

Submitted Electronically as required by Federal Law to:

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Serial Number: 86789243

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Date of Office Action: Feb. 9, 2016

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**Applicant's Response to Office Action Refusing to Register the Applied-For Mark
(Serial No. 86789243) Because of a Likelihood of Confusion**

The OK Program requests that the examining attorney withdrawal its initial refusal and approve the applied-for mark (Application No. 86789243). The Office Action was based on the notion that under Trademark Act Section 2(d), there is a likelihood of confusion with an already registered mark. The Office Action found that the mark was similar to another registered mark and that, based on the descriptions of the services offered by both the applicant and registrant, the services were sufficiently similar as to be likely to cause confusion in the market. But no reasonable purchaser would believe that services offered by the OK Program could have come from the registrant. This is particularly true when the amended description of the OK Program's services is considered. For these reasons, more fully set out below, the OK Program requests that its design mark be approved for registration.

Amended Description

The initial description of services offered by the OK Program for its mark was: "Charitable services, namely, mentoring of African-American men and boys in the field of leadership and academic achievement." The registrant the Office Action relies on described its services as: "Arranging and conducting educational conferences; Entertainment services in the nature of live musical performances; Organization of exhibitions for cultural or educational purposes." The Office Action found based on these descriptions that the OK Program's services fall within the type of services that could possibly be offered by the registrant, specifically finding based on services offered by unrelated third-parties that educational conferences or exhibitions could include some aspect of mentoring.

The services offered by OK Program are distinct from the possible services the Office Action attributes to the registrant. The OK Program conducts long-term mentoring programs in partnership with local school districts, not the sort of stand-alone events envisioned by the Office Action. To better describe this reality, the OK Program has amended its description of services to the following:

“Charitable services, partnering with local school districts to provide systematic and continuous on-campus mentoring of African-American young men and boys in leadership and academic achievement.”

Services are distinct and not likely to cause confusion

Looking simply at the two descriptions, it is clear that the services are not related or likely to emanate from the same source. As relevant to this application, the registrant purports to offer one-off, stand-alone events like conferences and exhibitions of an educational nature. Even if such an event had some mentoring element, it has nothing in common with what the OK Program offers. The OK Program is instead a multi-year mentoring program tied directly to local school districts. Its services are not one-off events. Because the services at issue here differ so widely, it is unlikely that anyone could reasonably believe that the services marketed from the OK Program and the registrant are coming from the same source.

The third-party evidence the Office Action relies on does not dictate a different result. Like the registrant, those examples show only that some conferences can also offer mentoring. But this not evidence that the entity offering “conferences” or “exhibitions” could also offer a continuous mentoring program for a single demographic like the OK Program does here. Indeed, the words “conference” and “exhibition” themselves signify stand-alone events.

In the end, the services these two entities provided are not “very closely related” and the registrant’s services in no way encompass those of the OK Program. For these reasons, the OK Program asks that it’s design mark be registered.

Respectfully submitted by:



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Inc.*