

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79105582
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/79105582/large
LITERAL ELEMENT	RAZER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>The Examining Attorney has maintained and made final his objection to the application based on his concern as to likelihood of confusion with the RAZOR and RAZR marks represented in Registration Nos. 2974680, 2980047, 3692609, 3692608, 3939082, 2342625, 4688896 and 1071032. With all due respect, there is no likelihood of confusion: the registrant of most of the cited marks has consented in writing to registration of Applicant's mark, submitted herewith, and Applicant has filed a cancellation action against the remaining registration which should be cancelled shortly.</p> <p><u>U.S. Registration Nos. 2974680, 2980047, 3692609, 3692608, 3939082, 2342625 and 4688896</u></p> <p>These marks are owned by Razor USA LLC ("the Razor USA Registrations"). As indicated in the previous office action response, Applicant and Razor USA LLC entered into a coexistence agreement on May 8, 2015, under the terms of which Applicant agreed to restrict its registration and use of the mark to goods "primarily marketed for gaming use and/or gamers", a discrete market, and not to use the mark for certain, specific goods, and Razor USA LLC consented to Applicant's registration of the mark. In this office action response, Applicant makes an additional amendment to the Class 9 identification of goods, at the request of Razor USA LLC, and submits herewith Razor USA LLC's consent to registration of Applicant's mark for the identified goods. Accordingly, as Razor USA LLC has confirmed that given the differences in the marks, and the agreed limitations to Applicant's goods and channels of trade, there is no likelihood of confusion, Applicant requests that the citations to the Razor USA Registrations be withdrawn.</p> <p><u>U.S. Registration No. 1071032</u></p> <p>Applicant disagrees that there is a likelihood of confusion between the goods identified in the Class 25 portion of its application and the "neckwear" for which this RAZOR mark is registered. Moreover, Applicant believes that the Registrant ceased use of the mark many years ago. Accordingly, on March 2, 2016, Applicant initiated a cancellation action against this Registration, which action is now pending (<i>Razer (Asia-Pacific) Pte. Ltd. v. WEMCO, Inc.</i>, Cancellation No. 92063258). Applicant asks that the citation be withdrawn, or that the Application be suspended pending the outcome of the cancellation action.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_839136249-20160309200918682823_.RAZER_-_Signed Consent 2015-08-25_S_Classes 9 18 25 28 .pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\055\79105582\xml18\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\055\79105582\xml18\RFR0003.JPG

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DESCRIPTION OF EVIDENCE FILE Executed Letter of Consent

GOODS AND/OR SERVICES SECTION (009)(current)

INTERNATIONAL CLASS 009

DESCRIPTION

Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers

GOODS AND/OR SERVICES SECTION (009)(proposed)

INTERNATIONAL CLASS 009

TRACKED TEXT DESCRIPTION

Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers; [and all of the foregoing goods specifically excluding phones, phablets and televisions](#)

FINAL DESCRIPTION

Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers; and all of the foregoing goods specifically excluding phones, phablets and televisions

GOODS AND/OR SERVICES SECTION (018)(no change)

GOODS AND/OR SERVICES SECTION (025)(no change)

GOODS AND/OR SERVICES SECTION (028)(no change)

SIGNATURE SECTION

RESPONSE SIGNATURE /sabel/

SIGNATORY'S NAME Sally M. Abel

SIGNATORY'S POSITION Attorney of Record, CA Bar Member

SIGNATORY'S PHONE NUMBER	650-988-8500
DATE SIGNED	03/09/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 09 20:22:26 EST 2016
TEAS STAMP	USPTO/RFR-X.XX.XXX.XXX-20 160309202226363123-791055 82-550ab24845636aee8e3d1a 7658552d03b232f8b3262def6 de12197f2f4f5-N/A-N/A-201 60309200918682823

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79105582** RAZER(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/79105582/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has maintained and made final his objection to the application based on his concern as to likelihood of confusion with the RAZOR and RAZR marks represented in Registration Nos. 2974680, 2980047, 3692609, 3692608, 3939082, 2342625, 4688896 and 1071032. With all due respect, there is no likelihood of confusion: the registrant of most of the cited marks has consented in writing to registration of Applicant's mark, submitted herewith, and Applicant has filed a cancellation action against the remaining registration which should be cancelled shortly.

