

In response to the refusal under Section 2(d) of the Trademark Act, we respectfully disagree. The reasons are detailed as follows:

ZEUS

1. Cited prior mark “ ” of US Registration No. 4113068 and

ZEUS

“ ” of US Registration No. 4154336

According to the examiner, the applied-for goods “teeth filling material” is similar to the


goods “Dental crowns” of the cited prior mark “ ZEUS ” of US Registration No. 4113068; the applied-for-goods “preparations for destroying noxious animals; vermin destroying preparations; mosquito-repellent incenses” are similar to the goods “PREPARATIONS FOR THE DESTRUCTION OF [VERMIN AND] WEEDS, PESTICIDES AND HERBICIDES [, AND FUNGICIDES]” of the cited prior mark

“ ZEUS ” of US Registration No. 4154336. To overcome the refusal, we hereby delete “preparations for destroying noxious animals; vermin destroying preparations; mosquito-repellent incenses; teeth filling material” from the specification of goods. The cited prior marks therefore should not block the subject application.


ZEUS JUICE

2. Cited pending mark “ ” of US Serial No. 88372577



We submit that the Applicant’s mark “  ” is not confusingly similar to the cited pending mark. It is averred that marks should be compared as a whole. Visually, the Applicant’s mark consists of the word ZEUS inside a square device, while the cited pending mark is only a word in standard characters. The device occupies a prominent position in the Applicant’s mark and therefore could not be ignored by the consumers. The verbal element JUICE in the cited pending mark does not have any counterpart in the Applicant’s mark. Although the verbal element JUICE is disclaimed in the cited pending mark, we submit that JUICE has certain degree of distinctiveness in respect of the goods of the cited pending mark, i.e. Dietary supplements; Food supplements,

namely, dietary supplements; Herbal dietary supplements; Nutritional supplements; Protein supplements for humans. As a matter of fact, none of the goods of the cited pending mark is juice, and the following registrations in respect of goods similar to the goods of the cited pending mark do not require disclaimer of JUICE:

Reg. No.	Mark	Disclaimer	Goods
5752368	G.I. JUICE	"G.I."	Supplements, namely, powdered dietary and nutritional supplement drink mixes
5365104	GO JUICE	--	Dietary supplements
5018562	MOON JUICE	--	Nutritional supplements
4480222		"JOINT"	Dietary and nutritional supplements; Dietary beverages supplements for human consumption in liquid and dry mix form for nutritional purposes
4777391	JUICE@TEA	"TEA"	NUTRITIONALLY FORTIFIED BEVERAGES; DIETARY SUPPLEMENTAL DRINKS; DIETARY SUPPLEMENTS
4433674	bicep juice	"BICEP"	Protein supplement shakes

Printouts of the aforementioned registrations are attached for your information. In view of the above, "JUICE" in the cited pending mark should not be ignored when comparing the Applicant's mark and the cited pending mark. The presence of "JUICE" in the cited pending mark further differentiates the cited pending mark from the Applicant's mark in terms of visual appearance, pronunciation and conceptual meaning.

We further submit that the goods of the Applicant's mark are not similar to the cited pending mark. The reasons are as follows:

1. Disinfectants; air purifying preparations; tissues impregnated with pharmaceutical lotions; adhesive tapes for medical purposes

The aforementioned goods of the Applicant's mark are not for human consumption, while the goods of the cited pending mark are for human consumption. The nature,

functions, and sales channels are different, and thus the aforementioned goods of the Applicant's mark are not similar to the goods of the cited pending mark.

2. Medicines for veterinary purposes for antimicrobial and anti-parasitic treatment, for promoting growth of animals and for the treatment of nervous, gastrointestinal, respiratory and metabolic system related diseases

The aforementioned goods of the Applicant's mark are for animals, while the goods of the cited pending mark are for human. The nature, functions, sales channels and target consumers are different, and thus the aforementioned goods of the Applicant's mark are not similar to the goods of the cited pending mark.

3. The remaining goods of the Applicant's mark are mainly for medical use. They need special know-how to manufacture and they have to be consumed with high level of care. This is different from the goods of the cited pending mark which do not require such a high level of care in consumption. The high level of care required for choosing and consuming the goods of the Applicant's mark is sufficient to offset the similarities between the marks, and no confusion will arise.

For all of the foregoing reasons, the Applicant respectfully submits that there is no likelihood of confusion between the Applicant's mark and the cited pending mark and the cited pending mark should be waived.

Please re-consider and approve the subject mark for registration.