

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant of: The Hype House, LLC
Serial No.: 88818950
Trademark: THE HYPE HOUSE

RESPONSE TO OFFICE ACTION

In the May 19, 2020 office action, the USPTO raised an objection based on one pending application, Serial No. 88751379. Since that application was assigned to Applicant and was abandoned, Applicant respectfully requests that the USPTO withdraw its objection based on that application.

The USPTO also 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.

In its office action, the USPTO cited registrations for several musical groups, including Imagine Dragons, Green Day, Cage the Elephant and Portugal, The Man as evidence that other parties perform concerts and release videos. However, in all of those parties' Class 41 trademark registrations, they identify their services as live performances by a musical band. If USPTO is concerned that Applicant might be a musical band, Applicant can amend its services to state that it is not a musical band.

Applicant's services only cover entertainment services, namely, the provision of continuing programs featuring reality and variety programming delivered by the Internet. Those services are significantly different from the concert and event production services in the other Hype House registrations. Based on the foregoing, Applicant respectfully requests that the USPTO withdraw its objections and allow Applicant's mark to proceed to registration.

Respectfully submitted,

s/ /Kenneth A. Feinswog/

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