

This Opinion is Not a
Precedent of the TTAB

Mailed: June 7, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Shin-Kyu Choi
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Serial No. 87386932
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Diane J. Mason of Drinker Biddle & Reath LLP,¹
for Shin-Kyu Choi.

Alison Keeley, Trademark Examining Attorney, Law Office 113,
Myriah Habeeb, Managing Attorney.

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Before Cataldo, Bergsman, and Coggins,
Administrative Trademark Judges.

Opinion by Coggins, Administrative Trademark Judge:

Shin-Kyu Choi (“Applicant”) seeks registration on the Principal Register of the
mark PRINCE KONG (in standard characters) for:

board games; arcade video game machines; game
apparatus for playing action type target games sold as a
unit; nets for ball games; hand-held, non-electronic skill
games; video game machines; toys namely, soft dolls,

¹ Counsel’s change of correspondence address, filed May 10, 2019 in the electronic application file, is noted. A separate notice of the change of address should have been filed with the Board using ESTTA. TBMP § 117.07 (2018). To expedite this matter, a copy of the change of address has been placed in the electronic appeal file. See 11 TTABVUE. It should be noted that the domestic representative address was not changed; a different TEAS form is required for that.

puzzles, balloons, return top toys, toy figures attachable to pencils, rubber balls, children's multiple activity toys, basketballs, bath toys, baseballs, beach balls, collectible toy figures, dolls, doll accessories, doll playsets, electric action toys, equipment sold as a unit for playing card games, footballs, mechanical toys, toy mobiles, toy vehicles, toy watches, and toy weapons; dolls; playing cards; card games; skis; snowboards; baseball gloves; athletic sporting goods, namely, athletic wrist, ankle and joint supports; shoulder pads for athletic use; elbow guards for athletic use; shin guards for athletic use; knee guards for athletic use; ascenders being mountaineering equipment; climbers' harness; golf bags with or without wheels; golf balls; golf gloves; golf equipment namely, balls, clubs, gloves, club covers; toy bicycles, namely, toy bicycles other than for transport; toy scooters; athletic protective wrist pads for skating; athletic protective elbow pads for skating; athletic protective knee pads for skateboarding; athletic protective arm pads for skating; toy roller skates; Christmas tree ornaments and decorations, except confectionery and electric Christmas tree lights; butterfly nets; fishing tackle; twirling batons; ride-on toys; chess games; in International Class 28.²

The Trademark Examining Attorney refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark PRINCE KONG, as applied to the goods identified in the application, so resembles the mark



for, inter alia,

electronic action toys; playthings, being action figures and accessories therefor; plush toys; balloons; bathtub toys; ride-on toys; equipment sold as a unit for playing cards; toy vehicles; dolls; flying discs; hand-held unit for playing electronic games; board games; card games; manipulative games; action skill games; stand alone video output game machines; jigsaw and manipulative puzzles; paper face

² Application Serial No. 87386932 filed on March 27, 2017, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon Applicant's allegation of a bona fide intention to use the mark in commerce.

masks; skateboards; ice skates; water squirting toys; water toys; kickboard flotation devices for recreational use; surfboards; swim boards for recreational use; swim fins; Christmas tree ornaments; paper party favors in the nature of small toys; paper party hats; playing cards; video game joysticks; video game machines for use with televisions, computer game consoles for use with an external display screen or monitor; all excluding pet toys, in international class 28;



owned by one registrant (the First Registrant);³ and the mark  for, inter alia,

bicycles, bicycle structural parts and fittings, namely, bicycle frames, bicycle saddles, bicycle seats, mudguards, gear protectors, bicycle chains, forks, springs, wheel rims, spokes for bicycle wheels, tyres, inner tubes for bicycles, casings for pneumatic tires, luggage carriers for bicycles, bicycle stands, bottom bracket wheel bearings for bicycles; in International Class 12; and

body protectors for bicycle sports, namely, protectors for the genital area, neck braces, namely, protectors for the neck vertebrae, wrist protectors, shoulder protectors, chest protectors, back protectors, knee protectors, elbow protectors, knuckle protectors, and hip protectors, in International Class 28;

owned by a different registrant (the Second Registrant);⁴ as to be likely to cause confusion, to cause mistake, or to deceive. When the refusal was made final, Applicant

³ Registration No. 4725954, issued April 28, 2015. The registration contains the following statements: “Color is not claimed as a feature of the mark. The mark consists of the stylized wording ‘KING KONG’ inside a shaded rectangle with the ‘I’ in the nature of a skyscraper and designs of small building windows throughout the words.” Additional classes of goods in the registration were not cited by the Examining Attorney.

