

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87866522
LAW OFFICE ASSIGNED	LAW OFFICE 126
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87866522/large
LITERAL ELEMENT	THE ARGONAUT
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)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_3898152171-20190821153537761864_.motion_for_reconsideration.pdf
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ATTORNEY SECTION (current)	
NAME	Howard S. Michael
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	BRINKS GILSON & LIONE
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CITY	CHICAGO
STATE	Illinois
POSTAL CODE	60610
COUNTRY	US
PHONE	312-321-4200 x4244
FAX	312-321-3260
EMAIL	officeactions@brinksgilson.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	16373/3
ATTORNEY SECTION (proposed)	
NAME	Howard S. Michael
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BRINKS GILSON & LIONE
STREET	455 N. Cityfront Plaza Drive, Suite 3600
CITY	Chicago
STATE	Illinois
POSTAL CODE	60610
COUNTRY	United States
PHONE	312-321-4244
FAX	312-321-4299
EMAIL	officeactions@brinksgilson.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	16373/3
OTHER APPOINTED ATTORNEY	Jerome Gilson, Jeffery A. Handelman, David S. Fleming, Howard S. Michael, Jennifer J. Theis, Andrew J. Avsec, Virginia W. Marino, and Evi Christou. Emily T. Kappers

CORRESPONDENCE SECTION (current)	
NAME	HOWARD S. MICHAEL
FIRM NAME	BRINKS GILSON & LIONE
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	16373/3
SIGNATURE SECTION	
RESPONSE SIGNATURE	/HSM/
SIGNATORY'S NAME	Howard S. Michael
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	3123214244
DATE SIGNED	08/21/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Aug 21 15:40:17 EDT 2019

TEAS STAMP

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A-20190821153537761864

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

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **87866522** THE ARGONAUT(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87866522/large>) has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Original PDF file:

[evi_3898152171-20190821153537761864_.motion_for_reconsideration.pdf](#)

Converted PDF file(s) (20 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

The applicant's current attorney information: Howard S. Michael. Howard S. Michael of BRINKS GILSON & LIONE, is located at

P.O. BOX 10395

CHICAGO, Illinois 60610

US

The docket/reference number is 16373/3.

The phone number is 312-321-4200 x4244.

The fax number is 312-321-3260.

The email address is officeactions@brinksgilson.com

The applicants proposed attorney information: Howard S. Michael. Other appointed attorneys are Jerome Gilson, Jeffery A. Handelman, David S. Fleming, Howard S. Michael, Jennifer J. Theis, Andrew J. Avsec, Virginia W. Marino, and Evi Christou. Emily T. Kappers. Howard S. Michael of BRINKS GILSON & LIONE, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

455 N. Cityfront Plaza Drive, Suite 3600
Chicago, Illinois 60610
United States

The docket/reference number is 16373/3.

The phone number is 312-321-4244.

The fax number is 312-321-4299.

The email address is officeactions@brinksgilson.com

Howard S. Michael submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current correspondence information: HOWARD S. MICHAEL. HOWARD S. MICHAEL of BRINKS GILSON & LIONE, is located at

P.O. BOX 10395
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The docket/reference number is 16373/3.

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The applicants proposed correspondence information: Howard S. Michael. Howard S. Michael of BRINKS GILSON & LIONE, is located at

455 N. Cityfront Plaza Drive, Suite 3600
Chicago, Illinois 60610
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The docket/reference number is 16373/3.

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The email address is officeactions@brinksgilson.com; hmichael@brinksgilson.com; rrios@brinksgilson.com

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /HSM/ Date: 08/21/2019

Signatory's Name: Howard S. Michael

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 3123214244

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); 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.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney 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.

Mailing Address: HOWARD S. MICHAEL
BRINKS GILSON & LIONE

P.O. BOX 10395
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Mailing Address: Howard S. Michael
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Serial Number: 87866522

Internet Transmission Date: Wed Aug 21 15:40:17 EDT 2019

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/A-N/A-20190821153537761864

Applicant Orivega Restaurant Group LLC (“Applicant”) hereby responds to the Office Action issued in connection with Applicant’s application to register its trademark THE ARGONAUT, Application Serial No. 87/866,522 (the “Subject Application”), in which the Examining Attorney refuses registration of Applicant’s mark based on a purported likelihood of confusion with U.S. Registration No. 2,832,500 for the mark ARGONAUT HOTEL. For the reasons set forth in this response, Applicant respectfully submits that registration of its mark THE ARGONAUT is not likely to cause confusion with the cited registration. Registrant’s services are for a single-location hotel in San Francisco. Indeed, Registrant’s own restaurant at its hotel operates under a name other than the Argonaut. There is simply no likelihood that Applicant’s catering services, and a hotel that offers its own restaurant services under a different name, are likely to be confused. Applicant therefore respectfully requests the Examiner withdraw the Section 2(d) refusal, and approve the Subject Application for publication in the *Official Gazette*.