[U.S. Registration Nos. 2974680, 2980047, 3692609, 3692608, 3939082, 2342625 and 4688896](#)

These marks are owned by Razor USA LLC ("the Razor USA Registrations"). As indicated in the previous office action response, Applicant and Razor USA LLC entered into a coexistence agreement on May 8, 2015, under the terms of which Applicant agreed to restrict its registration and use of the mark to goods "primarily marketed for gaming use and/or gamers", a discrete market, and not to use the mark for certain, specific goods, and Razor USA LLC consented to Applicant's registration of the mark. In this office action response, Applicant makes an additional amendment to the Class 9 identification of goods, at the request of Razor USA LLC, and submits herewith Razor USA LLC's consent to registration of Applicant's mark for the identified goods. Accordingly, as Razor USA LLC has confirmed that given the differences in the marks, and the agreed limitations to Applicant's goods and channels of trade, there is no likelihood of confusion, Applicant requests that the citations to the Razor USA Registrations be withdrawn.

[U.S. Registration No. 1071032](#)

Applicant disagrees that there is a likelihood of confusion between the goods identified in the Class 25 portion of its application and the "neckwear" for which this RAZOR mark is registered. Moreover, Applicant believes that the Registrant ceased use of the mark many years ago. Accordingly, on March 2, 2016, Applicant initiated a cancellation action against this Registration, which action is now pending (*Razer (Asia-Pacific) Pte. Ltd. v. WEMCO, Inc.*, Cancellation No. 92063258). Applicant asks that the citation be withdrawn, or that the Application be suspended pending the outcome of the cancellation action.

EVIDENCE

Evidence in the nature of Executed Letter of Consent has been attached.

Original PDF file:

[evi_839136249-20160309200918682823 . RAZER - Signed Consent 2015-08-25_S_Classes_9_18_25_28 .pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers; [and all of the foregoing goods specifically excluding phones, phablets and televisions](#)

Class 009 for Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers; and all of the foregoing goods specifically excluding phones, phablets and televisions

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /sabel/ Date: 03/09/2016

Signatory's Name: Sally M. Abel

Signatory's Position: Attorney of Record, CA Bar Member

Signatory's Phone Number: 650-988-8500

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent

not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79105582

Internet Transmission Date: Wed Mar 09 20:22:26 EST 2016

TEAS Stamp: USPTO/RFR-X.XX.XXX.XXX-20160309202226363

123-79105582-550ab24845636aee8e3d1a76585

52d03b232f8b3262def6de12197f2f4f5-N/A-N/

A-20160309200918682823

CONSENT TO REGISTRATION

This letter constitutes Razor USA LLC's consent to Razer (Asia-Pacific) Pte Ltd.'s registration of RAZER, Application Serial No. 79105582, in the United States ("the RAZER Application").

Razer (Asia-Pacific) Pte Ltd. has amended the identification of goods in the RAZER Application to clarify that all of the identified goods are primarily marketed for gaming use and/or gamers, consistent with the terms of a May 8, 2015 coexistence agreement between Razor USA LLC and Razer (Asia Pacific) Pte Ltd. Accordingly, with this amendment, the identification of goods in the RAZER Application now reads:

Class 9: Computers; laptop computers; notebook computers; handheld computers; personal digital assistants; computer and video game apparatus adapted for use with television receivers or other external display screens or monitors; computer displays; computer monitors; computer hardware; computer soundcards; computer peripherals; computer and video game controllers; computer mice; computer keyboards; computer keypads; computer graphics tablets; computer pens; computer joysticks; computer trackballs; Computer game apparatus and video game controllers, namely, flight yokes, steering wheels, accelerator pedals, brake pedals and guns; motion controller sensors for use in playing computer and video games; apparatus for recording, transmission or reproduction of data, sound or images; audio equipment and apparatus, namely, earphones, headphones, microphones, headsets, loudspeakers; batteries and power supplies; computer operating system software and computer software drivers in the nature of software used to control and operate computer peripherals; video and computer game software; computer mice mats; computer bags, computer pouches, computer cases, sleeves and covers adapted for holding and storing the aforementioned goods; all of the aforementioned goods primarily marketed for gaming use and/or gamers; and all of foregoing goods specifically excluding phones, phablets and televisions

Class 18: Bags, namely, messenger bags; sport bags; travel bags; backpacks; knapsacks; satchels; all of the aforementioned goods primarily marketed for gaming use and/or gamers.

Class 25: Clothing, namely, polo shirts; T-shirts; jackets; hoodies; sweatshirts; tank tops; headgear, namely, caps, beanies, bandanas; sweatbands; all of the aforementioned goods primarily marketed for gaming use and/or gamers.

