From: Collins Edwards, Alicia

Sent: 2/2/2014 1:07:44 PM

To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 85627379 - H HUGHES FURNITURE MOTION EAZE - N/A - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 17

Files: hughes.jpg, 73315707P001OF002.JPG, 73315707P002OF002.JPG, 78638350P001OF003.JPG, 78638350P002OF003.JPG, 78638350P003OF003.JPG, 85072239P001OF002.JPG, 85072239P002OF002.JPG, 85627379P001OF003.JPG, 85627379P002OF003.JPG, 85627379P003OF003.JPG, manu1.jpg, manu2.jpg, manu3.jpg, manu4.jpg, manu5.jpg, 85627379.doc

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85627379

MARK: H HUGHES FURNITURE MOTION EAZE

CORRESPONDENT ADDRESS:

ALAN B. FELTS

TUGGLE DUGGINS P.A.

100 N GREENE ST STE 600

GREENSBORO, NC 27401-2546

GENERAL TRADEMARK INFORMATION:

http://www.uspto.gov/trademarks/index.jsp

APPLICANT: Hughes Furniture Industries, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

afelts@tuggleduggins.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 2/2/2014

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The amendment to the disclaimer statement is acceptable and has been entered into the application record; however, the likelihood of confusion refusal made final in the Office action dated April 23, 2013 is maintained and continues to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

Applicant has applied to register the proposed mark H HUGHES FURNITURE MOTION EAZE RECLINERS and design for use on "furniture." The registered mark is BRADLEY HUGHES" in standard character form for use on "residential and commercial furniture."

The goods of the parties are presumably identical because applicant's "furniture" is broad enough and presumed to include the registrant's "residential and commercial furniture." The identification set forth in both the application and registration sets forth no restrictions as to the nature, type, channels of trade, or class or purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade and are available to the same class of purchasers.

Applicant's mark and the registered mark both contain the wording HUGHES. Moreover, the wording HUGHES as it appears in each mark is substantial in creating the overall commercial impression of each mark. The attached search of the Office records shows that the wording HUGHES is neither weak nor diluted when used on furniture. The only marks produced by this search are applicant's mark and the cited registered mark. Information regarding the search statement results is attached herein.

Also attached herein is evidence which indicates that it is common for furniture manufacturers to be identified by surname alone (e.g., Althorp, Baker, Bernhardt, Carter, Cochrane, Cox, Davis, Klaussner, McNeilly, Pearson, Selva, Sherrill etc.). For this reason, consumers encountering the marks of applicant and the registrant (both containing the same surname) are likely to believe that the goods of the parties emanate from a common source or are otherwise related. *In re SL&E Training Stable, Inc.*, 88 USPQ2d 1216, 1219 (TTAB 2008) (holding SAM EDELMAN and EDELMAN, both for wallets and various types of

bags, likely to cause confusion, noting that there are strong similarities between the marks because they share the same surname, and that consumers viewing the mark EDELMAN may perceive it as an abbreviated form of SAM EDELMAN because it is the practice in the fashion industry to refer to surnames alone).

