

From: Agosto, Giselle

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Subject: U.S. Trademark Application Serial No. 87278146 - SKINNYDIP - SKD-03 - Request for Reconsideration Denied - Return to TTAB

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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. 87278146

Mark: SKINNYDIP

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Applicant: Skinnydip Limited

Reference/Docket No. SKD-03

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REQUEST FOR RECONSIDERATION
AFTER FINAL ACTION
DENIED

Issue date: April 09, 2020

This is further to the February 6, 2020 request for reconsideration.

Applicant's request for reconsideration is denied. See 37 C.F.R. §2.63(b)(3). The trademark examining attorney has carefully reviewed applicant's request and determined the request did not:

(1) raise a new issue, (2) resolve all the outstanding issue(s), (3) provide any new or compelling evidence with regard to the outstanding issue(s), or (4) present analysis and arguments that were persuasive or shed new light on the outstanding issue(s). TMEP §§715.03(a)(ii)(B), 715.04(a).

Accordingly, the following requirement(s) and/or refusal(s) made final in the Office action dated August 6, 2019 are **maintained and continued**:

- Section 2d refusal based on Reg. No. 4819820

See TMEP §§715.03(a)(ii)(B), 715.04(a).

The marks are confusingly similar because they share terms in common and they both convey the same connotation or commercial impression. Where the marks of the respective parties are identical or virtually identical, as in this case, the degree of similarity or relatedness between the goods and/or services needed to support a finding of likelihood of confusion declines. See *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015) (citing *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993)), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); TMEP §1207.01(a). In this case, the record includes evidence supporting the conclusion that the parties' goods and services are closely related since they all operate in the field of cosmetics and beauty. Therefore, the examining attorney hereby incorporates by reference the arguments presented in the final Office Action of August 6, 2019 and maintains the likelihood of confusion refusal concluding that upon seeing SKINNYDIP and SKIN~E~DIP for closely related cosmetics and beauty products and beauty services, consumers would be confused as to the source of the goods and services.

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

If applicant has not filed an appeal and time remains in the six-month response period, applicant has the remainder of that time to (1) [file another request for reconsideration](#) that complies with and/or overcomes 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). Filing 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(c).

/Giselle Agosto-Hincapie/

Examining Attorney Advisor

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