

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant of: The Hype House, LLC
Serial No.: 88811717
Trademark: THE HYPE HOUSE

RESPONSE TO OFFICE ACTION

In the May 18, 2020 office action, the USPTO raised an objection for Class 25 goods based on registrations for Hype, Registration Nos. 2182846 and 3369139. In doing so, the USPTO did not take into consideration that there are more than 20 other registered or approved marks that include Hype and a second word including the following marks:

KILLTHEHYPE - Reg. No. 6192639; HYPESFIT - Reg. No. 6095271; HYPEBLVD - Reg. No. 5745184; HYPEMACHE - Reg. No. 5972535; PRODUCTION HYPE - Reg. No. 5955009; ALLHYPE - Reg. No. 5831780; HYPERICE - Reg. No. 5490090; HYPEXGIRL - Reg. No. 5584812; HUMBLE OVER HYPE - Reg. No. 5302548; LOTTA HYPE - Reg. No. 5227889; HYPEKILLS - Reg. No. 4690213; ABOVE THE HYPE - Reg. No. 5045953; HIDDENHYPE - Reg. No. 4949878; HYPE AND VICE - Reg. No. 5106350; HYPEFAN - Reg. No. 5032352; JUSTHYPE BY J.H.U.K. - Reg. No. 4999039; H HYPE FESTATION - Reg. No. 4866555; BOXING HYPE Reg. No. 4718416; SIMPLY HYPE - Reg. No. 4646373; BEHYPE - Reg. No. 5974518; HYPE MEANS NOTHING - Reg. No. 4085674; HYPE AND BAIL CREW - Serial No. 88785772; HYPE TEAM - Serial No. 88888791; HYPEGOLF - Serial No. 88766101; FIND YOUR HYPE - Serial No. 88900252; and HYPEFEST - Serial No. 87780363.

The fact that there are so many marks including "Hype" and a second word establishes that a crowded field exists in which The Hype House can coexist with the other Hype marks without confusion.

Since the other applications that the USPTO raised in its office action, Serial Nos. 88748806, 88751375, 88751379, 88755217 and 88772394, were assigned to applicant and those applications were abandoned, Applicant respectfully requests that the USPTO withdraw its objections for Class 25 goods.

In its office action, the USPTO raised an objection for Class 41 services based on two Hype House registrations, Registration Nos. 5399433 and 5399434 for organizing, arranging, and conducting sporting and entertainment events, namely, competitions and entertainment demonstrations in the fields of equestrian, polo, MMA, kickboxing, boxing, ski and snowboarding, surfing, skateboarding, soccer, lacrosse, running, and triathlon, action sports competitions featuring multiple sports, fitness events in the nature of sporting competitions, inspirational speaking events and workshops, entertainment demonstrations and classes in the field of yoga, and music concerts and festivals.

With the exception of live events, Applicant's services are significantly difficult from the services in the Hype House registrations and Applicant respectfully requests that the USPTO withdraw its objections based on these registrations.

Respectfully submitted,

/s/ /Kenneth A. Feinswog/

Kenneth A. Feinswog,
Attorney for Applicant