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/Alicia Collins Edwards/

Trademark Examining Attorney

United States Patent and Trademark Office

Law Office 115

571-272-9147

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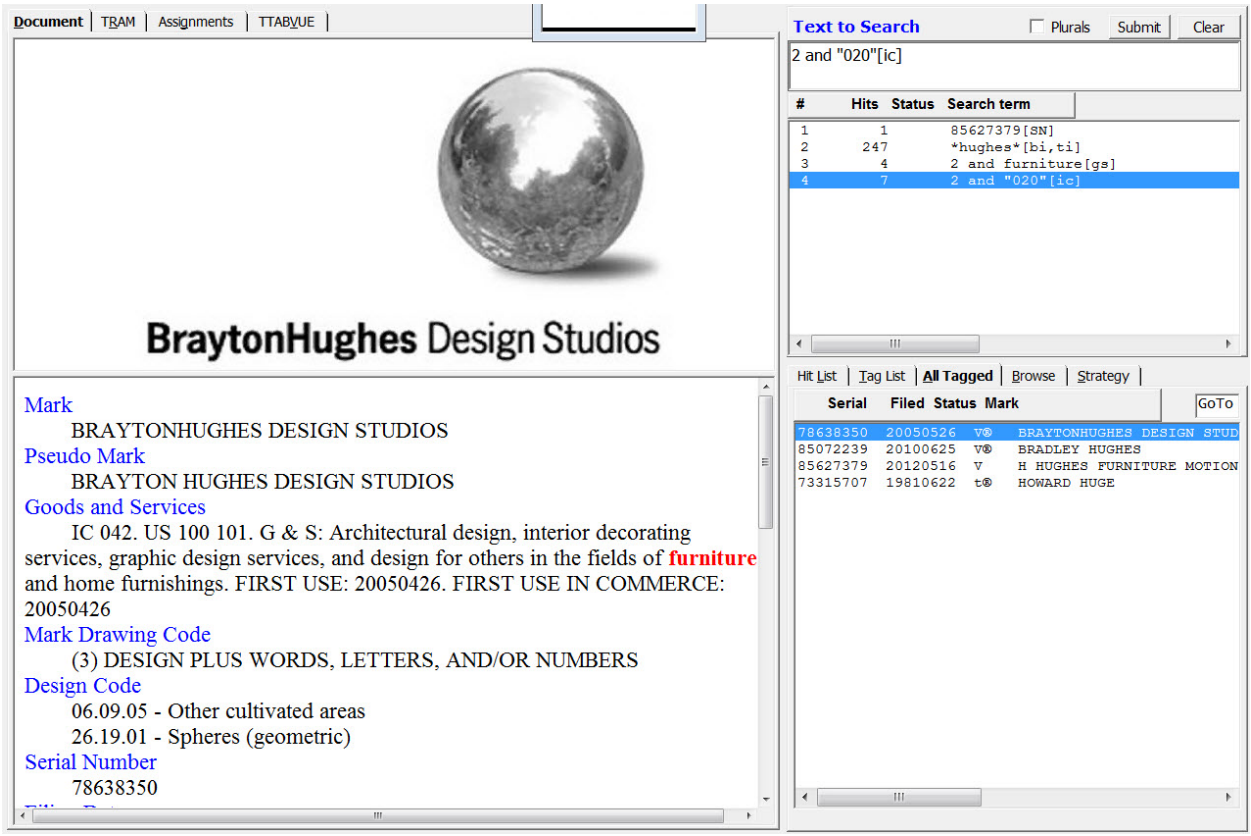
Document | TRAM | Assignments | TTABVUE
BraytonHughes Design Studios
Mark
BRAYTONHUGHES DESIGN STUDIOS
Pseudo Mark
BRAYTON HUGHES DESIGN STUDIOS
Goods and Services
IC 042. US 100 101. G & S: Architectural design, interior decorating services, graphic design services, and design for others in the fields of furniture and home furnishings. FIRST USE: 20050426. FIRST USE IN COMMERCE: 20050426
Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Code
06.09.05 - Other cultivated areas
26.19.01 - Spheres (geometric)
Serial Number
78638350
Text to Search
Plurals
Submit
Clear
2 and "020"[ic]
Hits Status Search term
1 1 85627379[SN]
2 247 *hughes*[bi,ti]
3 4 2 and furniture[gs]
4 7 2 and "020"[ic]
Hit List | Tag List | All Tagged | Browse | Strategy
Serial Filed Status Mark
GoTo
78638350 20050526 V® BRAYTONHUGHES DESIGN STUD
85072239 20100625 V® BRADLEY HUGHES
85627379 20120516 V H HUGHES FURNITURE MOTION
73315707 19810622 t® HOWARD HUGE

Browse All Website Manufacturers

Below is a list of manufacturers that have products listed on Furnitureland South's website. **Please note:** Furnitureland South is a proud partner with over 400 manufacturers and not all of these partners' products are listed on our website.

Please click here to see a list of all partners and their websites.

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z |

- A.R.T. Furniture
- Althorp
- American Drew
- American Leather
- Ann Gish
- Artitalia
- Baker Furniture
- Bassett Mirror Company
- Bentley Churchill
- Best Chairs, Inc.
- Bradington Young
- Broughton Hall
- Butler Specialty Co.
- Canal Dover
- Capris Furniture
- Carter
- Century Furniture
- Classic Leather
- Clearwater American Furniture
- Comfort Design Furniture
- Conrad Grebel
- Cox Manufacturing
- CTH-Sherrill Occasional
- Cyan Designs
- Designmaster Furniture
- AICO
- Ambella Home Collection
- American Hardwood Creations
- American Woodcrafters
- Artistica Metal Designs
- Aspenhome
- Barbara Barry by Henredon
- Beautyrest
- Bernhardt Furniture
- Bolier & Company
- Braxton Culler
- Broyhill Furniture
- C.R. Laine Furniture
- Candice Olson Collection
- Caracole
- Castelle
- Chromcraft Corp
- Clayton Marcus
- Cochrane
- Company C
- Councill
- Cresent Fine Furniture
- Curations Limited
- Davis Office Furniture
- Distinction Leather

