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UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Iowa Venture Capital Co-Investment Fund, LLC
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Serial No. 97558604
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Wendy K. Marsh of Nyemaster Goode, P.C.,
for Iowa Venture Capital Co-Investment Fund, LLC.

Bria Stephens, Trademark Examining Attorney, Law Office 122,
Kristin Dahling, Managing Attorney.

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Before Adlin, Dunn and Lebow,
Administrative Trademark Judges.

Opinion by Lebow, Administrative Trademark Judge:

Applicant, Iowa Venture Capital Co-Investment Fund, LLC, seeks to register the mark INNOVENTURE IOWA (in standard characters) on the Principal Register for “Venture capital financing and advisory services in the fields of bioscience, advanced manufacturing and information technology” in International Class 36.¹

¹ Application Serial No. 97558604 (“the Application”) was filed on August 22, 2022 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s allegation of a bona fide intention to use the mark in commerce.

The Trademark Examining Attorney has refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark, when used on or in connection with the identified services, is likely to cause confusion with the marks TGH INNOVENTURES and TAMPA GENERAL HOSPITAL INNOVENTURES, both in standard characters and registered on the Principal Register for "Financial services, namely, providing venture capital, development capital, and investment funding in the field of healthcare" in International Class 36.²

After the refusal was made final, Applicant filed an appeal. For the reasons discussed below, we affirm the refusal.

I. Likelihood of Confusion

Section 2(d) of the Trademark Act provides that a mark may be refused registration if it:

[c]onsists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive....

15 U.S.C. § 1052(d), quoted in *In re Charger Ventures LLC*, 64 F.4th 1375, 2023 USPQ2d 451, *2 (Fed. Cir. 2023).

To determine whether there is a likelihood of confusion between marks under Section 2(d), we analyze the evidence and arguments under the factors set forth in *In*

TTABVUE and Trademark Status and Document Retrieval ("TSDR") citations in this opinion refer to the docket and electronic file database for the involved application and are to the downloadable .PDF version of the documents.

² Registration Nos. 6907931 (TGH INNOVENTURES) and 6907935 (TAMPA GENERAL HOSPITAL), issued November 22, 2022, to Florida Health Sciences Center, Inc.

re E. I. duPont deNemours & Co., 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (the “*DuPont* factors”), cited in *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 135 S. Ct. 1293, 191 L. Ed. 2d 222, 113 USPQ2d 2045, 2049 (2015). “Whether a likelihood of confusion exists between an applicant's mark and a previously registered mark is determined on a case-by-case basis, aided by application of the thirteen *DuPont* factors.” *Omaha Steaks Int’l, Inc. v. Greater Omaha Packing Co.*, 908 F.3d 1315, 128 USPQ2d 1686, 1689 (Fed. Cir. 2018). We consider each *DuPont* factor for which there is evidence and argument. *In re Guild Mortg. Co.*, 912 F.3d 1376, 129 USPQ2d 1160, 1161-62 (Fed. Cir. 2019). “The likelihood of confusion analysis considers all *DuPont* factors for which there is record evidence but may focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods.” *In re i.am.symbolic, LLC*, 866 F.3d 1315, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017) (internal punctuation omitted).

A. Relatedness of the Services, Channels of Trade, and Classes of Customers

The second *DuPont* factor concerns the “similarity or dissimilarity and nature of the goods or services as described in an application or registration...,” and the third *DuPont* factor concerns the “similarity or dissimilarity of established, likely-to-continue trade channels.” *DuPont*, 177 USPQ at 567; *Stone Lion Cap. Partners, LP v. Lion Cap. LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014). A proper comparison of the goods “considers whether ‘the consuming public may perceive [the respective goods or services of the parties] as related enough to cause confusion about the source or origin of the goods and services.’” *In re St. Helena Hosp.*, 774 F.3d 747,

113 USPQ2d 1082, 1086 (Fed. Cir. 2014) (quoting *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002)).

Again, Applicant's identified services are

Venture capital financing and advisory services **in the fields of bioscience, advanced manufacturing and information technology,**

and Registrant's identified services are

Financial services, namely, providing venture capital, development capital, and investment funding **in the field of healthcare.**

(emphasis added).

As shown, both Applicant and Registrant offer venture capital services, including financing or funding, under their respective marks. However, Applicant limits its venture capital services to the fields of "bioscience, advanced manufacturing and information technology," and Registrant limits its venture capital services to the field of "healthcare." The question is whether these specific types of venture capital services are related.

