

From: Clark, Robert

Sent: 10/26/2016 9:59:05 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 86782228 - WATCH OUT WATCHES - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

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Files: 86593201P001OF003.JPG, 86593201P002OF003.JPG, 86593201P003OF003.JPG, 86707000P001OF009.JPG, 86707000P002OF009.JPG, 86707000P003OF009.JPG, 86707000P004OF009.JPG, 86707000P005OF009.JPG, 86707000P006OF009.JPG, 86707000P007OF009.JPG, 86707000P008OF009.JPG, 86707000P009OF009.JPG, 86723923P001OF004.JPG, 86723923P002OF004.JPG, 86723923P003OF004.JPG, 86723923P004OF004.JPG, 86735761P001OF003.JPG, 86735761P002OF003.JPG, 86735761P003OF003.JPG, 86735780P001OF003.JPG, 86735780P002OF003.JPG, 86735780P003OF003.JPG, 86741637P001OF002.JPG, 86741637P002OF002.JPG, 86782588P001OF003.JPG, 86782588P002OF003.JPG, 86782588P003OF003.JPG, 86791431P001OF003.JPG, 86791431P002OF003.JPG, 86791431P003OF003.JPG, 86879032P001OF003.JPG, 86879032P002OF003.JPG, 86879032P003OF003.JPG, 86897851P001OF004.JPG, 86897851P002OF004.JPG, 86897851P003OF004.JPG, 86897851P004OF004.JPG, 86911760P001OF003.JPG, 86911760P002OF003.JPG, 86911760P003OF003.JPG, 86920673P001OF003.JPG, 86920673P002OF003.JPG, 86920673P003OF003.JPG, 86935541P001OF003.JPG, 86935541P002OF003.JPG, 86935541P003OF003.JPG, 86938444P001OF003.JPG, 86938444P002OF003.JPG, 86938444P003OF003.JPG, 86952584P001OF003.JPG, 86952584P002OF003.JPG, 86952584P003OF003.JPG, a-1.jpg, a-2.jpg, a-3.jpg, b-1.jpg, b-2.jpg, b-3.jpg, f-1.jpg, 86782228.doc

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

**U.S. APPLICATION SERIAL NO.** 86782228

**MARK:** WATCH OUT WATCHES



**CORRESPONDENT ADDRESS:**

KEVIN KEENER

KEENER AND ASSOCIATES PC

161 NORTH CLARK ST

STE 4700

CHICAGO, IL 60601

**GENERAL TRADEMARK INFORMATION:**

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

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Keys, Kenneth

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

kevin.keener@keenerlegal.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 10/26/2016

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 April 7, 2016 are maintained and continue to be final: Sec. 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. 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).

Applicant has limited its identification of goods to exclude watch bands and straps. Attached are registrations which include watches, watch bands and watch straps.

Applicant's mark merely incorporates registrant's mark in its entirety. It is enough that goods or services are related in some manner or that some circumstances surrounding their marketing are such that they would be likely to be seen by the same persons under circumstances which could give rise, because of the marks used therewith, to a mistaken belief that they originate from or are in some way associated with the same producer or that there is an association between the producers of each parties' goods. In *re* Melville Corp., 18 USPQ2d 1386 (TTAB 1991), and cases cited therein.

It is clear that applicant's and registrant's goods are, at least, complementary goods. The addition of WATCHES to WATCHOUT[!] does not sufficiently distinguish applicant's mark from registrant's mark, particularly in view of the close relation between applicant's and registrant's goods.

The Examining Attorney has also submitted advertising of watches and watch straps:

<http://www.gnomonwatches.com/accessories/zuluz-strap>

<http://www.gnomonwatches.com/watches>

<http://www.sasharhett.com/store/categories.php?category=Watches&sort=featured>

<http://watchbandit.com/>

<https://www.tinkerwatches.com/products/straps>

<http://www.hookandalbert.com/shop-all/watches>

Also attached are websites showing the same channels of trade:

<https://www.conservativeoutfitters.com/collections/watches-watch-straps>

<http://www.mypartygems.com/watches-and-watchbands-s/124.htm>

<https://www.stolcodesigns.com/collections/watches-watch-bands>

<http://jrdunn.com/jewelry-gift-ideas/valentines-day-gifts/valentines-day-gifts-watches-watch-bands.html>

“WATCH OUT” and “WATCHOUT!” are the salient features of the marks. There is no reason to believe that the nearly identical words would have a different meaning for applicant's goods than registrant's. There is no evidence in the record to support this assertion.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

Robert Clark

/Robert Clark/

Examining Attorney

Law Office 101

571-272-9144

robert.clark@uspto.gov

## ZULUZ Strap

### ZULUZ STRAP MILITARY SPEC. MADE FOR EXTREME WATCHES

ZULUZ Straps are made from cross weaved nylon with solid polished 316L stainless steel buckle and strap keepers. All joints on the strap are first laser sealed followed by sewn to give the strap maximum integrity.

Slightly thicker than NATO straps means ZULUZ Straps fit the thickest and biggest of all watches. The ZULUZ straps are straight through with no extra flap underneath. Due to the material used, ZULUZ straps are more resistant to water and dries faster.

