

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87440925
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87440925/large
LITERAL ELEMENT	DIRTY LAUNDRY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.

ARGUMENT(S)

REQUEST FOR RECONSIDERATION

Applicant has applied under Section 1(b) of the Trademark Act to register DIRTY LAUNDRY on the Principal Register, U.S. Trademark Application Serial No. 87440925 (the "Mark"). On January 30, 2018, the U.S. Patent and Trademark Office ("USPTO") mailed a Final Office Action which maintained a July 29, 2017 refusal of registration based on concerns about a possibility of confusion with U.S. Trademark Registration Nos. 4117028 (DIRTY LAUNDRY for footwear, belonging to Robert L. Goldman) and 4275485 (DIRTY LAUNDRY for luggage, belonging to Longlat Inc.).

Copies of U.S. Trademark Registration Nos. 4117028 and 4275485 were submitted with Applicant's January 26, 2018 response and show that neither of the two registered marks covers the same goods as Applicant's Mark, which covers specific items of clothing. Indeed, the two registrants' marks are evidence that Applicant's Mark is not likely to be confused with either of the registrants' marks, because those marks cover goods that are no less similar to each other than either is to the goods identified in connection with Applicant's Mark. As a result, if the two registrants' marks can coexist with each other in the marketplace without consumer confusion, then Applicant's Mark can coexist with each of them in the marketplace without consumer confusion.

The refusal of registration is based on the Examining Attorney's view that Applicant's DIRTY LAUNDRY mark, which covers "Hooded sweatshirts; Jackets; Jeans; Pants; Shirts; Shorts; T-shirts", is related to registrants' marks, which cover "footwear" (U.S. Trademark Registration No. 4117028, owned by Robert L. Goldman) and "luggage" (U.S. Trademark Registration No. 4275485, owned by Longlat Inc.) respectively. Applicant respectfully submits that the items of clothing for which Applicant seeks registration of DIRTY LAUNDRY are no more related to the goods identified in registrants' registrations than the goods identified in registrants' registrations are to each other.

There is no indication that the two registrants share control of their marks, or that one controls the other, and the arguments made in the

Office Action to show that Applicant's goods are related to registrants' goods could just as easily be used to show that registrants' goods are related to each other. Again, if U.S. Trademark Registration No. 4117028 and U.S. Trademark Registration No. 4275485 are able to coexist in the marketplace without confusion, then the Mark can coexist with both of them in the marketplace.

In this regard, Applicant notes that U.S. Trademark Registration No. 4555556 for GUCCI covers footwear (also covered by U.S. Trademark Registration No. 4117028, owned by Robert L. Goldman) and U.S. Trademark Registration No. 4563132 for GUCCI covers luggage (also covered by U.S. Trademark Registration No. 4275485, owned by Longlat Inc.). That circumstance would have prevented registration of U.S. Trademark Registration No. 4275485 as likely to be confused with U.S. Trademark Registration No. 4117028 if the logic of the instant Office Action had been applied, and the fact that U.S. Trademark Registration No. 4275485 was issued is inconsistent with the refusal to register Applicant's Mark. (Copies of the GUCCI registrations were submitted with the January 26, 2018 response and are therefore of record.)

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the Mark is registrable and should be passed for publication.

SIGNATURE SECTION

RESPONSE SIGNATURE	/Robert N. Cook/
SIGNATORY'S NAME	Robert N. Cook
SIGNATORY'S POSITION	Attorney of record, District of Columbia and Virginia bar member
SIGNATORY'S PHONE NUMBER	(703) 787-9400
DATE SIGNED	07/30/2018
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO

FILING INFORMATION SECTION

SUBMIT DATE	Mon Jul 30 12:30:30 EDT 2018
TEAS STAMP	USPTO/RFR-XX.XX.XX.XXX-20 180730123030942006-874409 25-610a268bae8ab64c67e96e 94ba0cf90e79de6cdec60d38a e2a3d33a72853a2cf6a-N/A-N /A-20180730121332751659

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To the Commissioner for Trademarks:

Application serial no. **87440925** DIRTY LAUNDRY(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87440925/large>) has been amended as follows:

ARGUMENT(S)

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

REQUEST FOR RECONSIDERATION

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SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Robert N. Cook/ Date: 07/30/2018

Signatory's Name: Robert N. Cook

Signatory's Position: Attorney of record, District of Columbia and Virginia bar member

Signatory's Phone Number: (703) 787-9400

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 87440925

Internet Transmission Date: Mon Jul 30 12:30:30 EDT 2018

TEAS Stamp: USPTO/RFR-XX.XX.XX.XXX-20180730123030942

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