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PTO Form 1960 (Rev 10/2011)

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

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86384357
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86384357/large
LITERAL ELEMENT	G FORCE
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
<p>Applicant must respectfully insist that the applied for mark can coexist with the three cited registrations without creating a likelihood of confusion scenario. Applicant's mark is a design mark whose dominant portion is a design that may be perceived as a stylized letter letter F. In applicant's view, applicant's mark looks more like F FORCE than as G FORCE. Being the case that applicant's mark looks and hence would read and be pronounced and be heard by consumers as F FORCE. Clearly F FORCE is easily distinguishable from G-FORCE GF, G-FORCE RACING GEAR and G-FORCE. Applicant submits that given it's design and the reality that the mark reads F FORCE, does away with any likelihood of confusion with the cited registration. It is also important to point out that this Office allowed G-FORCE RACING GEAR and G-FORCE despite the existence of the prior filed mark G-FORCE GF, when the latter covers FOOT WEAR. This is entirely inconsistent, particularly, when applicant's mark could very well be perceived by consumers as F FORCE. The visual and phonetic differences are clear. Not allowing the applied for mark results in a clear inconsistency. Applicant respectfully requests that the section 2(d) refusal entered in the present case be withdrawn so that the applied for mark may proceed to publication.</p>	
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	01/29/2016

AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jan 29 19:41:36 EST 2016
TEAS STAMP	USPTO/RFR-XXX.XXX.XX.XXX- 20160129194136346706-8638 4357-55062851f6e79ebba89d 3f04ce99ebc5bc6e7b79a4bef 8cc027e7d332d7b9ab2e-N/A- N/A-20160129193235731414

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Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86384357** G FORCE (Stylized and/or with Design, see <http://tmng-uspto.gov/resting2/api/img/86384357/large>) has been amended as follows:

ARGUMENT(S)

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

Applicant must respectfully insist that the applied for mark can coexist with the three cited registrations without creating a likelihood of confusion scenario. Applicant's mark is a design mark whose dominant portion is a design that may be perceived as a stylized letter letter F. In applicant's view, applicant's mark looks more like F FORCE than as G FORCE. Being the case that applicant's mark looks and hence would read and be pronounced and be heard by consumers as F FORCE. Clearly F FORCE is easily distinguishable from G-FORCE GF, G-FORCE RACING GEAR and G-FORCE. Applicant submits that given it's design and the reality that the mark reads F FORCE, does away with any likelihood of confusion with the cited registration. It is also important to point out that this Office allowed G-FORCE RACING GEAR and G-FORCE despite the existence of the prior filed mark G- FORCE GF, when the latter covers FOOT WEAR. This is entirely inconsistent, particularly, when applicant's mark could very well be perceived by consumers as F FORCE. The visual and phonetic differences are clear. Not allowing the applied for mark results in a clear inconsistency. Applicant respectfully requests that the section 2(d) refusal entered in the present case be withdrawn so that the applied for mark may proceed to publication.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Arturo Perez-Guerrero/ Date: 01/29/2016

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 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: 86384357

Internet Transmission Date: Fri Jan 29 19:41:36 EST 2016

TEAS Stamp: USPTO/RFR-XXX.XXX.XX.XXX-201601291941363

46706-86384357-55062851f6e79ebba89d3f04c

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