Because medicine is a life science, a synonym for "bioscience" in Applicant's services, and because medicine and healthcare, as listed in Registrant's services, both involve the maintenance of health, we find that the venture capital services in the fields of healthcare and bioscience overlap.

We take judicial notice of the following definitions:³

³ All definitions from *Merriam-Webster.com Dictionary*, <https://www.merriam-webster.com/dictionary/>. Accessed 1 April 2024. The Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed format or have

Bioscience (noun)
: BIOLOGY sense 1
also: LIFE SCIENCE

Healthcare (noun)
efforts made to maintain, restore, or promote someone's physical, mental, or emotional well-being especially when performed by trained and licensed professionals

Life science (noun)
: a branch of science (such as biology, medicine, and sometimes anthropology or sociology) that deals with living organisms and life processes , usually used in plural

Medicine (noun)
: the science and art dealing with the maintenance of health and the prevention, alleviation, or cure of disease

The application and registrations themselves may provide evidence of the relationship between the goods. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002); *Merritt Foods v. Associated Citrus Packers, Inc.*, 222 USPQ 255 (TTAB 1984).

The Examining Attorney argues that the respective services “are closely related, if not overlapping, as both applicant and registrant provide venture capital services in potentially overlapping fields such as healthcare and information technology.”⁴ In addition, she contends the services are related because “venture capital services are often provided to a broad swath of industries without regard to any particular industry....”⁵ In support of this this contention, she submitted Internet evidence in

regular fixed editions. *In re Cordua Rests. LP*, 110 USPQ2d 1227, 1229 n.4 (TTAB 2014), *aff'd*, 823 F.3d 594, 118 USPQ2d 1632 (Fed. Cir. 2016).

⁴ 6 TTABVUE 5-6 (Examining Attorney’s Brief).

⁵ *Id.* at 6.

the nature of printouts from third-party websites to show that the same entity often provides venture capital financing services to the same industries Applicant and Registrant focus upon. For example, as highlighted by the Examining Attorney:

- Growthink Capital (growthinkcapital.com)⁶ offers “capital raising services for companies of all types and sizes, across industries, and both domestically and globally.” Its website provides case examples of its assistance to companies in the healthcare industry and various other industries, including the electric vehicle, software engineering, truck manufacturing, craft coffee, dental, laboratory supply, architectural, construction, creative artists, fitness, pharmaceutical, telecommunications, industrial process analytical technology, batch control and automation technology, and hotel and casino industries.

- Alumni Ventures (av.vc/investors),⁷ which asserts on its website that it is the “#1 most active venture firm in the U.S.” and has raised \$1.25B+ in capital since founded in 2014, provides venture capital across a variety of industries including the healthcare and technology industries, with funds such as “AI Fund,” “Deep Tech Fund” and “Healthtech Fund” in its portfolio.

- Paladin Capital Group (paladincapgroup.com),⁸ which offers venture capital services in various fields, including bioscience, information technology, and healthcare, asserts on its website that since 2001, it “has been a value-add partner to

