

## Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field   | Entered        |
|---|----------------|
| <b>SERIAL NUMBER</b>  | 85849623       |
| <b>LAW OFFICE ASSIGNED</b>  | LAW OFFICE 109 |
| <b>MARK SECTION (no change)</b>   |                |
| <b>ARGUMENT(S)</b>  |                |
| <p>Applicant respectfully insists that the applied for mark can coexist with the cited registration of the mark SOL. The section 2(d) refusal was withdrawn in connection with trademarks SUN, reg. no. 1618291, that covers LAUNDRY DETERGENT, and SUN, reg. no. 569580, that covers DETERGENTS FOR DISH AND GLASSWASHING, LAUNDERING, and SUN, reg. no. 4019917, that covers Liquid and powder soaps and detergents for household, dish and laundry purposes; liquid fabric softeners and sheet fabric softeners; powder bleach for household, dish and laundry purposes; liquid and powder cleaning preparations for household, dish and laundry purposes; liquid and powder agents for use in dishwashing, namely, rinsing, drying and anti-spotting agents; liquid and powder pre-treating stain removers for household and laundry purposes; hair shampoos and conditioners; hair spray and styling preparations; and body wash. It has been maintained in connection with trademark SOL, reg. no. 1513272, that covers LAUNDRY SOAP AND LAUNDRY DETERGENT. Applicant's mark, PURO SOL and design, is intended to be registered for POWDER LAUNDRY DETERGENT, LAUNDRY SOAP FLAKES. Applicant sincerely appreciates the withdrawal of the section 2(d) refusals with regards to the three SUN cited registrations that are each owned by different parties. Having said that, taking into consideration those withdrawals, applicant respectfully argues that it results in an inconsistency to not withdraw as well the refusal relating to the mark SOL. The term SOL translates to English as SUN. That is, SOL is the foreign equivalent of SUN in the Spanish language. Accordingly, the likelihood of confusion analysis regarding the three cited SUN registrations with respect to the applied for mark PURO SOL must be identical to the likelihood of confusion analysis carried out between the applied for mark PURO SOL and the remaining cited registration of the mark PURO SOL. Applicant just cannot see any difference whatsoever. It's four identical marks covering the same or very similar goods and the applied for mark that contains the term PURO, which in the context of this case, constitutes a component that unequivocally distinguishes applicant's mark from the four originally cited registrations. Again, the term SUN and its Spanish translation, SOL, are widely used in the cleaning products industry as part of brands or sub brands of cleaning goods because they denote cleanliness. As stated in applicant's prior response, there are many registered marks or approved intent to use based applications in class 3, covering cleaning products and preparations, in the name of different entities. Many of these registrations have been recently issued and ALL coincide with the cited registration of the mark SOL as well as with the three originally cited SUN registrations that no longer constitutes bars to the allowance of the applied for mark. The reason for this is that the words SUN and SOL are suggestive in connection with laundry and cleaning goods. Suggestive marks are by definition, weak marks. The weaker a mark is, the closer a competitor's mark can get to it without creating a likelihood of</p> |                |

confusion scenario. Evidence of this is the many class 3 registrations covering cleaning products that contain the words SOL or SUN in them and coexist among themselves and with the cited registration and do not create a likelihood of confusion scenario. Why is the case different with applicant's mark? It is not. Not allowing the applied for mark to proceed to publication would constitute a ruling inconsistent with many prior mark applications that in completely equivalent scenarios, have been approved. Given the weak nature of the terms SUN or SOL in connection with cleaning products, as well as the fact that the three SUN registrations that had been cited are no longer cited, applicant respectfully requests that the present application be approved and allowed to proceed to publication. Such a determination will be consistent with many prior rulings of this Office, as well as with the determination made in this very case to withdraw the refusals relating to the three prior SUN registrations that had originally being cited. Applicant's mark is PURO SOL, not SOL. Applicant's mark is distinguishable from the cited registration. Likelihood of confusion will not take place with the allowance of the applied for mark. Respectfully submitted.