⁴ Registration No. 4903289, issued February 23, 2016. The registration contains the following statements: “Color is not claimed as a feature of the mark. The mark consists of the wording ‘KING KONG’ appearing in stylized lettering with ‘KING’ appearing above ‘KONG’.” Additional classes of goods in the registration were not cited by the Examining Attorney.

appealed and requested reconsideration, which was denied. We affirm the refusal to register.

I. Likelihood of Confusion

Our determination under Section 2(d) is based on an analysis of all probative facts in evidence that are relevant to the factors bearing on the likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973); *see also In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). In any likelihood of confusion analysis, however, two key considerations are the similarities between the marks and the similarities between the goods. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”).

A. Similarity of the Goods, Channels of Trade, and Classes of Customers

We first consider the second and third *du Pont* factors, the similarity of the goods, channels of trade, and classes of customers. We must make our determinations under these factors based on the goods as they are identified in the application and cited registration. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *In re Dixie Rests. Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1534 (Fed. Cir. 1997); *Octocom Sys., Inc. v. Hous. Comput. Servs. Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

The First Registrant's goods include balloons, bathtub toys, dolls, electronic action toys, playing cards, ride-on toys, and Christmas tree ornaments. These goods are identical to Applicant's balloons, bath toys, dolls, electric action toys, playing cards, ride-on toys, and Christmas tree ornaments.⁵

The Second Registrant's goods include various body protectors for bicycle sports (i.e., for the genitals, neck, wrist, shoulder, chest, back, knee, elbow, knuckle, and hip). Applicant's goods include athletic wrist, ankle and joint supports; shoulder pads, and elbow, shin, and knee guards, all for athletic use; and athletic protective wrist, elbow, knee, and arm pads for skating. The broadly identified elbow and knee guards for athletic use in the application encompass the more narrowly identified elbow and knee protectors for bicycle sports in the Second Registrant's identification. *See In re Hughes Furniture Indus., Inc.*, 114 USPQ2d 1134, 1137 (TTAB 2015) ("Applicant's broadly worded identification of 'furniture' necessarily encompasses Registrant's narrowly identified 'residential and commercial furniture.'").

To the extent indicated, the identified goods in the application are identical or legally identical to the goods in the registrations. In its appeal brief, Applicant does not dispute that its goods are in-part identical to (or encompass) the First Registrant's or Second Registrant's goods. Given the legal identity of the goods in part, and the lack of restrictions or limitations in the application and the two cited registrations as

⁵ Because the identifications of goods are in part identical, we need not discuss the similarity of all of Applicant's goods because it is sufficient for a finding of likelihood of confusion if relatedness is established for any item encompassed by the identification of goods within a particular class in the application. *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981); *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126, n.5 (TTAB 2015); *Apple Comput. v. TVNET.Net, Inc.*, 90 USPQ2d 1393, 1398 (TTAB 2007).

to their nature, channels of trade, or classes of purchasers, we must presume that the channels of trade and classes of purchasers are also the same. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1518-19 (TTAB 2016); *see also In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (finding Board entitled to rely on this legal presumption in determining likelihood of confusion).

Based on the in-part identical or legally identical goods set forth in the application and the cited registrations, and the overlapping trade channels and classes of purchasers, the *du Pont* factors of the similarity of the goods, channels of trade, and classes of customers weigh heavily in favor of likelihood of confusion.

B. Purported Weakness of KONG and KING KONG

Because the strength of the cited KING KONG marks will inform our comparison of the marks, we address Applicant's claim that the term KING KONG deserves a narrow scope of protection because it "is a diluted and weak mark," and the terms KING KONG (together) and KONG (by itself) "are in wide commercial use."⁶ The Federal Circuit has held that evidence of extensive registration and use of a term by others for similar goods can be "powerful" evidence of the term's weakness. *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. v. Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129, 1136 (Fed. Cir. 2015); *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1674 (Fed. Cir. 2015). If the evidence establishes that the consuming public is exposed to widespread third-party use of similar marks for similar goods, it "is relevant to show that a mark is relatively weak

⁶ Applicant's Brief, p. 3 (7 TTABVUE 7).

and entitled to only a narrow scope of protection.” *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005).

