

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87584821
LAW OFFICE ASSIGNED	LAW OFFICE 121
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87584821/large
LITERAL ELEMENT	GLAMOUR CAMPER
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.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_173162108129-20190619090427858015_.03_Amend.Form.Likelihood_Confusion.docfinal.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\848\87584821\xml13\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\848\87584821\xml13\RFR0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\848\87584821\xml13\RFR0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\848\87584821\xml13\RFR0005.JPG
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	003
DESCRIPTION	Sunscreen creams
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	003
TRACKED TEXT DESCRIPTION	
Sunscreen creams ; Insect repellent sunscreen creams containing glitter	
FINAL DESCRIPTION	Insect repellent sunscreen creams containing glitter
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/barry l. haley/
SIGNATORY'S NAME	Barry L. Haley
SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	9547633303
DATE SIGNED	

DATE SIGNED	06/19/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jun 19 09:07:59 EDT 2019
TEAS STAMP	USPTO/RFR-XXX.XXX.XXX.XXX -20190619090759486298-875 84821-620aafb592fbd39ba6e f7ccc8d098ed31d45cf58c322 540b2a3fdee39d93dea-N/A-N /A-20190619090427858015

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 09/20/2020)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **87584821** GLAMOUR CAMPER(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87584821/large>) has been amended as follows:

EVIDENCE

Original PDF file:

[evi_173162108129-20190619090427858015_03_Amend.Form.Likelihood_Confusion.docfinal.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 003 for Sunscreen creams

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Sunscreen creams~~; [Insect repellent sunscreen creams containing glitter](#)

Class 003 for Insect repellent sunscreen creams containing glitter

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with

the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /barry l. haley/ Date: 06/19/2019

Signatory's Name: Barry L. Haley

Signatory's Position: Attorney of record, Florida bar member

Signatory's Phone Number: 9547633303

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: 87584821

Internet Transmission Date: Wed Jun 19 09:07:59 EDT 2019

TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XXX-20190619090759

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8d098ed31d45cf58c322540b2a3fdee39d93dea-

N/A-N/A-20190619090427858015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

June 19, 2019

Applicant	:	MJ Products Association LLC
Mark	:	GLAMOUR CAMPER
Serial No.	:	87/584,821
Int'l Class	:	003
Filed	:	August 25, 2017
Examiner	:	Steven W. Ferrell Jr.
Law Office	:	121
Our File No.	:	12508.3706

**AMENDMENT AND RESPONSE
TO FINAL OFFICE ACTION MAILED DECEMBER 20, 2018**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Responsive to the Office Action dated December 20, 2018, please consider the enclosed amendment and remarks. Applicant submits that the application is in condition for publication.

AMENDMENT

Please amend the identification of goods to read as follows:

“Insect repellant sunscreen creams containing glitter”

REMARKS

The Office Action mailed December 20, 2018 has been carefully considered. Applicant appreciates the Trademark Examining Attorney's efforts in conducting a comprehensive examination.

The Trademark Examining Attorney has asserted in the office action that the proposed amendment of “Insect repellant containing glitter” for the description of goods is beyond the scope of the original application identification of “Sunscreen creams”. Applicant submits herewith a proposed amendment of “insect repellant sunscreen creams with glitter” that the Trademark Examining Attorney asserts is within the scope of the original application for “Sunscreen creams”.

The Trademark Examining Attorney has also maintained Section 2(d) refusal of registration based on likelihood of confusion.

Applicant has carefully reviewed the issues raised by the Trademark Examining Attorney regarding likelihood of confusion, and, for the reasons set forth herein, respectfully requests that the initial refusal be withdrawn such that the application may proceed to publication.

There is No Likelihood of Confusion

Applicant's Mark is GLAMOUR CAMPER in standard characters for (proposed) "insect repellent sunscreen creams with glitter".

The cited registration is as follows:

The letters CAMPER with a stylized design (Reg. No. 4690397) for the relevant goods "SUN-TANNING OILS", a product completely different than Applicant's insect repellent SUNSCREEN with glitter

Applicant repeats Applicant's arguments made in Applicant's prior office action response dated June 8, 2018 concerning the cited design registration for CAMPER.

Applicant is herewith providing some additional comments with respect the cited registration for CAMPER, and why there is no likelihood of confusion between the marks.

Applicant asserts that a consumer purchasing sunscreen would understand that the meaning of the noun GLAMOUR is completely in contradiction of the meaning of the word CAMPER

GLAMOUR CAMPER is an oxymoron that is very distinctive as a mark for sunscreens, dramatically mentally different for a consumer than CAMPER alone for sun-tanning oils. The word GLAMOUR is the dominant noun word in Applicant's mark for a consumer. CAMPER connotes an outdoors living experience cosmetically far away from GLAMOUR. The venerable trademark E.I. DuPont case dealing with the issue of likelihood of confusion lists commercial impression of marks in the minds of consumers to determine the similarity of marks

and whether the l marks are likely to be confused by consumers. *In re E.I. du Pont de Nemours & Co.*, 177 U.S.P.Q. 563 (C.C.P.A. 1973). The mental impression dissimilarities and the nature of the goods ... described in an application or registration are extremely important factors to determine likelihood of confusion.

Therefore, there is no likelihood of confusion. The registration of Applicant's mark GLAMOUR CAMPER should not be refused.

CONCLUSION

Applicant has fully responded to the issues and requirements raised by the Examining Attorney. It is believed that the application is in immediate condition for publication.

Should the Examining Attorney feel that a telephone interview would expedite the registration of this application, the Examining Attorney is respectfully requested to telephone the undersigned.

Respectfully submitted,

/barry l. haley/

Barry L. Haley

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Attorneys for Applicant