

**ARGUMENTS FOR U.S. TRADEMARK APPLICATION NO. 88273742 -
CATAPULT - 163156**

Applicant and the record owner of Reg. No. 2,886,816, have entered into a consent agreement based on their mutual determination that the use of their marks with their respective goods is unlikely to cause confusion. The consent agreement is attached to this response.

Applicant respectfully submits that the consent agreement should carry great weight in the likelihood of confusion analysis considering that “the Court of Appeals for the Federal Circuit has indicated that consent agreements should be given great weight, and that the USPTO should not substitute its judgment concerning likelihood of confusion for the judgment of the real parties in interest without good reason, that is, unless the other relevant factors clearly dictate a finding of likelihood of confusion.” TMEP § 1207.01(d)(viii) (Oct. 2017); See also *In re Four Seasons Hotels Ltd.*, 26 USPQ2d 1071 (Fed. Cir. 1993). The parties have determined that given striking visual differences in their respective marks as used in the market, given different prospective purchasers, and given different channels of trade, confusion among an appreciable number of prospective purchasers is highly unlikely. Therefore, Applicant respectfully requests the Examining Attorney withdraw the refusal to register Applicant’s Mark due to Reg. No. 2,886,816 and approve Applicant’s mark for publication.