

Registration Refusal under Section 2(d) of the Trademark Act

With this amendment, applicant Design Resource Group (“Applicant”) is seeking to register the mark LAUNCHPAD in connection with “footstools, namely, balance boards” (the “Goods”). While Applicant does not acquiesce that there is a likelihood of confusion with respect to Registration No. 5707710, Applicant has amended the goods. In light of this amendment, Applicant submits that the goods are not related and at least for that reason the Section 2(d) refusal should be withdrawn.

The Examining Attorney refused to register the LAUNCHPAD mark because the goods claimed under the application and those in the registration are related such that they could give rise to the mistaken belief that the goods emanate from the same source. To support that conclusion the Examining Attorney attached internet evidence from the websites of Pier1, Ashley Furniture, Jerome’s Furniture, and Ikea to show that they sell not only mattresses but also the goods Applicant claimed. Applicant submits with this response screenshots of web pages of Pier1, Ashley Furniture, Jerome’s Furniture, and Ikea that show none of the aforementioned websites appear to offer balance boards. Accordingly, it is respectfully submitted the Goods are not related to the goods claimed under Registration No. 5707710.

For at least these reasons, Applicant requests the Examining Attorney reconsider and withdraw the Section 2(d) rejection. Further, for at least the same reasons stated above, Applicant requests the Examining Attorney no longer cite U.S. Application Serial No. 88362416 as a possible refusal under Section 2(d).