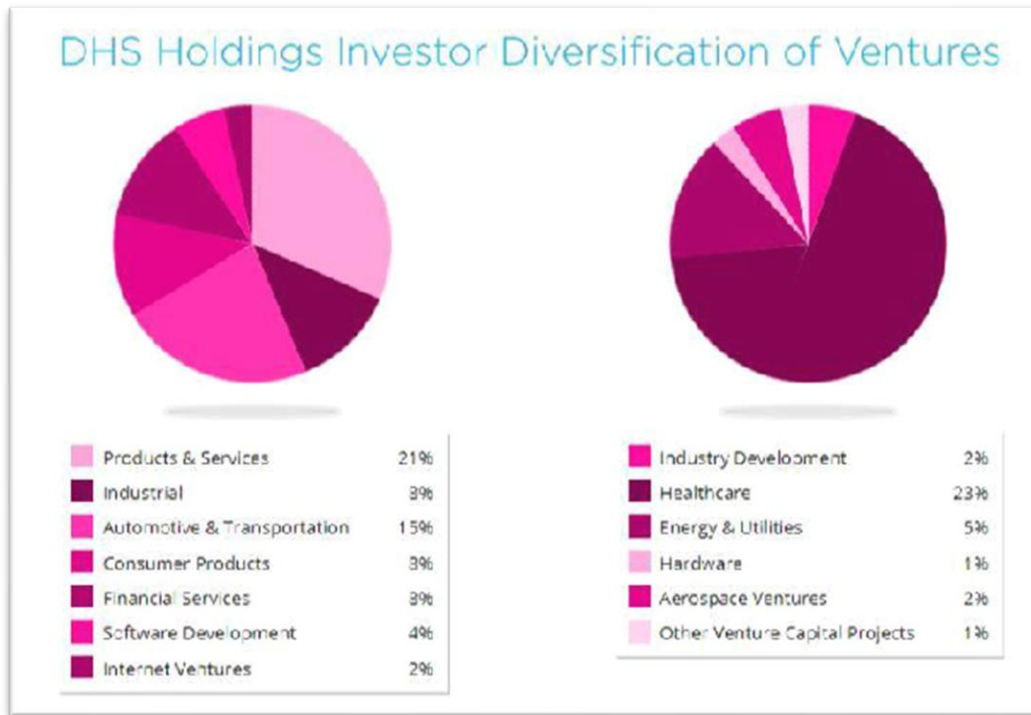
⁶ June 8, 2023 Office Action, TSDR 21-30.

⁷ *Id.* at 37-46.

⁸ *Id.* at 50-55.

some of the world’s most promising companies, including those in sectors such as cyber security, telecommunications, life sciences, structures finance, and alternative energy.”

• DHS (dhventures.com)⁹ offers venture capital financing across a variety of industries: “Since 1984, we have completed more than 940 primary and add-on investments across a broad array of investment types, business life cycles, industries and geographies.” As shown below, these industries include “software development,” “Internet ventures” and “healthcare”:



• Silicon Valley Bank (svb.com)¹⁰ offers venture capital financing across a variety of industries specifically highlighting “technology and healthcare companies”:

⁹ July 13, 2023 Final Office Action, TSDR 80-96.

¹⁰ July 27, 2023 Reconsideration Letter, TSDR 21-33.

Venture-Funded

We bank nearly half of all US venture-backed startups, and 44% of the US venture-backed technology and healthcare companies that went public in 2022 are SVB clients.*

Internet evidence such as this may be probative of relatedness. *Made in Nature, LLC v. Pharmavite, LLC*, 2022 USPQ2d 557, at *46 (TTAB 2022) (third-party websites promoting sale of both parties' goods or services showed relatedness). See also *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1355-56 (TTAB 2015) (relatedness found where Internet evidence demonstrated goods commonly emanated from the same source under a single mark); *Hewlett-Packard*, 62 USPQ2d at 1004 (stating that evidence that "a single company sells the goods and services of both parties, if presented, is relevant to a relatedness analysis").

The foregoing evidence provided by the Examining Attorney shows that venture capital companies often provide their venture capital financing services across a variety of fields, including the bioscience, information technology, and healthcare fields that are specifically targeted by Applicant and Registrant. While Applicant and Registrant have restricted the scope of their services to particular fields in their respective Application and Registration, the relevant consumers are likely not aware of this and even if they were, that would not prevent confusion where venture capital firms are known to serve entities in Applicant's and Registrant's limited fields under the same marks. Accordingly, regardless of the fact that the Application and

Registration are restricted to certain fields, consumers would consider Applicant's and Registrant's services to be related.

Applicant, for its part, asserts that "the services of the marks are distinguishable" but does indicate how or why.¹¹ Applicant also contends that the channels of trade and customers for Applicant's and Registrant's venture capital financing services are distinguishable, but again does not explain.¹² Nevertheless, the same third-party evidence submitted by the Examining Attorney showing that the types of venture capital services identified in the Application and Registration overlap and are commercially related, also shows that these venture capital financing services are often offered in the same trade channels to the same classes of consumers.

The second and third *DuPont* factors weigh in favor of finding a likelihood of confusion.

B. Similarity or Dissimilarity of the Marks

Under the first *DuPont* factor, we determine the similarity or dissimilarity of Applicant's and Registrant's marks in their entireties, taking into account their appearance, sound, connotation and commercial impression. *DuPont*, 177 USPQ at 567. "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) *aff'd* 777 Fed. Appx. 516 (Fed. Cir. 2019) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)).

¹¹ 4 TTABVUE 12 (Applicant's Brief).