We begin by noting that the wording “King Kong” or “Kong” comprising the cited marks appears to be arbitrary as applied to the goods identified thereby. Aside from a suggestion of strength or durability, there is no evidence of record to indicate that “King Kong” or “Kong” is anything other than a conceptually strong mark. Nevertheless, in support of his position that KING KONG and KONG are diluted and weak, Applicant points to the following, seven third-party registered marks, owned by different parties, identifying goods in Class 28:

Registration No.	Mark	Goods
4580222	KING KONG CLUBHOUSE	Playground equipment, namely, play structures comprised of swingsets, climbers, platforms, jungle gyms, playhouses, gymnastic apparatus and slides
4181982 ⁷	KING KONG	Hunting stands; Treestands for hunting
4725279		Inflatable outdoor products for soccer, basketball, hockey, bowling, boxing, football, and volleyball, being balls, goals backboards, sticks, pins, bags, gloves, goal posts, and nets
4757955	BANANA KONG	Games, toys, kites, puzzles, video games, dolls, and puppets
1331984	DONKEY KONG	Video game cartridges

⁷ Although this registration was listed as “live” when Applicant submitted a TESS copy of the registration with his Request for Reconsideration (at TSDR 36), it was cancelled under Section 8 during the pendency of this appeal.

Registration No.	Mark	Goods
5520072	KONG PONG	Board games, drinking games, game tables, party games, tabletop games
5353459	KONG SPORT	Pet toys, play balls

In this case there is no evidence of third-party usage, there is only a handful of third-party registrations – only two of which contain the full literal element of the cited mark (i.e., KING KONG). Those two third-party registrations are not for the same goods identified in either cited registration, and Applicant has not submitted evidence to show that the goods in those two third-party registrations may be considered “similar” to the goods in either cited registration. *See Omaha Steaks Int’l, Inc. v. Greater Omaha Packing Co.*, 908 F.3d 1315, 128 USPQ2d 1686, 1693-94 (Fed. Cir. 2018) (quoting *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992) and *Weiss Assocs., Inc. v. HRL Assocs., Inc.*, 902 F.2d 1546, 14 USPQ2d 1840, 1842 (Fed. Cir. 1990) (“[T]he ‘relevant *du Pont* inquiry is “[t]he number and nature of similar marks in use on *similar* goods.’”).

The “existence of [third-party] registrations is not evidence of what happens in the market place or that customers are familiar with them.” *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 177 USPQ 268, 269 (CCPA 1973). While there is no minimum number of third-party marks required to show weakness, seven registrations, coupled with no evidence of uses of KING KONG or KONG-formative marks, are a relatively small number compared to the number of such marks in cases that have found weakness based on those marks. *See, e.g., In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (four third-party registrations and no third-party uses

were “a far cry from the large quantum of evidence of third-party use and third-party registrations that was held to be significant” in *Jack Wolfskin* and *Juice Generation*).⁸ *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); *i.am.symbolic*, 123 USPQ2d 1744, 1751 (Fed. Cir. 2017) (where the conflicting marks were identical, evidence of the coexistence of the cited registered mark with two third-party registrations of the same mark for the same or similar goods “falls short of the ‘ubiquitous’ or ‘considerable’ use of the mark components present in” *Jack Wolfskin* and *Juice Generation*). The Federal Circuit has held that “extensive evidence of third-party use and registration ‘is powerful on its face,’ even where the specific extent and impact of the usage has not been established,” *Jack Wolfskin*, 116 USPQ2d at 1136 (quoting *Juice Generation*, 115 USPQ2d at 1674-75), but because there is no such “extensive” evidence here – even stretching for Applicant’s benefit what we might consider similar goods – we must scrutinize the third-party marks carefully to determine whether they show that the terms KING KONG or KONG for the goods in the cited registrations are weak. We find that they do not.⁹

⁸ In *Jack Wolfskin*, there were at least 14 third-party registrations and uses of paw print marks that showed the weakness of that design element in the opposer’s mark, 116 USPQ2d at 1136 n.2, while in *Juice Generation*, there were approximately 26 third-party registrations and uses of marks containing the words “Peace” and “Love” that showed the weakness of those words in the opposer’s marks. 115 USPQ2d at 1673 n.1.

