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Sent: 4/28/2016 2:59:24 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 86326332 - COMBATANT GENTLEMEN - N/A - Request for
Reconsideration Denied - Return to TTAB - Message 1 of 7

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Count: 20

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

U.S. APPLICATION SERIAL NO. 86326332

MARK: COMBATANT GENTLEMEN



CORRESPONDENT ADDRESS:

CAROLINE CAMP

COOLEY LLP

1299 PENNSYLVANIA AVE NW STE 700

WASHINGTON, DC 20004-2431

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Combatant Gentlemen, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

trademarks@cooley.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/28/2016

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated October 13, 2015 are maintained and continue to be final: Trademark Act Section 2(d). See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action.

The test under Trademark Act Section 2(d) is whether there is a likelihood of confusion. It is not necessary to show actual confusion to establish a likelihood of confusion. *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1571, 218 USPQ 390, 396 (Fed. Cir. 1983)); TMEP §1207.01(d)(ii). The Trademark Trial and Appeal Board stated as follows:

[A]pplicant's assertion that it is unaware of any actual confusion occurring as a result of the contemporaneous use of the marks of applicant and registrant is of little probative value in an ex parte proceeding such as this where we have no evidence pertaining to the nature and extent of the use by applicant and registrant (and thus cannot ascertain whether there has been ample opportunity for confusion to arise, if it were going to); and the registrant has no chance to be heard from (at least in the absence of a consent agreement, which applicant has not submitted in this case).

In re Kangaroos U.S.A., 223 USPQ 1025, 1026-27 (TTAB 1984).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP

§715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Cheryl Clayton/

Cheryl Clayton

Trademark Attorney

United States Patent and Trademark Office

571-272-9254

cheryl.clayton@uspto.gov



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LARGER VIEW

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Product Details

The Wilton Rose Bedding Collection from Ralph Lauren features a romantic rose motif throughout a textured beige homespun cotton inspired by an English countryside cottage.

- Select specific item for details
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- Web ID: 2814763



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Sale ends 5/3/16

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Details

ITEM#: 11762443

- * Redefine the comfort of your bedroom with an ensemble from Michael Kors
- * Bedding is constructed of high-quality 100-percent cotton
- * Bedding set includes one duvet cover, one bedskirt, one flat sheet, one fitted sheet, two shams and two pillowcases
- * Soft metallic threads are woven into the opulent gold comforter for a touch of sparkle
- * Thread count is the number of threads per square inch of fabric—the higher the thread count, the softer and more durable the material
- * Sheet set made in Italy
- * Other components made in Portugal
- * 100-percent cotton
- * Machine washable

Dimensions:

- * Queen duvet cover: 90 inches x 88 inches
- * King duvet cover: 92 inches x 104 inches
- * Standard shams: 20 inches x 26 inches
- * King shams: 20 inches x 36 inches

Specs

Features

Material	Cotton
Color	Gold
Dimensions	See Descriptions
Model Number	Michael Kors Jaipur 8-Piece Bed in a Bag
Country of Origin	Italy



- * Queen bedskirt: 60 inches x 80 inches
- * King bedskirt: 78 inches x 80 inches
- * Queen flat sheet: 102 inches x 90 inches
- * King flat sheet: 102 inches x 108 inches
- * Queen fitted sheet: 80 inches x 60 inches
- * King fitted sheet: 80 inches x 78 inches
- * Standard pillowcases: 20 inches x 30 inches
- * King pillowcases: 20 inches x 40 inches



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Plush

Plush nice rich and gives my room a flare

Stephen H. May 31, 2015 [Helpful 0](#) [Not Helpful 0](#) [Flag as Inappropriate](#)

Michael Kors Bedding

I have formerly purchased Michael Kors bedding through the **** at full retail price. When I saw this set, I immediately ordered one for my apartment and an additional one for back home. YES, the gold threads look different in actuality, but it still looks amazing. You immediately take note of the quality, as

Most Helpful

sparkles

This bedding looks nothing like the photo. It is woven with golden sparkly thread and is very tacky!

julrain Mar 28, 2009 [Helpful 1](#) [Not Helpful 0](#)
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Shimmery

<http://www.overstock.com/Bedding-Bath/Michael-Kors-Jaipur-8-piece-Bedding-Ensemble/3700117/product.html>
04/28/2016 10:27:27 AM

threads look different in actuality, but it still looks amazing. You immediately take note of the quality, as the duvet set and sheets are cotton sateen. Take this before they run out!

blake14 Jun 3, 2010 Helpful 0 Not Helpful 0 Flag as Inappropriate

LOOOVE

I love my new purchase and it is all thanks to the reviews posted by others because I would never have known about the gold threading. The shipping was very fast and all pieces were well packaged (yes everything is packaged individually). My only problem is that I ordered a queen set and my duvet and pillows are from a queen set as well yet everything I ordered was a bit big for my duvet and as a result my bed does not look anywhere near as fluffy and beautiful as the picture but that can all be solved by shopping for a bigger duvet and pillows (probably a difference with European sizes). The material is beautiful and worth every penny.

aschabella May 13, 2010 Helpful 0 Not Helpful 0 Flag as Inappropriate

It is sparkly...but in a fun sort of way!

I think the bed set is beautiful. Previous reviews warned that the comforter was too sparkly. The comforter is sparkly; the pattern is made up of gold thread. But I don't think it looks cheap at all. I think it is very attractive, and adds a little bit of fun and glamour to my otherwise understated bedroom. The sheets are very soft and comfortable, and the fact that everything comes as a set makes it incredibly easy to make a beautiful bedroom decor. It's a little funky and very stylish.

missspringfield Mar 15, 2010 Helpful 0 Not Helpful 0 Flag as Inappropriate

Sparkle City

Extreme amount of gold sparkliness. Beware! It's not tan like it seems in the picture!

buffalogirl22 Sep 9, 2009 Helpful 0 Not Helpful 0 Flag as Inappropriate

The color and quality are excellent, however online pictures do NOT show the shimmer in the bedding. The bedding is more appropriate for a theme hotel in Vegas than in a tastefully decorated master bedroom.

monica10 Feb 24, 2009
Helpful 1 Not Helpful 0
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Details of Comforter Covers

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Details

ITEM#: 13953232

This Ciroc comforter set features a solid design with an ogee stripe pattern. The comforter reverses to a solid grey textured print.

- * Set includes: Comforter and two shams
- * Style: Contemporary
- * Fabric detail: Woven
- * Thread count: 230
- * Sateen finish
- * Pattern: Solid with ogee stripe detailing
- * Materials: 100-percent cotton
- * Care instructions: Machine washable

Full/Queen Dimensions

- * Comforter: 88 inches wide x 92 inches long
- * Shams: 26 inches wide x 20 inches long

The digital images we display have the most accurate color possible. However, due to differences in computer monitors, we cannot be responsible for variations in color between the actual product and your screen.

Specs

Features **English (English)**

Style	Contemporary
Thread Count Range	201 - 500 TC
Color	Grey
Dimensions	See Details
Model Number	Ciroc Full/Queen 3-Piece Comforter Set
Country of Origin	China

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