¹² *Id.* at 13.

The Examining Attorney argues that Applicant's INNOVENTURE IOWA mark is confusingly similar to Registrant's TGH INNOVENTURES and TAMPA GENERAL HOSPITAL INNOVENTURES marks because they "all feature the same distinctive term INNOVENTURE in singular or plural form" which is "dominant" and "creates a similar overall commercial impression in all of the marks at issue."¹³ She acknowledges the differences in the marks, including "[t]he geographically descriptive terms IOWA in applicant's mark and TAMPA GENERAL HOSPITAL in one of registrant's marks," but contends they "do[] not obviate the similarity in the marks the distinctive shared 'INNOVENTURE' term creates."¹⁴ As to "the letters 'TGH' appended to registrant's other 'INNOVENTURE' mark," the Examining Attorney asserts that they "do not detract from the confusingly similar nature of the marks at issue."¹⁵

Applicant, for its part, argues that these differences are important in distinguishing the marks. First, asserts Applicant, its mark "is distinguished by virtue of the addition of the distinguishing wording 'IOWA' at the end of the mark," whereas the cited marks "include 'TGH' and 'TAMPA GENERAL HOSPITAL', respectively, at the beginning of each of these marks."¹⁶ "Thus, here consumers are more likely to focus on different components of the marks...."¹⁷ We disagree. As the

¹³ 6 TTABVUE 4-5 (Examining Attorney's Brief).

¹⁴ *Id.* at 4.

¹⁵ *Id.*

¹⁶ 4 TTABVUE 11 (Applicant's Brief).

¹⁷ *Id.*

Examining Attorney notes, “[d]isclaimed matter that is descriptive or geographically descriptive of a party’s goods and/or services is typically less significant or less dominant when comparing marks,”¹⁸ even where it comes first. *See e.g. Monster Energy Co. v. Lo*, 2023 USPQ2d 87, at *33 (TTAB 2023) (“disclaimed and descriptive terms may be considered less significant features of the mark, even when they appear first”); *Double Coin Holdings Ltd. v. Tru Dev.*, 2019 BL 504730 (TTAB 2019) (ROAD WARRIOR likely to be confused with WARRIOR in stylized form); *Anheuser-Busch, LLC v. Innovopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1815 (TTAB 2015) (“the dominant part of Applicant’s mark [WINEBUD] is clearly ‘BUD’”); *In re RiseSmart, Inc.*, 104 USPQ2d 1931, 1935 (TTAB 2012) (finding “ASSURANCE” to be the dominant part of the marks TALENT ASSURANCE and JOB ASSURANCE because “the additional words TALENT and JOB are merely descriptive” of the applicant’s personnel/employment placement, recruitment and counseling services).

Applicant asserts, “as a further point of distinction between the marks,” that “while [its] mark uses INNOVENTURE in singular form, the Cited Marks use INNOVENTURES as plural.” However, we do not find this difference to meaningful. *See e.g., Wilson v. Delaunay*, 245 F.2d 877, 114 USPQ 339, 341 (CCPA 1957) (“It is evident that there is no material difference, in a trademark sense, between the singular and plural forms of the word 'Zombie' and they will therefore be regarded here as the same mark.”); *Swiss Grill Ltd., v. Wolf Steel Ltd.*, 115 USPQ2d 2001, 2011 n.17 (TTAB 2015) (SWISS GRILL and SWISS GRILLS are virtually identical marks

¹⁸ 6 TTABVUE 4 (Examining Attorney’s Brief).

and confusingly similar); *Chicago Bears Football Club v. 12th Man/Tennessee LLC*, 83 USPQ2d 1073, 1077 (TTAB 2007) (“[W]e cannot attribute much trademark significance to the difference in the plural and singular form of the word ‘Bear’ in the marks”).

For the reasons discussed above, we find that INNOVENTURE – which has “no apparent dictionary definition”¹⁹ – is the dominant term in Applicant’s mark. It appears first, and the remaining term IOWA is geographically descriptive and therefore not source-identifying. The term INNOVENTURES is dominant in Registrant’s mark TAMPA GENERAL HOSPITAL INNOVENTURES because the remaining wording is geographically descriptive. Although the first term in a mark is often dominant, this is not invariably the case. *See Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 USPQ2d 1043, 1059 (TTAB 2017) (“[T]here is no mechanical test to select the dominant element of a mark.”).