⁹ Moreover, as explained in more detail below, we note that Applicant’s mark PRINCE KONG is closer in similarity to the cited KING KONG marks than are the other KONG-formative

Applicant also points out that, during the prosecution of the application underlying the first cited registration, the First Registrant argued that the term KING KONG was “weak and entitled to a narrow scope of protection.”¹⁰ Applicant implies that the First Registrant’s own comments about the weakness of KING KONG is evidence that the term is, in fact weak, and that therefore, confusion is unlikely. However, to the extent that the First Registrant took a contrary position during prosecution of the application underlying the first cited registration, the First Registrant’s opinion cannot substitute for the Board’s reaching its own ultimate conclusion on the record now before us. *Interstate Brands, Corp. v. Celestial Seasonings, Inc.*, 576 F.2d 926, 198 USPQ 151, 154 (CCPA 1978) (“Under no circumstances, may a party’s opinion, earlier or current, relieve the decision maker of the burden of reaching his own ultimate conclusion on the entire record.”). “That a party earlier indicated a contrary opinion respecting the conclusion in a similar proceeding involving similar marks and goods is a fact, and that fact may be received in evidence as merely illuminative of shade and tone in the total picture confronting the decision maker. To that **limited extent**, a party’s earlier contrary opinion may be considered relevant and competent.” *Id.* (emphasis added). *See also Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, 748 F.2d 669, 223 USPQ 1281, 1283 (Fed. Cir. 1984). While we give such limited weight to the First Registrant’s prior

third-party marks. Applicant’s mark contains PRINCE, a royal formative, while the other marks (with AIR, BANANA, DONKEY, PONG, or SPORT) do not.

¹⁰ Applicant’s Brief, p. 4 (7 TTABVUE 8); December 21, 2017 Response to Office Action at TSDR 14-19; July 18, 2018 Request for Reconsideration at TSDR 104.

statement, we need not be persuaded by it; there is no reason for us to believe that the First Registrant would consider its statements made in 2014 in a different context to be equally applicable to Applicant's present circumstances.

On this record, the cited marks fall in the middle "of the 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), and we accord them a normal scope of protection. The *du Pont* factors assessing the degree of weakness or strength of the registered marks are neutral.

C. Similarity of the Marks

We next consider the first *du Pont* likelihood of confusion factor, which focuses on "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression." *Palm Bay v. Veuve Clicquot*, 73 USPQ2d at 1691 (quoting *du Pont*, 177 USPQ at 567). "The proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties." *Coach Servs. Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012) (quotation omitted). Consumers may not necessarily encounter the marks in close proximity and must rely upon their recollections thereof over time. *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1468 (TTAB 1988). Moreover, where the goods of the applicant and registrants are identical, as they are in-part in this case, the degree of similarity between the marks required to support a finding of likelihood of confusion

is not as great as would be required with diverse goods. *See Bridgestone Ams. Tire Operations, LLC v. Fed. Corp.*, 673 F.3d 1330, 102 USPQ2d 1061, 1064 (Fed. Cir. 2012); *Viterra*, 101 USPQ2d at 1908; *In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010). The focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049 (TTAB 2014); *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009). Here, the average purchaser includes ordinary consumers who purchase or play with toys and dolls, or who purchase and use elbow and knee protectors for bicycle sports.

The First Registrant's mark  is comprised of the literal element KING KONG with design features, and the Second Registrant's mark  is comprised of the literal element KING KONG in stylized form. In its brief, Applicant does not dispute the Examining Attorney's assertion that the wording KING KONG is the dominant element of each cited mark.¹¹ We agree. It has frequently been recognized that where a mark consists of a word and a design, the words generally play a dominant role. *In re Viterra*, 101 USPQ2d at 1908 ("In the case of a composite mark containing both words and a design, 'the verbal portion of the mark is the one most likely to indicate the origin of the goods to which it is affixed.'") quoting *CBS Inc. v. Morrow*, 708 F.2d 1579, 218 USPQ 198, 200 (Fed. Cir. 1983); *In re Dakin's Miniatures*,

¹¹ *See* Examining Attorney's Brief, unnumbered p. 7 (9 TTABVUE 8).

Inc., 59 USPQ2d 1593 (TTAB 2001) (“words are normally accorded greater weight because they would be used by purchasers to request the goods”).

