

190481-5003

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Quadratec, Inc. : Trademark Law Office 109
Mark: PERFORMA : Trademark Attorney Heather D. Thompson
Serial No.: 88/734,959 :
Filed: December 20, 2019 :

ELECTRONICALLY FILED ON MAY 26, 2020

RESPONSE TO OFFICE ACTION

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

S I R:

In response to the Office Action dated January 7, 2020, please reexamine the application in view of the remarks provided below.

REMARKS

The applicant seeks to register the mark PERFORMA for “molded floor liners for passenger vehicles” in IC 27. The Office Action cites a registration as a bar to registration of the applicant’s mark and cites a pending application as a potential bar to registration of the applicant’s mark based on a likelihood of confusion, Trademark Act § 2(d), 15 U.S.C. § 1052(d) if the prior-filed pending application registers. Reconsideration of the cited registration citation based on likelihood of confusion is respectfully requested.

The Office Action cites Registration No. 1,040,653 for the mark PERFORMA for “textile mats” as a bar to registration based on a likelihood of confusion with the applicant’s mark PERFORMA for “molded floor liners for passenger vehicles.” The applicant notes that Registration No. 1,040,653 for the PERFORMA mark was cancelled on February 6, 2020 for failure to file a renewal application. Attached hereto is the TESS record for the cancelled registration. Thus, this registration cannot be a bar to registration of the applicant’s mark.

In addition, the applicant elects not to advance detailed arguments that its mark is distinct from the mark of the cited prior-filed pending application, as the Office has not formally refused registration of the mark under Section 2(d). If the Office does refuse registration, the applicant will respond accordingly. Generally, however, clear distinctions exist between the goods of the applicant’s mark and the cited prior-filed pending mark. The applicant’s goods are “molded floor liners for passenger vehicles.” The cited prior-filed pending mark was filed for “windshield wiper blades.” The applicant submits that there is no potential for a likelihood of confusion between the applicant’s mark for “molded floor liners” and “windshield wiper blades,” considering the different purposes served by the products.

The applicant respectfully submits that the application is in condition for allowance, and requests notification of the publication of its mark. The Trademark Examining Attorney is invited to call the applicant’s undersigned representative if any further amendment or clarification will expedite the prosecution of the application or if she has any suggestions or questions concerning the application or the present Response.

Respectfully submitted,



Allison Z. Gifford
Attorney of Record

Dated: May 26, 2020
AZG
Attachment