Overall, we find that while Applicant’s mark and Registrant’s marks have certain differences in appearance, sound, connotation, and commercial impression, they are more similar than dissimilar when compared in their entireties.

The first *DuPont* factor weighs in favor of finding a likelihood of confusion.

C. Strength or Weakness of INNOVENTURES

Under the fifth and sixth *DuPont* factors, we consider the strength of the cited registered mark, and the extent to which that strength may be attenuated by “[t]he number and nature of similar marks in use on similar goods.” *DuPont*, 177 USPQ at

¹⁹ 4 TTABVUE 13 (Applicant’s Brief).

567. A mark's strength varies along a spectrum from very strong to very weak, *Joseph Phelps Vineyards, LLC v. Fairmont Holdings, LLC*, 857 F.3d 1323, 122 USPQ2d 1733, 1734 (Fed. Cir. 2017), measured in terms of its conceptual and commercial strength. *In re Chippendales USA Inc.*, 622 F.3d 1346, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010) (“A mark's strength is measured both by its conceptual strength (distinctiveness) and its marketplace strength ...”), *quoted in Advance Mag. Publishers, Inc. v. Fashion Elecs., Inc.*, 2023 USPQ2d 753, *9 (TTAB 2023).

In ex parte appeals, where the owner of the cited registration is not a party, the Examining Attorney is not expected to adduce evidence of the cited registered mark's strength or “fame,” and the fifth *DuPont* factor is, in consequence, treated as neutral. *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1086 (TTAB 2016). Nonetheless, the applicant in such an appeal may seek to contract the cited mark's scope of protection by adducing evidence of “[t]he number and nature of similar marks in use on similar goods.” *DuPont*, 177 USPQ at 567. This evidence usually takes the form of websites or other materials displaying third-party marks. An Applicant adduces such evidence because “[t]he weaker [a Registrant's] mark, the closer an applicant's mark can come without causing a likelihood of confusion and thereby invading what amounts to its comparatively narrower range of protection.” *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1674 (Fed. Cir. 2015), *quoted in Monster Energy Co. v. Lo*, 2023 WL 417620, 2023 USPQ2d 87, *19 (TTAB 2023).

In this case, Applicant argues, “while there is no apparent dictionary definition for the term ‘innoventure,’ the evidence of record indicates it has become a buzz term

in the venture capital industry as a merged term for ‘innovation’ combined with ‘venture.’”²⁰ For support, Applicant points to four third-party registrations for INNOVENTURE-formative marks on the Principal Register, including the two already cited by the Examining Attorney.²¹

The two additional registrations Applicant submits are for INNOVENTURES and NORTH SHORE INNOVENTURES, both in standard characters and owned by the same entity for “Rental of laboratory space for business incubation of biotechnology and clean technology early stage companies” in Class 36.²² As the sixth *DuPont* factor specifies, however, we look to the number and nature of similar marks in use on **similar** services. *DuPont*, 177 USPQ at 567. Because there is no evidence of similarity between venture capital financing or funding and the rental of laboratory space for biotechnology or clean technology early-stage companies, the two third-party registrations offered by Applicant are not probative of the strength or weakness of the term INNOVENTURE as applied to venture capital financing.

Applicant also points to its ownership of a registration for the mark THE IOWA INNOVATION FUND for “Charitable fundraising services” in Class 36.²³ However, the mark in this registration is also not probative. Not only are charitable fundraising services dissimilar to venture capital financing, the mark does not even include the

²⁰ *Id.*

²¹ *Id.*

²² Registration Nos. 3931681 and 4269537; renewed. July 12, 2023 Response to Office Action, TSDR 9-12.

²³ *Id.* at 7-8; July 27, 2023 Request for Reconsideration, TSDR 4.

term INNOVENTURE.