Class 28: Video game apparatus other than those adapted for use with television receivers; handheld video game apparatus other than those adapted for use with television receivers; carrying bags specially adapted for holding and storing video game apparatuses; all of the aforementioned goods primarily marketed for gaming use and/or gamers.

The Examining Attorney has cited the following registrations owned by Razor USA: RAZOR (Reg. No. 2342625), RAZOR and design (Reg. No. 2577387), RAZOR (stylized) (Reg. No. 2753478), RAZOR (stylized) (Reg. No. 2974680), RAZOR (Reg. No. 2980047), RAZR (Reg. No. 3692608), RAZR (Reg. No. 3692609), RAZOR (stylized) (Reg. No. 3939082), RAZOR (Reg. No. 4688896) and RAZR XF (Reg. No. 4103035). The goods for which these marks are registered are set forth in attached Exhibit A, incorporated by this reference.

This consent is based upon the mutual determination of Razor USA LLC and Razer (Asia-Pacific) Pte Ltd. that there is no likelihood that consumers have been or will be confused by the use and registration of the marks above in view of the differences between the marks, the goods and the manner in which those goods are marketed and sold including, but not limited, to the limitations to Razer (Asia-Pacific) Pte Ltd.'s

goods and the limitations to Razer (Asia-Pacific) Pte Ltd.'s channels of trade, as well as the exclusion of goods from Razer (Asia-Pacific) Pte Ltd.'s goods. Accordingly, Razor USA LLC hereby consents to registration of the RAZER Application.

Very truly yours,
Razor USA LLC

By

A handwritten signature in blue ink, appearing to read "John W. Cochrane", written over a horizontal line.

Small, handwritten initials in blue ink, possibly "JWC", located in the bottom right corner of the page.

EXHIBIT A

Razor USA LLC's Registrations

RAZOR (Registration No. 2342625): Computer accessories, namely, computer game controllers, computer game and video game accessories, namely, blank and prerecorded computer game memory cards; power adapters.

RAZOR and design (Registration No. 2577387): Non-motorized scooters, toy scooters, and model scooters.

RAZOR (stylized) (Registration No. 2753478):

Class 12: electric motorized two wheel platform trolleys in the nature of scooters, electric motorized three wheel platform trolleys in the nature of scooters; motorized scooters.

Class 28: Non-electric two wheel platform trolleys in the nature of toy scooters, non-electric three wheel platform trolleys in the nature of toy scooters.

RAZOR (stylized) (Registration No. 2974680): Backpacks.

RAZOR (Registration No. 2980047):

Class 9: computer video game software, namely discs and CD-ROMs.

Class 18: Backpacks.

Class 25: T-shirts and caps.

RAZR (Registration No. 3692609): telephones; wireless telephone accessories, namely headsets, speakers, carrying cases, belt clips and cellular telephone apparatuses.

RAZR (Registration No. 3692608: Radio transceivers; electronic personal organizers, computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between computer terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer software for executing tutorials and electronic product manuals on mobile phones or computers for providing training and product support to mobile phones customers; computer game software for mobile handsets; computer software and programs for use with mobile phones for assisting the user in downloading music, movies, animation, electronic books; computer software for distributing information and interactive multimedia content containing text, images, video and sound between wireless communication devices and computer terminals via a wireless network; computer software and programs for management and operation of wireless telecommunications devices; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data transmitted between computer terminals and wireless communication devices; digital radio transceivers or receivers for data, voice, image and video communication; electronic game software for mobile handsets; cameras, namely, photographic cameras, digital cameras, motion picture cameras, video cameras; calculators, global positioning units, batteries, battery chargers, power adapters.

RAZOR (stylized) (Registration No. 3939082): Computer operating software for use with hand-held computers and personal digital assistants, namely, for playing games on hand-held computers and personal digital assistants; and downloaded instruction manuals sold therewith as a unit for all the aforesaid goods.

RAZOR (Registration Nos. 4688896): Game software for mobile phones and PDAs; application software for use in electronic storage for mobile phones and PDAs; application software for mobile phones and PDAs for use in database management; application software for mobile phones and PDAs for use in playing games; application software for mobile phones and PDAs for communicating with other mobile phones, PDAs or other telecommunications or mobility devices; computer communications software;



computer peripherals, computer peripheral devices, computer peripheral apparatus; headsets for use with computers, playing video games, cellular or mobile phones; audio headsets for use with computers, gaming, playing video games, and cellular or mobile phones.

RAZR XF (Registration No. 4103035): Golf bags; Golf balls; Golf clubs; Head covers for golf clubs.

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