

From: Garcia, Claudia

Sent: 7/19/2019 4:14:09 PM

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Subject: U.S. Trademark Application Serial No. 87607469 - LOVE ADDICTS - JHOLD.012T - Request for
Reconsideration Denied - Return to TTAB - Message 1 of 4

Attachment Information:

Count: 26

Files: 1-1.jpg, 1-2.jpg, 1-3.jpg, 1-4.jpg, 1-5.jpg, 1-6.jpg, 2-1.jpg, 2-2.jpg, 2-3.jpg, 2-4.jpg, 2-5.jpg, 2-6.jpg,
2-7.jpg, 2-8.jpg, 3-1.jpg, 3-2.jpg, 3-3.jpg, 3-4.jpg, 3-5.jpg, 3-6.jpg, 3-7.jpg, 3-8.jpg, x-1.jpg, x-2.jpg, x-3.jpg,
87607469.doc

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 87607469

Mark: LOVE ADDICTS

Correspondence Address:

JEFFREY L VAN HOOSEAR

KNOBBE MARTENS OLSON & BEAR LLP

2040 MAIN STREET 14TH FLOOR

IRVINE, CA 92614

Applicant: JPL HOLDINGS LLC

Reference/Docket No. JHOLD.012T

Correspondence Email Address:

efiling@knobbe.com

REQUEST FOR RECONSIDERATION
AFTER FINAL ACTION
DENIED

Issue date: July 19, 2019

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 refusal made final in the Office action dated December 27, 2018 is **maintained and continued**:

- Section 2(d) Refusal- Likelihood of Confusion

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

SECTION 2(d) REFUSAL- LIKELIHOOD OF CONFUSION

As previously argued, the applied-for mark, LOVE ADDICTS, is confusingly similar to the registered mark in U.S. Reg. No. 4010139 for LOVE ADDICT and their respective goods of “Men's shirts, men's t-shirts, men's hoodies, men's beanies, and men's hats” in International Class 25 and “body creams; Body lotions; Scented body spray; Shower gels” in International Class 3, are related.

Here, the marks were compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). The marks were found to be similar as they share the similar elements of “LOVE” and “ADDICT”, with applicant’s mark is simply the plural version of the registered mark. It is well settled that an applied-for mark that is the singular or plural form of a registered mark is essentially identical in sound, appearance, meaning, and commercial impression, and thus the marks are confusingly similar. *Swiss Grill Ltd., v. Wolf Steel Ltd.*, 115 USPQ2d 2001, 2011 n.17 (TTAB 2015) (holding “it is obvious that the virtually identical marks [the singular and plural of SWISS GRILL] are confusingly similar”); *Weider Publ’ns, LLC v. D & D Beauty Care Co.*, 109 USPQ2d 1347, 1355 (TTAB 2014) (finding the singular and plural forms of SHAPE to be essentially the same mark) (citing *Wilson v. Delaunay*, 245 F.2d 877, 878, 114 USPQ 339, 341 (C.C.P.A. 1957) (finding no material difference between the singular and plural forms of ZOMBIE such that the marks were considered the same mark). Thus, the marks essentially mean the same thing and consumers would be confused as to the source of the goods.

As for the similarity between the goods at hand, the previously attached evidence has shown that consumers regularly encounter clothing, including men’s clothing, and personal care products in commerce emanating from the same source. Further, the evidence below continues to show how entities provide both products under the same brand:

Calvin Klein

- **T-shirts:** https://www.calvinklein.us/en/logo-block-crewneck-t-shirt-21877444?rec=LP&ab=men_desktop_16
- **Hoodies:** <https://www.calvinklein.us/en/oversized-logo-hoodie-21669377-102>
- **Hats:** <https://www.calvinklein.us/en/monogram-logo-cotton-twill-cap-45004753-238>
- **Scented body spray** (perfume): <https://www.calvinklein.us/en/2-piece-eternity-air-for-women-gift-set-44023494>

