

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant : High Threat Concealment, LLC  
Serial Number : 88/347,085  
Mark : SALVO  
Class : 013  
Trademark Attorney : Khanh M. Lee  
Docket No. Ref. : HTC.9  
Law Office : 116

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

Dear Khanh Lee:

**RESPONSE TO OFFICE ACTION**

Applicant respectfully submits this response to your Office Action, dated May 31, 2019 in which you have refused registration of the mark SALVO (the “Mark”) of Applicant High Threat Concealment, LLC (the “Applicant”) for registration on the Principal Register. Applicant hereby responds as follows to the Office Action.

**I. There Is No Likelihood of Confusion Between Applicant’s Mark and The Cited Registrations Nos. 4338181 and 5658674.**

Applicant respectfully submits that there exists no likelihood of confusion as to the source of goods between the Mark that is the subject of the Application and the Cited Registrations when the principal factors outlined by the court in In re E.I. DuPont de Nemours & Co., 476 F.2d 1357, 1361, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973) are considered. Applicant notes that Cited Registration No. 4338181 should no longer be considered to be as a basis for refusal of Applicant’s Mark for the reason that Registration No. 4338181 is now technically expired due to Registrant’s failure to renew the Cited Registration and the six-month grace period for Registrant to revive the Cited Registration expired on November 21, 2019. While the USPTO has not yet acted to officially cancel this Cited Registration, it is expected that said cancellation will occur shortly. Thus, Applicant submits that Examiner should withdraw this Cited Registration as a basis for refuse registration of Applicant’s Mark. See Applicant Evidence 1.

Applicant respectfully submits that confusion between Applicant's Mark and the Cited Registration No. 5658674 is unlikely for the following reasons: (1) Applicant's goods and the goods provided by the Cited Registrant are wholly dissimilar and distinguishable; (2) the target consumers of, and target market for, Applicant's goods and the goods of the Cited Registrant are similarly wholly dissimilar; and (3) Applicant and the Cited Registrant are not, and never will be, competitors with one another in their respective marketplaces. Thus, for the reasons set forth herein, Applicant respectfully requests that the U.S. Trademark Office approve this application for publication.

A review and analysis of the goods offered by Applicant and the goods identified and described in the Cited Registration reveals that the goods of the respective parties are wholly distinct and dissimilar, in no way overlap, and in fact are directed to different target consumers.

Cited Registrant, Silencerco LLC, is a company that manufactures and sells firearm silencer goods. The goods of Cited Registrant are specifically silencer goods. By contrast, the goods of Applicant are the specific product of Firearm attachments, namely, mounts for attaching accessories to a firearm and in the case of SALVO, ammunition holders. While both Cited Registrant and Applicant sells goods in the very broad "firearms industry," the parties' respective goods are wholly distinguishable from one another and are not likely to be confused. The target consumers of the parties are sophisticated purchasers who are making distinctions between Applicant and Cited Registrant and are not confused as to the source of the parties' respective goods.

Applicant thus respectfully contends that it is not reasonable to conclude that a likelihood of confusion exists between Applicant's Mark and the Cited Registration. There is no likelihood of confusion based on the factors established in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) because the parties' respective goods are distinguishable. While the parties' respective goods are both marketed and sold in the very broad "firearms industry," the goods in question are not related or similar in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012).

Applicant thus respectfully requests that the Examiner withdraw the refusal to register the Mark on the basis of likelihood of confusion and approve this application for publication.

## **II. Conclusion**

Applicant respectfully submits that all issued raised in the Office Action have been fully addressed and satisfied and requests that the Application be approved for Publication. If any outstanding issues remain, or if the Examining Attorney has any further suggestions for expediting allowance of this Application, Applicant respectfully invites the Examining Attorney to contact the undersigned counsel for Applicant.

Respectfully submitted,

/Cami Boyd/

Cami Boyd

Counsel for Applicant

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December 2, 2019