

RESPONSE TO OFFICE ACTION

Responsive to the Office Action dated March 12, 2019, the period for responding set to expire September 12, 2019, the Applicant responds as follows:

AMENDMENT

Please delete the existing Class 35 identification, and substitute the following therefor:

Administration of a program for enabling participants to obtain discounts on goods and receive improved services; Arranging and conducting business conferences; Arranging and conducting of fairs and exhibitions for business and advertising purposes; Conducting business research and surveys; Conducting market surveys; Conducting marketing studies; Product demonstration; Retail and on-line grocery store services featuring home delivery service; Retail grocery stores; Retail convenience stores; Retail delicatessen services; Retail variety stores; Sales demonstration; Sales management services; Sales promotion; Sample distribution; Shoppers' guide information; Supply chain management services; Wholesale distributorships featuring food and beverages.

Classes 29, 30 and 32 remain unchanged.

REMARKS

With respect to Class 35 only, the Examining Attorney has taken the position that Applicant's mark so resembles the marks in other registrations as to be likely to cause confusion, to cause mistake, or to deceive. Applicant respectfully requests that the Examining Attorney reconsider his position. As shown below, and especially in view of Applicant's amendment of its identification, there is no likelihood of confusion with regard to the registered marks.

The Examining Attorney has also raised a number of informalities, which Applicant addresses below. Accordingly, Applicant believes that the Application is now in a position to proceed to publication pending submission of the corresponding Mexican registration certificates.

NO LIKELIHOOD OF CONFUSION

With respect to Class 35 only, the Examining Attorney has taken the position that there may be a likelihood of confusion between Applicant's mark and the co-existing marks in U.S. Registration Nos. 1619012 (SIGMA) and 5697587 (SIGMA). The latter of which was cited as a prior pending application in the initial Office Action. In view of the unrelatedness of the services, particularly in light of the amended identification, there is clearly no likelihood of confusion between Applicant's mark and marks in the cited references. Applicant respectfully requests that the Examining Attorney withdraw his refusal.

The Examining Attorney first cited U.S. Registration No. 1619012 which is registered for for "*CONSULTING SERVICES IN THE FIELDS OF COMMUNICATION SKILLS, CLIENT RELATIONS, CUSTOMER SERVICE, ORGANIZATIONAL EFFECTIVENESS, SALES AND MARKETING TECHNIQUES, SERVICE QUALITY, TECHNICAL SUPPORT AND TEAMWORK,*" in International Class **35** and "*EDUCATIONAL SERVICES, NAMELY CONDUCTING TRAINING AND WORKSHOPS IN THE AREAS OF COMMUNICATION SKILLS, CLIENT RELATIONS, CUSTOMER SERVICE, ORGANIZATIONAL EFFECTIVENESS, SALES AND MARKETING TECHNIQUES, SERVICE QUALITY, TECHNICAL SUPPORT AND TEAMWORK,*" in International Class **41**.

The Examining Attorney indicated that these services were related to the "advertising and marketing services, business management services, customer relationship management" services found in the pending application. By amendment hereinunder, Applicant has deleted these services and other broadly worded services that could potentially be considered related the services listed in the cited reference. The remaining Class 35 services substantially relate

Applicant's line of food and beverage products. As such, the remaining services in no way pertain or relate to the consultation and educational services listed in the cited reference.

Similarly, the second cited reference is registered for "providing business intelligence services," in Class 35. With Applicant's further identification amendment, it is clear that Applicant's remaining services do not relate to "business intelligence" in any manner.

In sum, it is unquestionable that there would be no likelihood of confusion because the respective services are not sufficiently related. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw his partial refusal pertaining to likelihood of confusion.

Identification of Services

The Examining Attorney has taken the position that the wording "*Product merchandising*" in Applicant's identification is not sufficiently definite and has required amendment thereof. Applicant has deleted the objected wording rendering this objection moot.

Dual Filing Bases

The Examining Attorney noted the Applicant's dual filing basis, namely a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. Section 1051(b), and claiming priority under Section 44(d), 15 U.S.C. Section 1126(d), based on foreign applications. Applicant wishes to maintain the dual filing basis and will submit copies of the corresponding Mexican registrations upon issuance and/or receipt of same.

Accordingly, it is submitted that the present application is fully in condition for publication pending submission of the corresponding Mexican registration certificates. Further and favorable action suspending the application and withdrawing the partial refusals is earnestly solicited.