DKNY

- **Beanies:** <https://www.donnakaran.com/product/ribbed+ombr%C3%A9+beanie.do?from=Search&cx=0>
- **Hats** & **Hoodies:** <https://www.donnakaran.com/product/color+block+trucker+hat.do?sortby=ourPicks&from=Search&selectedOption=564175>
- **Body lotions** & **Scented body spray** (perfume): <https://www.donnakaran.com/category/dkny/fragrance/view+all.do>

Dr. Mercola

- **T-shirts:** <https://shop.mercola.com/category/1403/1/t-shirts>
- **Hoodies:** <https://shop.mercola.com/category/1665/1/hooded-sweatshirt>
- **Hats:** <https://shop.mercola.com/product/1123/1/mercola-training-hat>
- **Body lotions:** <https://shop.mercola.com/category/1659/1/lotion-body-butter>

Tommy Hilfiger

- **T-shirts:** <https://usa.tommy.com/en/box-logo-t-shirt-dm06089>
- **Hoodies:** <https://usa.tommy.com/en/men/hoodies-sweatshirts-men/organic-cotton-crest-hoodie-mw10760>
- **Hats:** <https://usa.tommy.com/en/flag-cap-am04508>
- **Body lotions** & **Scented body spray** (Eau de Toilette): <https://usa.tommy.com/en/women/womens-fragrance/tommy-girl-fragrance-gift-set-2lc2-y8>

Coach

- **T-shirt:** https://www.coach.com/coach-rexy-and-carriage-t-shirt/36729.html?dwvar_size=S&dwvar_color=HGR
- **Body lotion:** https://www.coach.com/coach-for-men-eau-de-toilette-3-piece-gift-set/B1023.html?cgid=men-fragrance&dwvar_size=ONE&dwvar_color=L38#cgid=men-fragrance&start=5

Avon

- **T-shirts:** <https://www.avon.com/product/hi-from-hawaii-tee-68166>
- **Body creams:** <https://www.avon.com/product/avon-planet-spa-heavenly-hydration-body-cream-58687>
- **Body lotions:** <https://www.avon.com/category/fragrance/body-lotion>
- **Scented body spray:** <https://www.avon.com/search/body%20spray>
- **Shower gels:** <https://www.avon.com/category/fragrance/shower-gel>

While applicant argues that clothing and personal care products lend a different connotation to each of the marks, that is not the case. The marks convey to consumers the idea of an individual or individuals addicted to love. The fact that the mark is used on clothing or personal care items does not change that meaning. Applicant also argues that the registered goods are meant for women, however nothing in registrant's recitation of goods makes this limiting statement. Determining likelihood of confusion is based on the description of the goods stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)). As seen from registrant's goods, the registered mark is used in connection with "Body creams; Body lotions; Scented body spray; Shower gels" with no restrictions as to nature, type, channels of trade, or classes of purchasers. Although applicant has limited its clothing to men's clothing, the evidence of record shows that consumer's encounter men's clothing in connection with personal care products.

Thus, when consumers encounter the clothing provided by applicant and the personal care products provided by registrant, it is not unreasonable to believe that consumers they will view them as coming from the same source.

Accordingly, the request is denied for the reasons described above and in the previous Office actions, along with the evidence attached in all actions.

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).

/Claudia Garcia/

Examining Attorney

Law Office 111

(571) 272-6939

claudia.garcia@uspto.gov

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LOGO BLOCK
CREWNECK T-SHIRT

\$35.00

★★★★★

OUT OF STOCK

FREE SHIPPING ON ALL ORDERS OVER \$99

DETAILS

...

featuring a modern logo block on the front, this short sleeve t-shirt is made with soft cotton, a crewneck, a straight hem and seaming details.

