

TTAB

TRADEMARK
01388-T0070A SPM/RJB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIALS AND APPEALS BOARD**

Applicant	Ecco Sko A/S
Serial No. 76/021,621	Filing Date: 7 April 2000
Trademark	SIRIUS



06-10-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

BOX TTAB – NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

REQUEST FOR REMAND OF APPEAL

Dear Sir:

Applicant respectfully requests suspension of the Appeal and remand of the above application to the Examining Attorney pursuant to 37 C.F.R. §2.142(d) and Trademark Trials and Appeals Board Manual of Procedure §1207.02. Applicant submits that there is good cause to suspend the appeal and remand the application based on the following facts:

The Examining Attorney refused registration under Trademark Act Section 2(d) 15 U.S.C. §1052(d), on the grounds that Applicant's mark, when used on the identified goods, is likely to be confused with the following registered mark: SIRIUS U.S. Registration No. 2,348,882, for "clothing and related accessories, all distributed through comic book and toy industries, namely through comic specialty stores, toy stores, and catalogs and mail order business specializing in comic books and related goods."

Applicant has obtained the consent of the owner of the cited registration to Applicant's application for SIRIUS for footwear. A copy of the Letter of Consent is submitted herewith. It is submitted that in view of the differences in the goods and channels of

TRADEMARK TRIALS AND APPEALS BOARD
APPEAL
02 JUN 17 AM '02

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SIRIUS ENTERTAINMENT, INC.

196 Main Street - Route #206
Andover, NJ 07821

973-786-7447 (phone)
973-786-6575 (fax)

May 21, 2002

The Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202

Dear Sir:

We are the owner of U.S. Trademark Registration No. 2,348,882, for SIRIUS, for various goods, including clothing.

We are aware of and consent to the grant of registration to Ecco Sko A/S of the mark SIRIUS, Application Serial No. 76/021621, for footwear.

We are satisfied that the manner of use of SIRIUS by Ecco Sko A/S on footwear, in conjunction with the house mark ECCO, and the different channels of trade for Ecco's products and those of Sirius Entertainment are such as to prevent a likelihood of confusion. Specifically, the two businesses are sufficiently different in the customers served and the types of products provided, and the way in which the products are sold, that consumers will be able to distinguish between the two different uses of the same mark.

Sincerely,

SIRIUS ENTERTAINMENT, INC.



By: Lawrence J. Salamone, President