

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 88202504

Examining Attorney: Kaelie E. Kung



Trademark:
(the "VANS Trapezoid Mark")

Law Office: 103

Applicant: Vans, Inc.

Office Action Date: April 21, 2020

Filing Date: November 21, 2018

Attorney Ref. No.: 990.409.11

Remarks

Pursuant to 37 C.F.R. §2.62(a) and TMEP § 711, Applicant, Vans, Inc. ("Vans"), by and through its attorneys, respectfully submits this Response to Office Action on Application Serial No. 88202504 ("Application") for the VANS Trapezoid Mark. Vans is responding to the Non-Final Office Action dated April 21, 2020 ("Office Action").

In the Office Action, the Office denied Vans' claim under Section 2(f) of the Lanham Act, 15 U.S.C. § 1052, and maintained the Office's previously asserted refusal under Sections 1, 2 & 45 of the Lanham Act, 15 U.S.C. § 1051-1052, 1127, that the VANS Trapezoid Mark is ornamental.

In response to this refusal, Vans respectfully requests that the Application be amended to the Supplemental Register. By requesting that the Application be amended to the Supplemental Register, Vans is not conceding that the VANS Trapezoid Mark is ornamental. The registration of a mark on the Supplemental Register does not constitute an admission that the subject trademark has not acquired distinctiveness. *See* TMEP § 815.03; 15 U.S.C. § 1095.

In addition, Vans affirms that the VANS component of the VANS Trapezoid Mark is an inherently distinctive and well-known, if not famous, trademark for "apparel, namely, tops". Vans holds over forty active registrations on the federal Principal Register incorporating the VANS trademark, including U.S. Registration Nos. 1353939, 1861013, and 1861882. The Certificates of Registration for these registrations are enclosed hereto at **Exhibit A**.

The Examining Attorney is invited to contact the undersigned with any remaining questions or concerns.

Respectfully submitted,
/Jamie E. Sternberg/

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