- Calvin Klein Jeans
- logo block crewneck t-shirt
- logo block on the front
- soft cotton for breathable comfort
- crewneck - short sleeves
- straight hem, topstitching + seaming details
- fits true to size
- model is 5'11" - wearing a size medium

Style #: 21877444
Universal Style #: 4117444

CARE & COMPOSITION

+

SHIPPING & RETURNS

I SPEAK MY TRUTH IN #MYCALVINS



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PEOPLE ALSO VIEWED



Slim Fit Herringbone Point Collar Performance
Non-Iron Dress Shirt



New Essentials Regular Fit Liquid Cotton
Solid Polo Shirt



New Essentials Regular Fit Liquid Cotton
Solid Polo Shirt



New Essentials Regular Fit Liquid Cotton
Solid Polo Shirt

TOP

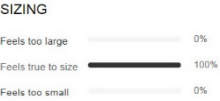
REVIEWS

5/5 *****
3 Reviews

100% of respondents would recommend
this to a friend

WRITE A REVIEW

TOP



TOP

All Reviews

Most Recent

★★★★★
I would definitely buy another one

Submitted : 2 months ago
By : Sean
Verified Reviewer

Very nice shirt

Sizing: Feels true to size

Yes, I would recommend to a friend

Was this review helpful to you?

Yes (0) | No (0)

TOP

★★★★★
Amazing

Submitted : 4 months ago
By : KAROLIN
Verified Reviewer

Amazing

Was this review helpful to you?

Was this review helpful to you?
[Yes \(0\)](#) | [No \(0\)](#)

★★★★★
yes

Thank you very much, I will order more, the quality is excellent.

Sizing: Feels true to size
Yes, I would recommend to a friend
Was this review helpful to you?
[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 4 months ago
By : Aleksey
Verified Reviewer

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LANGUAGE/COUNTRY

UNITED STATES
ENGLISH



Calvin Klein partners with
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to improve cotton farming globally.



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OVERSIZED LOGO HOODIE

~~\$108.00~~ \$49.99

★★★★★

YOU SAVE 54%

COLOR: BRIGHT WHITE

SIZE

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XS	S	M	L
XL	XXL		

QTY	1	ADD TO BAG
-----	---	------------

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DETAILS

a classic silhouette, updated with bold logo detailing, this long sleeve sweatshirt is made with a drawstring hood, ribbed knit trim for ideal comfort and fit with oversized contrast logos at the back.

- Calvin Klein Jeans
- oversized logo hoodie
- oversized logo on back + sleeves
- soft cotton for breathable comfort
- drawstring hood + long sleeves
- ribbed knit trim, topstitching + seaming details

HOW TO WEAR IT
▼

HOW TO WEAR IT
▼

HOW TO WEAR IT
▼



* shows how to use, representing * styling advice
* fits true to size
* model is 6'1" - wearing a size medium

Style #: 21669377-102
Universal Style #: 41L7739

CARE & COMPOSITION +

SHIPPING & RETURNS +

TOP

TOP



HOW TO WEAR IT
▼

TOP

HOW TO WEAR IT
▼

TOP



HOW TO WEAR IT
▼

TOP



HOW TO WEAR IT
▼

TOP

HOW TO WEAR IT
▼

TOP THE LOOK

TOP



HOW TO WEAR IT
▼



TOP

I SPEAK MY TRUTH IN #MYCALVINS

HOW TO WEAR IT
▼



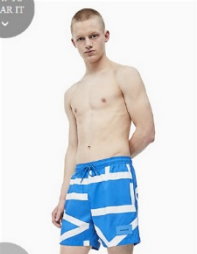
HOW TO WEAR IT
▼

TOP

TOP


PEOPLE ALSO VIEWED

HOW TO WEAR IT




HOW TO WEAR IT


Abstract 5.5" Swim Shorts



Modern Cotton Stretch 2 Pack Boxer Brief



Regular Fit Colorblock Travel Logo T-Shirt



Statement 1981 Lounge Crewneck T-Shirt

TOP

TOP

REVIEWS

5/5

1 Review

100%

of respondents would recommend this to a friend

WRITE A REVIEW

5 STARS

HOW TO WEAR IT

4 STARS

3 STARS

2 STARS

1

0

0

0

SIZING

Feels too large

Feels true to size

Feels too small

0%

100%

0%

TOP

1 STAR 0

All Reviews

HOW TO WEAR IT

★★★★★

I'm glad I bought this hoodie.

My son loves this hoodie.

Sizing: Feels true to size

Yes, I would recommend to a friend

Was this review helpful to you?

