

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

December 10, 2019

Laila Sabagh  
Trademark Examining Attorney  
Law Office 127

RE: Serial No.: 88355452  
Mark: **GRID**  
Applicant: Caza Group, LLC

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**APPLICANT'S RESPONSE TO OFFICE ACTION**

The following is the response of Applicant, Caza Group, LLC, by Counsel, to the Office Action dated June 11, 2019:

**IDENTIFICATION OF SERVICES AMENDMENT**

Upon further review and analysis, Applicant has determined they are not actually providing "Education services." Applicant does not prepare or provide educational materials nor do they conduct classes or training. Applicant helps associate real estate investors and organize conferences for real estate investors. Therefore, Applicant requests that the Class 41 services be deleted from the application.



**LIKELIHOOD OF CONFUSION REFUSAL**

The Examining Attorney has refused registration of Applicant's standard character GRID mark pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that the mark is likely to be confused with GRID in Registration No. 856,255, GRID in Registration No. 2,391,111, GRID in Registration No. 4,391,476, BIZGRID in Registration No. 5,286,810, and GRIID in Registration No. 5,649,498. For the following reasons, Applicant respectfully disagrees with this finding and requests that Examining Attorney reconsider the statutory refusal and allow registration of Applicant's mark.

Likelihood of confusion between two marks at the USPTO is determined by a review of all of the relevant factors under the *du Pont* test. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Although the issue of likelihood of confusion typically

revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services, “there is no mechanical test for determining likelihood of confusion and ‘each case must be decided on its own facts.’” TMEP § 1207.01 (*citing du Pont*, 476 F.2d at 1361, 177 USPQ at 567). Each of the thirteen *du Pont* factors may be considered in weighing likelihood of confusion, if raised, and any one may be dispositive. *See* TMEP § 1207.01. In some cases, a determination that there is no likelihood of confusion may be appropriate, even where the marks share common terms and the goods/services relate to a common industry, because these factors are outweighed by other factors, such as differences in the relevant trade channels of the goods/services, the presence in the marketplace of a significant number of similar marks in use on similar goods/services, the existence of a valid consent agreement between the parties, or another established fact probative of the effect of use. *Id.*

**Table 1: Relevant Marks and Services**

APPLICANT’S MARK	CITED MARKS
<p>GRID: Class 35: Association services, namely, promoting the interests of real estate entrepreneurship; organizing business networking events in the field of real estate entrepreneurship</p>	<p>GRID, Reg No. 0856255: Class 41: Conducting management training course</p> <p> , Reg. No. 2391111: Class 41: Educational services, namely, conducting classes, seminars, conferences and workshops in the field of management</p> <p> , Reg. No. 4391476: Class 41: Educational services, namely, conducting classes, seminars, conferences and workshops in the field of management</p> <p>BIZGRID, Reg No. 5286810: Class 41: Education services, namely, providing live seminars and workshops in the field of governmental and community resources to facilitate and support start-up businesses, existing businesses, inventors, and entrepreneurs; Education services, namely, providing live seminars and workshops in the field of governmental and community resources for the purpose of facilitating networking and socializing opportunities for business purposes; Education services, namely, conducting programs in the field of governmental and community resources available to start-up businesses, existing businesses, inventors, and entrepreneurs; Educational services, namely, providing displays and exhibits in the field of governmental and community resources available to start-up businesses, existing businesses, inventors, and entrepreneurs</p> <p>GRIID, Reg No. 5649498: Class 9: Downloadable software for creating, sharing, disseminating and posting videos, personal and general information for the purposes of social, personal and professional networking; downloadable software for social and personal networking; downloadable software for displaying and sharing a user's location and personal preferences and finding, locating, and interacting with other users and places</p>

Applicant seeks registration of the standard character mark GRID for “Association services, namely, promoting the interests of real estate entrepreneurship; organizing business

networking events in the field of real estate entrepreneurship” in International Class 35. Applicant’s mark has been refused registration based on an alleged likelihood of confusion with the marks in the table above. *See* Table 1, above. There is no likelihood that consumers will be confused as to the source of the services in connection with each of these two marks because the services provided in connection with Applicant’s mark and the cited marks are different, noncompetitive, and marketed toward different consumers. Therefore, Applicant respectfully requests the Examining Attorney withdraw his refusal and permit Applicant’s mark to be published on the Principal Register.

### ***Lack of Overlap of Services***

The Examining Attorney has stated that the applicant and registrant’s services are similar, commercially related, or travel in the same trade channels; and has attached internet evidence of third-party websites which establishes that the same entity commonly provides the relevant services and markets the services under the same mark, the relevant services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use, and the services are similar or complementary in terms of purpose or function. Applicant is seeking to register the GRID mark in connection with association services, namely, promoting the interests of real estate entrepreneurship; organizing business networking events in the field of real estate entrepreneurship whereas the Registrations Nos. 0856255, 2391111, and 4391476 conduct management training courses and provide educational services in the field of management; Registration No. 5286810 provides educational services in the field of governmental and community resources; and Registration No. 5649498 provides downloadable software and computer services. Applicant is in the field of promoting the interests and organizing networking events for real estate inventors. The Applicant’s clients and prospective clients are not considering educational services in the field of management, or governmental and community resources and thus, the services are not similar, commercially related, or travel in the same trade channels. Additionally, as noted above, there are numerous GRID marks used for educational services which already establishes that different trade channels are a reasonable separation even though the goods or services are generally related. Additionally, as clarified above, Applicant is not providing education services and is focused on association services for

real estate investors and organizing conferences for real estate investors which is further distinguished from the cited marks.

Based on the foregoing, Applicant must respectfully disagree with the Examining Attorney's position. The supposition that the services are highly similar, particularly with respect to the nature of services, use of services, and marketing channels involved are not true. Applicant's services and Registrants' services address entirely different needs within an organization, and therefore, are not competitive, overlapping, or related in any way, as Applicant does not provide services in the field of management, government and community resources, or downloadable software or computer services.

Accordingly, Applicant's services and the cited services are clearly different and are not similar enough to create a likelihood of confusion in the minds of the consumers.

In sum, Applicant's services are separate and distinct from the cited Registrants' services and are not likely to be provided to the same consumers. Accordingly, Applicant respectfully requests that the statutory refusal be withdrawn and that the application be permitted to proceed to publication.

#### **PRIOR FILED APPLICATIONS**

The Examining Attorney has indicated that the filing dates of pending U.S. Application Serial Nos. 87460101, 88345351, 87581092, and may present a bar to registration of applicant's mark. Applicant will present further arguments if, and when, these applications register and are cited against Applicant's application.

The Applicant has responded to all issues raised in the Office Action. If any further information or response is required, please contact the Applicant's attorney. The attorney may be reached by telephone at 703-608-8089.

Respectfully submitted,

/Paul Ratcliffe/

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