#### SIGNATURE SECTION

|                                |  |
|--------------------------------|--|
| RESPONSE SIGNATURE             | /Arturo Perez-Guerrero/                      |
| SIGNATORY'S NAME               | Arturo Perez-Guerrero                        |
| SIGNATORY'S POSITION           | Applicant's attorney, Puerto Rico bar member |
| SIGNATORY'S PHONE NUMBER       | 787 722-3446                                 |
| DATE SIGNED                    | 09/30/2014                                   |
| AUTHORIZED SIGNATORY           | YES  |
| CONCURRENT APPEAL NOTICE FILED | YES  |

#### FILING INFORMATION SECTION

|             |   |
|-------------|---|
| SUBMIT DATE | Tue Sep 30 23:04:28 EDT 2014  |
| TEAS STAMP  | USPTO/RFR-64.237.229.150-20140930230428447129-85849623-5003e6302fd822a1286ac1236b57bc7245ae1f3298337ce78da5f4c3c305b657b-N/A-N/A-20140930230138904375 |

### **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **85849623** has been amended as follows:

#### **ARGUMENT(S)**

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

Applicant respectfully insists that the applied for mark can coexist with the cited registration of the mark SOL. The section 2(d) refusal was withdrawn in connection with trademarks SUN, reg. no. 1618291, that covers LAUNDRY DETERGENT, and SUN, reg. no. 569580, that covers DETERGENTS FOR DISH AND GLASSWASHING, LAUNDERING, and SUN, reg. no. 4019917, that covers Liquid and powder soaps and detergents for household, dish and laundry purposes; liquid fabric softeners and sheet fabric softeners; powder bleach for household, dish and laundry purposes; liquid and powder cleaning preparations for household, dish and laundry purposes; liquid and powder agents for use in dishwashing, namely, rinsing, drying and anti-spotting agents; liquid and powder pre-treating stain removers for household and laundry purposes; hair shampoos and conditioners; hair spray and styling preparations; and body wash. It has been maintained in connection with trademark SOL, reg. no. 1513272, that covers LAUNDRY SOAP AND LAUNDRY DETERGENT. Applicant's mark, PURO SOL and design, is intended to be registered for POWDER LAUNDRY DETERGENT, LAUNDRY SOAP FLAKES. Applicant sincerely appreciates the withdrawal of the section 2(d) refusals with regards to the three SUN cited registrations that are each owned by different parties. Having said that, taking into consideration those withdrawals, applicant respectfully argues that it results in an inconsistency to not withdraw as well the refusal relating to the mark SOL. The term SOL translates to English as SUN. That is, SOL is the foreign equivalent of SUN in the Spanish language. Accordingly, the likelihood of confusion analysis regarding the three cited SUN registrations with respect to the applied for mark PURO SOL must be identical to the likelihood of confusion analysis carried out between the applied for mark PURO SOL and the remaining cited registration of the mark PURO SOL. Applicant just cannot see any difference whatsoever. It's four identical marks covering the same or very similar goods and the applied for mark that contains the term PURO, which in the context of this case, constitutes a component that unequivocally distinguishes applicant's mark from the four originally cited registrations. Again, the term SUN and its Spanish translation, SOL, are widely used in the cleaning products industry as part of brands or sub brands of cleaning goods because they denote cleanliness. As stated in applicant's prior response, there are many registered marks or approved intent to use based applications in class 3, covering cleaning products and preparations, in the name of different entities. Many of these registrations have been recently issued and ALL coincide with the cited registration of the mark SOL as well as with the three originally cited SUN registrations that no longer constitutes bars to the allowance of the applied for mark. The reason for this is that the words SUN and SOL are suggestive in connection with laundry and cleaning goods. Suggestive marks are by definition, weak marks. The weaker a mark is, the closer a competitor's mark can get to it without creating a likelihood of confusion scenario. Evidence of this is the many class 3 registrations covering cleaning products that contain the words SOL or SUN in them and coexist among themselves and with the cited registration and do not create a likelihood of confusion scenario. Why is the case different with applicant's mark? It is not. Not allowing the applied for mark to proceed to publication would constitute a ruling inconsistent with many prior mark applications that in completely equivalent scenarios, have been approved. Given the weak nature of the terms SUN or SOL in connection with cleaning products, as well as the fact that the three SUN registrations that had been cited are no longer cited, applicant respectfully requests that the present application be approved and allowed to proceed to publication. Such a determination will be consistent with many prior rulings of this Office, as well as with the determination made in this very case to withdraw the refusals relating to the three prior SUN registrations that had originally being cited. Applicant's mark is PURO SOL, not SOL. Applicant's mark is distinguishable from the cited registration. Likelihood of confusion will not take place with the allowance of the applied for mark. Respectfully submitted.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Arturo Perez-Guerrero/ Date: 09/30/2014  
Signatory's Name: Arturo Perez-Guerrero  
Signatory's Position: Applicant's attorney, Puerto Rico bar member

Signatory's Phone Number: 787 722-3446

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 applicant'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 applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant'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: 85849623  
Internet Transmission Date: Tue Sep 30 23:04:28 EDT 2014  
TEAS Stamp: USPTO/RFR-64.237.229.150-201409302304284  
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b57bc7245ae1f3298337ce78da5f4c3c305b657b  
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