University in the State of Pennsylvania, has multiple existing registrations for similar “V” marks, which were claimed by the Applicant, in the instant Application as follows:

REGISTRATION NO.	MARK	GOODS/ SERVICES AND DATES OF FIRST USE
3,708,098		Cl. 25 - Clothing, namely, ties, shorts, sweatpants, pants, t-shirts, hats, sweatshirts, scarves, jerseys, jackets DATE OF USE: September 1996
3,708,096		Cl. 25 - Clothing, namely, ties, shorts, sweatpants, pants, t-shirts, hats, sweatshirts, scarves, jerseys, jackets DATE OF USE: September 2002
3,844,438		Cl. 6 - metal novelty license plates DATE OF USE: December 31, 2007 Cl. 16 – Decals DATE OF USE: December 31, 2007 Cl. 18 - Tote bags and backpacks DATE OF USE: December 31, 2007 Cl. 20 – Chairs DATE OF USE: December 31, 2007

		<p>Cl. 21 - Household items, namely, beverage glassware and cups</p> <p>DATE OF USE: December 31, 2007</p> <p>Cl. 24 - Textiles, namely, banners and towels</p> <p>DATE OF USE: December 31, 2007</p> <p>Cl. 28 - Sporting goods, namely, basketballs, footballs, golf club covers, golf bags, and golf balls</p> <p>DATE OF USE: December 31, 2007</p>
4,420,787		<p>Cl. 21 – Cups</p> <p>DATE OF USE: August 26, 2010</p> <p>Cl. 24 - Cloth pennants</p> <p>DATE OF USE: August 19, 2010</p> <p>Cl. 25 - Sweatshirts; Wearable garments and clothing, namely, shirts</p> <p>DATE OF USE: June 25, 2009</p>

As evidenced above, the Applicant has long standing use of its “V” marks, as well as having multiple registrations for similar goods that were registered prior to the filing date of the blocking application. The prior registration of and protection in the Stylized “V” mark would certainly extend to the form of the mark which is the subject of the instant Application. The earliest date of first use by Applicant of the “V” mark on Class 25 goods is September 1996. By contrast, the cited application claims use only since 2014.

Furthermore, the registrations of the Applicant cited herein were actually cited by the U.S. P.T.O. against blocking Application Serial No. 87/802,936 and are currently blocking that application. Applicant respectfully suggests that an application blocked by its Registrations cannot be cited against its current pending Application as a basis of refusal.

CONCLUSION

In accordance with the above Remarks, Applicant respectfully requests that the potential blocking application refusal by Application Serial No. 87/802,936 be withdrawn and that Application Serial No. 88/471,750 be removed from Suspension and be promptly passed to publication.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

Dated: November 25, 2019

By:  _____

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