Yes (1) | No (1)

Most Recent ☒

Submitted : 1 month ago
By : Tamara
Verified Reviewer

TOP

HOW TO WEAR IT

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LANGUAGE/COUNTRY

UNITED STATES

ENGLISH



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Web ID: 674235726

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MONOGRAM LOGO COTTON TWILL CAP

~~\$38.00~~ \$19.99

★★★★★

COLOR TAWNY PORT

~~\$38.00~~ \$19.99 YOU SAVE 47%



~~\$38.00~~ \$14.97 YOU SAVE 61%



SIZE ONE SIZE

[Size Guide](#)

IN STOCK

QTY 1

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DETAILS

designed with cotton twill, this essential hat features a monogram logo badge on the front, a curved brim and topstitching.

- monogram logo cotton twill cap
- cotton twill
- adjustable closure
- Calvin Klein signature badge on the front
- one size fits all

Style #: 45004753-238

Universal Style #: K40K400753

HOW TO WEAR IT
▼

HOW TO WEAR IT
▼

HOW TO WEAR IT
▼



CARE & COMPOSITION

+

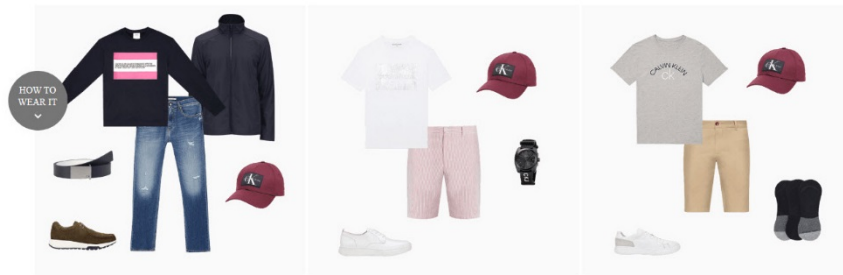
SHIPPING & RETURNS

-

TOP

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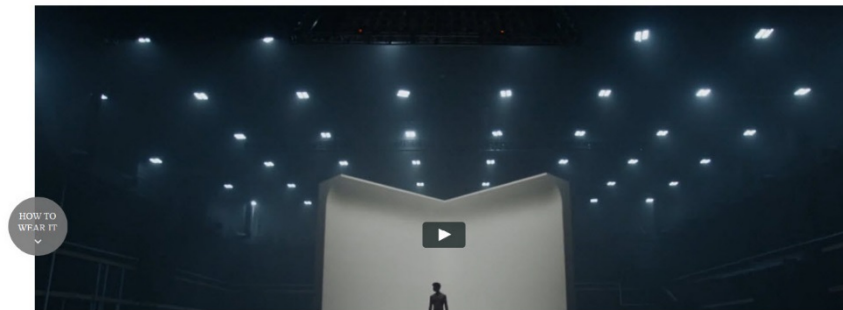
SHOP THE LOOK



TOP

HOW TO WEAR IT
PEAK MY TRUTH IN #MYCALVINS

TOP



TOP



HOW TO WEAR IT
▼

TOP

PEOPLE ALSO VIEWED



HOW TO WEAR IT
▼

Cotton Twill Logo Cap



Leather Logo Stripe Wallet



Marvin Colorblock Logo Mesh Sneakers



Pebble Leather Logo Bifold Wallet

TOP

REVIEWS

HOW TO WEAR IT
▼

4.6/5 ★★★★★
9 Reviews

75% of respondents would recommend this to a friend

WRITE A REVIEW

TOP



TOP



TOP

All Reviews

Most Recent 

★ ★ ★ ★ ★

For a small head

Run very small

Sizing: Feels too small

No, I would not recommend to a friend

Was this review helpful to you?

[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 22 days ago
By : Jorge
Verified Reviewer

TOP

★ ★ ★ ★ ★

Classic shape and updated style!

Great classic baseball cap with Calvin logo! Makes a stylish statement when worn with a plain black hoodie or matching CK hoodie. Comfortable fit.

Sizing: Feels true to size

Yes, I would recommend to a friend

Was this review helpful to you?

