

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87472741
LAW OFFICE ASSIGNED	LAW OFFICE 125
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87472741/large
LITERAL ELEMENT	VELOCITY B2B
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)	
<p>On March 6, 2018, the Examining Attorney issued a final refusal to register Blackhawk Network, Inc.'s application for VELOCITY B2B (Ser. No. 87472741) for "business management of gift card programs of others" ("Applicant's Mark") based on a likelihood of confusion with Velocity Frequent Flyer PTY LTD's registration for VELOCITY (Reg. No. 3717282) for various services in International Classes 35, 36, and 39 ("Cited Mark"). Applicant respectfully submits that Applicant's Mark is not likely to cause confusion with Cited Mark. Specifically, because of, among other things, the differences in the use of the marks, services, and trade channels, consumers are not likely to be confused between Applicant's Mark on the one hand and Cited Mark on the other. As a result, Applicant respectfully requests that the Examining Attorney approve Applicant's Mark for publication. As an alternative, Applicant respectfully requests that the Examining Attorney consider a consent agreement between the parties. Applicant is attempting to negotiate an agreement at this time and hopes to have an agreement finalized and submitted shortly.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Genevieve E. Charlton/
SIGNATORY'S NAME	Genevieve E. Charlton
SIGNATORY'S POSITION	Associate of Attorney of Record, IL Bar Member
SIGNATORY'S PHONE NUMBER	(312) 338-5939
DATE SIGNED	09/06/2018
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 06 15:50:52 EDT 2018
TEAS STAMP	USPTO/RFR-XXX.XXX.XXX.XXX -20180906155052790603-874 72741-610b48ebdb1f80f08f 02891d4095bfd1a57a7fa98e9 1834d898b0aad05cb1e-N/A-N /A-20180906154318209214

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PTO Form 1980 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

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To the Commissioner for Trademarks:

Application serial no. **87472741** VELOCITY B2B(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87472741/large>) has been amended as follows:

ARGUMENT(S)

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

On March 6, 2018, the Examining Attorney issued a final refusal to register Blackhawk Network, Inc.'s application for VELOCITY B2B (Ser. No. 87472741) for "business management of gift card programs of others" ("Applicant's Mark") based on a likelihood of confusion with Velocity Frequent Flyer PTY LTD's registration for VELOCITY (Reg. No. 3717282) for various services in International Classes 35, 36, and 39 ("Cited Mark"). Applicant respectfully submits that Applicant's Mark is not likely to cause confusion with Cited Mark. Specifically, because of, among other things, the differences in the use of the marks, services, and trade channels, consumers are not likely to be confused between Applicant's Mark on the one hand and Cited Mark on the other. As a result, Applicant respectfully requests that the Examining Attorney approve Applicant's Mark for publication. As an alternative, Applicant respectfully requests that the Examining Attorney consider a consent agreement between the parties. Applicant is attempting to negotiate an agreement at this time and hopes to have an agreement finalized and submitted shortly.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Genevieve E. Charlton/ Date: 09/06/2018

Signatory's Name: Genevieve E. Charlton

Signatory's Position: Associate of Attorney of Record, IL Bar Member

Signatory's Phone Number: (312) 338-5939

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.

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TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XXX-20180906155052

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