

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Trademark Registration :
:
Glen Raven, Inc. :
: Post-Registration Division
Mark: **DEFIANCE** :
:
Ser. No.: 4,109,005 :

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

This Communication responds to the Office Action issued by the Trademark Specialist in connection with the captioned registration.

The Trademark Specialist withholds acceptance of Registrant’s Combined Declaration of Continued Use and Incontestability Under Sections 8 and 15 of the Trademark Act (“Combined Declaration”) on the ground that the specimen of record fails to support use of DEFIANCE as a trademark. Specifically, the Trademark Specialist takes the position that the specimen “doesn’t attract the consumer’s eye for recognition as a trademark.” Registrant requests that the Trademark Specialist reconsider this finding and accept the specimen of record.

Registrant’s DEFIANCE mark is a component mark. In this case, Registrant’s mark identifies a fabric finish. The specimen of record reflects Registrant’s DEFIANCE fabric finish applied to Registrant’s SUNBRELLA fabric. The specimen, a swatch, prominently displays the SUNBRELLA and DEFIANCE marks. Indeed, the marks appear in the same size and are appropriately arranged given that the DEFIANCE mark identifies a component of the goods and not a finished product. DEFIANCE, moreover, is inherently distinctive as used in this context

and projects only trademark significance. The Trademark Specialist simply is mistaken that consumers do not perceive DEFIANCE as a trademark.

In view of the foregoing, Registrant's pending Combined Declaration is in condition for approval. If the Trademark Specialist has any questions or requires any additional information, please contact undersigned counsel at 202.719.7000.