


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : adidas AG
 SERIAL NO. : 88/216,187
 FILING DATE : December 4, 2018
 FOR : 
 EXAMINING ATTORNEY : Brendan McCauley, Esq.
 LAW OFFICE : 114

RESPONSE TO OFFICE ACTION

Applicant, adidas AG (“Applicant”), applied to register the mark  (Stylized) (“Applicant’s Mark”) for the goods in the below International Classes (as herein amended):

IC	Goods
001	Waterproofing chemical compositions, and leather-waterproofing chemicals
003	Shoe cleaning preparations, leather cleaning preparations, leather conditioning preparations, namely, creams for leather and waxes for leather, suede cleaning preparations, suede conditioning preparations, namely, creams for suede and waxes for suede, shoe polishes, cleaning sponges, shoe cleaning preparations, and shoe conditioning preparations in the nature of shoe wax and shoe cream all sold as a unit, and shoe brushes, shoe cleaning preparations and conditioning preparations in the nature of shoe wax and shoe cream all sold as a unit
005	Shoe deodorizers
021	Cleaning sponges sold in connection with shoe cleaning and conditioning preparations, and shoe brushes sold in connection with shoe cleaning and conditioning preparations

In the Office Action sent January 25, 2019 (“Office Action”), it was noted that registration of Applicant’s Mark is subject to refusal based upon a likelihood of confusion

with the mark of Registration No. 4,351,977 (Trademark Act Section 2(d), 15 U.S.C. §1052(d)) (“cited Registrations”). Also, the identifications of goods required clarification.

Cited Registration No. 4,351,977:

Cited Registration No. 4,351,977 is held by adidas International Marketing B.V., which is a wholly-owned subsidiary of a wholly-owned subsidiary of Applicant, adidas AG. Pursuant to TMEP 1201.07(b), Applicant submits that a Section 2(d) refusal is inappropriate because a unity of control exists and the Applicant and the registrant, though separate legal entities, constitute a single source. Consequently, Applicant respectfully requests withdrawal of the refusal based upon this registration.

Identification of Goods and Services:

Applicant appreciates the Examining Attorney’s suggestions for amendments to the identifications of goods, which are largely adopted in the amendments herein.

Conclusion

Applicant respectfully requests that the refusal based upon cited Registration No. 4,351,977 be withdrawn and that its Application be approved for publication.

The Examining Attorney is invited to communicate with Applicant's counsel at the telephone number listed below if doing so will advance the prosecution of the application.

Favorable action is respectfully solicited.

Respectfully submitted,

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