- Dovetail Furniture
- Drexel Heritage
- Eastern Accents
- EJ Victor
- Elite Leather Company
- Encore
- Fairfield Chair Co.
- Fixtures Furniture
- Folio 21 Furniture
- Four Seasons
- Fremarc Designs
- Furniture Classics Limited
- Gloster
- Guildmaster
- Guy Chaddock
- Halo Styles
- Hancock and Moore
- Harter (By Izzy)
- Henredon
- Highland House
- Hooker Furniture
- Huntington House
- Hurtado
- JLA Home
- Jonathan Charles
- King Hickory
- Kingsley-Bate
- Krug
- Lane Home Furnishings
- Lea Furniture
- Legacy Classic Furniture
- Lexington Home Brands
- Ligna Furniture
- Loloi Rugs

- Downtown Co.
- Dwell Studio for Precedent
- Eddy West
- Ekornes
- Elite Manufacturing
- European Home Designs
- Fine Furniture
- Flexsteel
- Four Hands
- Francesco Molon
- French Heritage
- Gianni
- Go Home LTD
- Gunlocke
- Habersham
- Hammary
- Harden Furniture
- Hekman Furniture
- Hickory White
- Home Source International
- Howard Miller Clock Co.
- Huppe
- IMG Norway
- John Richard Collection
- Kincaid Furniture
- Kingsdown
- Klaussner
- Krug Healthcare
- Lazar
- Leathercraft
- Legacy Home
- Liberty Furniture
- Lillian August Fine Furniture
- Lorts

- M.W.B. Designs
- Maitland-Smith
- Maria Yee
- Marquis Custom Contract Seating
- Miles Talbott
- Mr. and Mrs. Howard by Sherrill Furniture
- Natuzzi Editions
- Nuevo
- Opus Designs
- Orleans International
- Palliser Furniture
- Parker Southern
- Peacock Alley
- Pelican Reef
- Peters Revington
- Pine Cone Hill, Inc.
- Pulaski
- RC Furniture
- Robert Allen Fabrics
- Rossetti
- Saloom Furniture
- Sarreid Ltd.
- Sealy Mattress
- Serta Mattress
- Sferra Bro Ltd
- Signature Collection
- Spectra Home
- Stanford
- Stanley Furniture
- Stein World
- Surya
- Taylor King
- Tempur-Pedic
- Theodore Alexander
- Magnussen Home
- Marge Carson
- Mario & Marielena
- McNeilly Furniture
- Millender Furniture
- Natuzzi Accessories
- Natuzzi Italy
- Old Biscayne Designs
- Orian Rugs
- Pacific Coast Lighting
- Panama Jack Casegoods
- Paula Deen Home
- Pearson
- Pennsylvania House by Universal
- Phillips Collection
- Precedent
- Ralph Lauren by EJ Victor
- Rizzy Home
- Robin Bruce
- Rowe Furniture
- Sam Moore
- Schnadig
- Selva
- Seven Seas Seating
- Sherrill
- Signature Rugs
- Spring Air Mattress
- Stanley Coastal Living
- Stanley Young America
- Stone International
- Taracea USA
- Temple Furniture
- The Howard Elliott Collection
- Theodore Alexander - Keno Brothers

- Orleans International
- Palliser Furniture
- Parker Southern
- Peacock Alley
- Pelican Reef
- Peters Revington
- Pine Cone Hill, Inc.
- Pulaski
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- Stanford
- Stanley Furniture
- Stein World
- Surya
- Taylor King
- Tempur-Pedic
- Theodore Alexander
- Thief River Linen
- Trend Lighting
- Turning House Furniture
- Universal - Smart Stuff
- Uttermost Company
- Vaughan Bassett
- Wesley Allen
- West Bros
- Zuo Modern Contemporary, Inc.
- Pacific Coast Lighting
- Panama Jack Casegoods
- Paula Deen Home
- Pearson
- Pennsylvania House by Universal
- Phillips Collection
- Precedent
- Ralph Lauren by EJ Victor
- Rizzy Home
- Robin Bruce
- Rowe Furniture
- Sam Moore
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- Stone International
- Taracea USA
- Temple Furniture
- The Howard Elliott Collection
- Theodore Alexander - Keno Brothers
- Tommy Bahama
- Triune Business Furniture
- Ultra Comfort America
- Universal Furniture
- Vanguard
- Vaughan Furniture Co.
- Wesley Hall, Inc.
- Wynwood

http://www.furniturelandsouth.com/browse-furniture/manufacturerPrc
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