Submitted : 6 months ago
By : Keith
Verified Reviewer

[Yes \(0\)](#) | [No \(0\)](#)

★★★★★
10/10

Thankfully it's adjustable. It was a little side gift for Christmas and the price was good, and it fits very well and looks really good!

Sizing: Feels true to size

Yes, I would recommend to a friend

Was this review helpful to you?

[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 7 months ago
By : Brittany
Verified Reviewer

TOP

★★★★★

Plan to buy in different color

Very nice hat

Sizing: Feels true to size

Yes, I would recommend to a friend

Was this review helpful to you?

[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 7 months ago
By : Anthony
Verified Reviewer

TOP

★★★★★

If i have enough money i will buy it again

Good quality I like it.

Was this review helpful to you?

[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 8 months ago
By : kingleo
Verified Reviewer

★★★★★

Stylish, perfect fitting Cap!

My husband is very picky about his caps but started wearing this one right away

Was this review helpful to you?

[Yes \(0\)](#) | [No \(0\)](#)

Submitted : 8 months ago
By : Surinder
Verified Reviewer

TOP

★★★★★

★★★★★

Good PRODUCT

Cool hat. Great material and finishing

Was this review helpful to you?

[Yes](#) (0) | [No](#) (0)

Submitted : 8 months ago
By : JOHN
Verified Reviewer

★★★★★

Recommended!!

Good quality!!

Was this review helpful to you?

[Yes](#) (0) | [No](#) (0)

Submitted : 8 months ago
By : Maria
Verified Reviewer

[TOP](#)

★★★★★

Using a pretty hat~^

It is a good hat to use in winter. Really good quality.

Was this review helpful to you?

[Yes](#) (0) | [No](#) (0)

Submitted : 9 months ago
By : Youup
Verified Reviewer

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~~\$93.00~~ **\$74.99** *****

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DETAILS

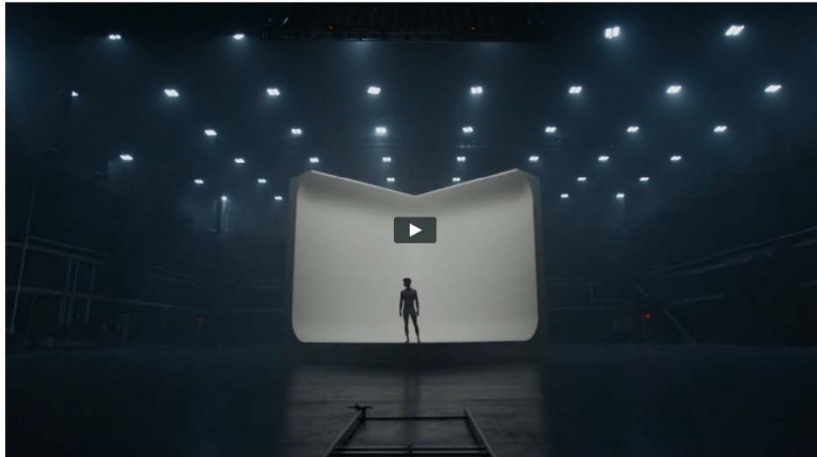
Creating a new, fresh Eternity signature, the Eternity Air male and female fragrances from Calvin Klein capture all of the different shades of the atmosphere with sky of the sky accord, airy yet dense, like the soft breath of a pulse. The two fragrances share a similar structure built around contrasts, based on an unusual blend of natural airy and energetic sensations. Inciting an exhilarating freshness, Eternity Air encapsulates the essence of sensuality and the unwavering bond of everlasting love.

- * set includes:
- 3.4 oz eau de parfum spray
 - 1.0 oz eau de parfum spray

Style #: 44023494

SHIPPING & RETURNS

I SPEAK MY TRUTH IN #MYCALVINS



TOP

TOP

PEOPLE ALSO VIEWED



CK One (Perfume/Fragrance)



Calvin Klein Women (Perfume/Fragrance)



CK All (Perfume/Fragrance)



CK One Platinum Edition (Perfume/Fragrance)

TOP

REVIEWS

No reviews yet.
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WRITE THE FIRST REVIEW

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