Applicant’s mark is PRINCE KONG, in standard characters.¹²

The record reveals that KING is defined as “a male sovereign,” and PRINCE is defined as “a male member of a royal family . . . especially a son of the monarch” and “a hereditary male ruler; a king.”¹³ Applicant argues that consumers are likely to focus on the first word of the marks, and that while PRINCE “is the key feature of [its] mark,” PRINCE and KING “are distinct in meaning” even though “both terms . . . relate to various forms of monarchical rule.”¹⁴

The record also reveals that “King Kong” is “landmark American monster film”¹⁵ which has been “deemed ‘culturally, historically and aesthetically significant’ by the Library of Congress.”¹⁶ A sequel titled “The Son of Kong” quickly followed the original film.¹⁷ “The character King Kong has become one of the world’s most famous movie icons, having inspired countless sequels, remakes, spin-offs, imitators, parodies, cartoons, books, comics, video games, theme park rides, and a stage play.”¹⁸ In view

¹² It is irrelevant that Registrants’ marks are depicted in a stylized manner because Applicant seeks registration of its mark in standard characters, and could therefore display it in any font style, size or color, including in a manner similar to either Registrant’s display. *In re Viterro Inc.*, 101 USPQ2d at 1909.

¹³ *Ahdictionary.com* (AMERICAN HERITAGE DICTIONARY), June 21, 2017 Office Action at TSDR 17-18

¹⁴ Applicant’s Brief, p. 9 (7 TTABVUE 13).

¹⁵ *Britannica.com*, January 18, 2018 Office Action at TSDR 79.

¹⁶ *Wikipedia.com*, January 18, 2018 Office Action at TSDR 82

¹⁷ *Id.*

¹⁸ *Wikipedia.com*, January 18, 2018 Office Action at TSDR 73.

of this evidence, the commercial impression of the cited marks is the “famous” and “icon[ic]” title character from the “landmark” film: KING KONG. Applicant does not dispute this.¹⁹

The marks have the same structure: two words, the second being KONG. Applicant’s mark is highly similar in appearance, sound, and connotation to both Registrants’ marks to the extent that they share the commonly placed second word KONG which is preceded by the title of a royal male (i.e., either KING or PRINCE). The connotation of Applicant’s mark is similar to the connotation of the cited marks – specifically, because a prince is member of a king’s family, and especially the king’s son, the marks share not only a royal connotation but a direct familial relationship. Moreover, as the evidence reveals, in the film sequel “Son of Kong,” the character King Kong had a son – known as a prince.²⁰ The connotations of the marks move even closer when the “a king” definition is accorded to the word “prince.”

Contrary to Applicant’s assertion that the first words of the marks make them dissimilar, because KING and PRINCE are related and have similar (and in one case identical) meanings, the first words do little to differentiate their appearances, sound, and commercial impressions. When considered in their entirety, the similarities in the marks outweigh their differences. The recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks, *see In re*

¹⁹ Indeed, Applicant admits that “KING KONG’ is a popular and iconic movie character who is a giant ape.” Applicant’s Brief, p. 4 (7 TTABVUE 8).

²⁰ Movie Review, *Another Jungle Monster*, N.Y. TIMES, Dec. 30, 1933. The review is probative of the perceptions of the author and of the content received by the readers.

Bay State Brewing Co., 117 USPQ2d 1958, 1960 (TTAB 2016) (citing *Spoons Rests. Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd mem.*, 972 F.2d 1353 (Fed. Cir. 1992)), would likely recall the famous film character, King Kong which is named in the Registrants' marks, and associate him with Applicant's PRINCE KONG mark.

Considering the overall sound, appearance, commercial impression, and connotation of each Registrant's mark and Applicant's mark, we find that consumers are likely to view PRINCE KONG as significantly related to KING KONG precisely because of the word PRINCE, which denotes both a royal familial relationship and sometimes the position of king itself. That is, customers would perceive the two marks as related to each other and pointing to a common source. Accordingly, we find that the *du Pont* factor of the similarity of the marks weighs in favor of finding a likelihood of confusion.

D. Balancing the Factors

We find that the goods identified in the application are identical or legally identical in-part to the goods in the registrations, and that Applicant's goods travel in the same channels of trade and to the same classes of purchasers as each of the cited Registrant's goods. The cited marks are neither weak nor diluted and are entitled to a normal scope of protection. Applicant's PRINCE KONG mark is similar in appearance, sound, meaning, and commercial impression to the First Registrant's  mark and the Second Registrant's  mark. In view thereof, the relevant factors favor a finding of a likelihood of confusion.

II. Decision

The refusal to register Applicant's mark PRINCE KONG under Section 2(d) of the Trademark Act is affirmed.