**There are cheaper inferior ZULUZ straps out there. But nothing comes close to what we offer. We sell superior ZULUZ straps which are stronger, more durable and softer.**

**Why settle for lesser?**

NATO / ZULUZ Straps Ordered	Shipping	Spring Bar Tool	Discount
1 Strap	\$5 (Airmail)		
2 - 3 Straps	Free		
4 - 5 Straps	Free	Free	
6 or more Straps	Free	Free	10%





### Zulu Straps For Active People

Zulu straps constantly gain popularity among people that love experience and the outdoor life. These military styled watch straps are definitely to be considered for the nature lover but it is worth mentioning that they are also great for people that love fashionable watches. There are various different Zulu straps that

14 items

#### Strap

- All
  - 16mm
  - 18mm Short
  - 19mm
  - S. Short
  - 18mm
  - Titanium Bracelet
  - 20mm
  - Rubber Deployant
  - 21mm
  - 22mm
  - 24mm
  - 26mm
  - 20mm Short
  - 22mm Short
- #### Color
- All
  - Black
  - Blue
  - Gray
  - Green
  - Olive
  - Orange
  - Red
  - White
  - Yellow
- #### Category
- All
  - Heavy Duty

 <p><b>ZULUZ STRAP</b> US\$14.00 Army Green ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b> US\$15.00 Black Heavy Duty ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b> US\$14.00 Black ZULUZ Nylon Strap</p>
 <p><b>ZULUZ STRAP</b> US\$14.00 Gray ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b> US\$14.00 Green Red ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b> US\$14.00 James Bond ZULUZ Nylon Strap</p>
		

Swanson, Marlie  
RE: 86645664  
Do you want the Applicant Request for Remand dated 10/04/2016 in TTABVue to be uploaded in TCRS as AAU?

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Heavy Duty

James Bond Military

Ocean Two Vintage

Camouflage

SEARCH

<p><b>ZULUZ STRAP</b></p> <p><b>US\$16.00</b></p> <p>Orange Heavy Duty ZULUZ Nylon Strap</p>	<p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Orange ZULUZ Nylon Strap</p>	<p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Pink ZULUZ Nylon Strap</p>
 <p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Racing Green ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Red Black ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Regimental Blue ZULUZ Nylon Strap</p>
 <p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Signal Red ZULUZ Nylon Strap</p>	 <p><b>ZULUZ STRAP</b></p> <p><b>US\$14.00</b></p> <p>Sporty Yellow ZULUZ Nylon Strap</p>	

Swanson, Marlie  
RE: 86642664  
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# GNOMON WATCHES

Watches Accessories Servicing Contact

AUTHORISED DEALER

EXTRA 180 DAYS WARRANTY

WORLDWIDE SHIPPING

275 items

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### Price (US)

- All  Below US\$500
- US\$500 - US\$1000
- US\$1000 - US\$2000
- US\$2000 - US\$3000
- Above US\$3000

### Type

- All  50 ATMOS
- Ceramic  Ocean Two
- Tiger  Top 10 Diver
- Top 10 Pilot
- Top Choices  24 Hour
- Black Case
- Steinhart Ocean



**US\$4,980.00**  
101 ATMOS Black -  
2002LUX - Limited  
Edition



**US\$4,300.00**  
20 ATMOS 18K  
Yellow Gold - 1545YG



**US\$550.00**  
20 ATMOS Blueray -  
1545 - Domed  
Sapphire - SEL  
Bracelet - MK2



**US\$510.00**



**US\$550.00**



**US\$550.00**

- Chronograph
- Diver Watch GMT
- Limited Edition Pilot
- Scratch Resistant
- Submariner
- Time Only
- Time and Date
- Unique

SEARCH

20 ATMOS Classic - 1545 - SEL Bracelet - MK2



US\$510.00

20 ATMOS MAXI - 1545 - SEL Bracelet - MK2

20 ATMOS Classic DLC - 1545 - SEL Bracelet



US\$550.00

20 ATMOS MILITAIRE - 1545 - SEL Bracelet - MK2

20 ATMOS Heritage - 1545 - SEL Bracelet - MK2



US\$550.00

20 ATMOS MINT - 1545 - Domed Sapphire - SEL Bracelet - MK2



US\$510.00

20 ATMOS Root Beer - 1545 - SEL Bracelet - MK2



US\$710.00

30 ATMOS Black GMT Ceramica - SEL Bracelet



US\$690.00

30 ATMOS PEPCI GMT - SEL Bracelet





US\$829.00  
50 ATMOS Black -  
1521 - 026/A



US\$859.00  
50 ATMOS Black  
Opaco - Super Matte



US\$829.00  
50 ATMOS Blue -  
1521 - 026/BLU

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 <p>Gold Round Watch with Double Wrap Strap - Green</p>	 <p>Gold Round Watch with Double Wrap Strap - Blue</p>	 <p>Gold Round Watch with Double Wrap Strap - Orange</p>	 <p>Gold Round Watch with Double Wrap Strap - Brown</p>



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