Finally, Applicant submits printouts from several third-party websites where, according to Applicant, “the website owners use the word ‘INNOVENTURE’ as part of a trademark in connection with innovation/venture-related goods/services”:²⁴

- Innoventure Labs (innoventurelabs.org),²⁵ describes itself on its website as “a non-profit technology incubator helping early stage biotech and cleantech companies increase [the] probability of success.” It provides “facilities” and “programming” for companies.
- Innoventure Partners (innoventurepartners.com)²⁶ “is a strategic investment and multi-asset funds management firm.”
- Innoventure at New Mexico State University (arrowheadcenter.org/program/innoventure)²⁷ “is Arrowhead Center’s K-12 entrepreneurship education program. Innoventure participants learn problem-solving, goal-setting, communication, public speaking, teamwork, decision-making, ethics, and financial literacy.”
- Innoventure Fintech (innoventurefintech.com)²⁸ is an Indian company that offers “digital marketing strategies” and “cloud software development services” for businesses. This is an Indian company, though the website lists an address in Virginia Beach, Virginia after listing its New Delhi and Dubai offices.
- Pitchbook (pitchbook.com)²⁹ lists a company, Innoventures, which is a

²⁴ 4 TTABVUE 14 (Applicant’s Brief).

²⁵ July 22, 2023 Request for Reconsideration, TSDR 8-13. An “incubator” is “[a] place or situation that permits or encourages the formation and development, as of new ideas” and “[a]n organization that provides new businesses with technical and support services and usually low-cost office space or infrastructure.” THE AMERICAN HERITAGE DICTIONARY <https://www.ahdictionary.com/word/search.html?q=incubator> (accessed March 27, 2023). “The Board may take judicial notice of dictionary definitions, including online dictionaries, definitions in technical dictionaries and translation dictionaries that exist in printed format, and we elect to do so here.” *In re Omniome, Inc.*, 2020 USPQ2d 3222, at *2 n.17 (TTAB 2019).

²⁶ *Id.* at 14.

²⁷ *Id.* at 16-25; 69-71.

²⁸ *Id.* at 26-36.

²⁹ *Id.* at 37-41.

“Provider of incubation services intended to offer valuable experience in running efficient and effective operations from the start-up phase through commercialization and acquisition.”

- Crunchbase (crunchbase.com)³⁰ lists a Japanese company, Innoventure (innoventure.co.jp), which “provides marketing services by purchasing and selling access to inventory and services surplus in order to maintain brand value.”
- Innoventure (tata-steel-innoventure.incubatehub.com) is another Japanese company in Tata Steel’s “flagship start up engagement program” through which the company collaborates with start ups and external agencies to address challenges in the steel value chain and other identified interest areas through technological interventions. However, there is no information indicating that this company does business in the United States under this mark.

From this list, we may disregard the references to Innoventure (Japan) and Innoventure of Tata-Steel (Japan), since these are foreign companies and we have no evidence that they actually operate in the United States. We also discount the evidence from Innoventure Labs, which provides incubation space for companies, as well as the evidence from Innoventure at New Mexico State University which provides K-12 educational services, as neither of these examples pertains to venture capital financing or funding. The sole remaining reference is the one for Innovation Partners, which apparently provides some type of investment service, though Applicant’s evidence is sparse and does not provide any details relating to this company.

Overall, the third-party use evidence provided by Applicant is “a far cry from the large quantum of evidence of third-party use and third-party registrations that was

³⁰ *Id.* at 42-45.

held to be significant” in the Federal Circuit’s decisions in *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129, 1136 (Fed. Cir. 2015) and *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1674 Fed. Cir. 2015)). *Cf. TPI Holdings, Inc. v. TrailerTrader.com, LLC*, 126 USPQ2d 1409, 1427-28 n.92 (TTAB 2018) (67 third-party registrations and numerous uses of TRADER-formative marks showed that the formative was weak and could not form the basis of petitioner’s claimed family of marks).

The cited mark is registered on the Principal Register without a claim of acquired distinctiveness, and must be treated as inherently distinctive. 15 U.S.C. § 1057(b). *Monster Energy v. Lo*, 2023 USPQ2d 87, at *20; *In re Fiesta Palms LLC*, 85 USPQ2d 1360, 1363 (TTAB 2007). Applicant’s evidence does nothing to contract or attenuate the strength of Registrant’s mark, conceptually or commercially. We thus accord the registered mark the normal scope of protection accorded to inherently distinctive marks.

D. Conclusion

We have considered the arguments and evidence of record. Assigning appropriate weight to the relevant *DuPont* factors, we find that Applicant’s and Registrant’s marks are more similar than different; their respective services are related and travel in some of the same channels of trade to the same classes of consumers; and Registrant’s mark is not weakened by the evidence of third-party use or registration. We accordingly find a likelihood of confusion under Section 2(d), 15 U.S.C. § 1052(d).

Decision: The refusal to register is affirmed under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).