I. Registration of Applicant’s Mark THE ARGONAUT is Not Likely to Cause Confusion

In the Office Action, the Examining Attorney refuses registration of Applicant’s mark THE ARGONAUT, citing a purported likelihood of confusion with the following registration (hereinafter the “Cited Mark”):

ARGONAUT HOTEL (Reg. No. 2,832,500) covering “hotel services” in International Class

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Applicant has carefully considered the Examining Attorney’s contentions, and respectfully disagrees that registration of its mark THE ARGONAUT is likely to cause confusion with the Cited Mark.

A multi-factor test is used by the Patent and Trademark Office and courts to assess whether a likelihood of confusion exists between marks. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973) (determining likelihood of confusion by thirteen factors: similarity and nature of the goods or services, similarity of established trade channels, whether purchasers are impulsive or sophisticated, fame of the prior mark, amount and nature of similar marks on similar goods, similarity of the marks, actual confusion, length of time of concurrent use without evidence of actual confusion, variety of goods on which mark is used, market interface between applicant and owner of prior mark, extent that applicant has a right to exclude others from use of its mark, extent of potential confusion, and any other probative fact). Some of the factors may not be relevant in a particular case. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 U.S.P.Q.2d 1201, 1204 (Fed. Cir. 2003). Additionally, there is no reason why a single *DuPont* factor should not outweigh all the rest. *Kellogg Co. v. Pack 'Em Enters., Inc.*, 951 F.2d 330, 333, 21 U.S.P.Q.2d 1142, 1145 (Fed. Cir. 1991).

In this instance, in view of (1) the differences between Applicant's services and the services covered by the Cited Mark; (2) the sophistication of Applicant's and the cited registrant's respective purchasers; (3) the many other coexisting registrations and allowed applications that incorporate the word ARGONAUT, or variations thereof; and (4) the fact that the Cited Mark is not famous, confusion is not likely and Applicant's mark is entitled to registration under an analysis of the *Dupont* factors. TMEP § 1207.01.

a. Applicant's Mark and the Cited Mark Cover Readily Distinguishable Services.

Applicant's application covers "catering services." Applicant's catering services are readily distinguishable services from the "hotel services" covered by the Cited Mark, and

confusion is unlikely. Even when two marks are identical, they may coexist on the Principal Register, provided that the goods or services associated with the marks are sufficiently different to obviate confusion. See *Electronic Design & Sales, Inc. v. Electronic Data Systems, Corp.*, 954 F.2d 713, 21 U.S.P.Q.2d 1388 (Fed. Cir. 1992) (reversing the Board's finding of likelihood of confusion between opposer's registered mark EDS for computer programming services and Applicant's mark E.D.S. for power supplies and battery chargers); *Triumph Machinery Company v. Kentmaster Manufacturing Company, Inc.*, 1 U.S.P.Q.2d 1826 (TTAB 1987) (finding no likelihood of confusion between HYDRO-CLIPPER for power operated cattle de-horning shears and HYDRO-CLIPPER (and design) for power mower attachments).

By way of example, in *Electronic Realty Associates v. Extra Risk Associates*, the Opposer owned the mark ERA for “real estate brokerage services,” and the Applicant sought registration of the mark ERA EXTRA RISK ASSOCIATES for “insurance brokerage services,” with the words “Extra Risk Associates” disclaimed. The Board found that, notwithstanding the overlap in the term ERA in the mark and in the brokerage aspects of the services offered in connection with the respective marks, confusion was unlikely since the services were not so related that consumers would assume a common source or origin. 217 U.S.P.Q. 810 (TTAB 1982).

Furthermore, in *Checkpoint Systems Inc. v. Check Point Software Technologies, Inc.*, the court of appeals upheld the district court’s decision that plaintiff’s CHECKPOINT mark for commercial electronic security control systems is not confusingly similar to defendant’s CHECK POINT mark for computer software that protects and manages access to information, finding that although the marks were identical, the products served different functions and there was minimal overlap in product technology. 60 U.S.P.Q. 2d 1609, 1620 (3d Cir. 2001). See also *Therma-Scan*

Inc v. Thermoscan Inc., 63 U.S.P.Q.2d 1659, 1664 (6th Cir. 2002) (finding no likelihood of confusion between THERMA-SCAN for infrared medical imaging services and THERMOSCAN for electronic ear thermometers because, although the parties might coexist in a broad industry of medical applications of thermology and infrared identification of heat, they "offer goods and services that utilize similar technology in very different ways").

Similarly, here, Applicant's THE ARGONAUT mark covers "catering services," which have no relation or association with the offer of "hotel services." The industries are completely different. Services offered by hotels frequently include business center services, valet parking services, fitness services, and boarding services, but not catering services. Applicant and the cited registrant are not competitors, and will offer significantly different services to different consumers. As such, Applicant and the cited registrant's respective services are not so related that consumers would assume a common source or origin, and no consumer confusion is likely.

b. Applicant's Services and the Services Offered under the Cited Mark are Purchased by Sophisticated Consumers.

Applicant's mark THE ARGONAUT and the Cited Mark cover readily distinguishable services that are marketed and sold to highly sophisticated consumers capable of distinguishing the differences between the respective services' source. A sophisticated consumer is held to a higher standard than that of an "ordinary purchaser;" and, "[t]hus confusion is less likely" because a sophisticated consumer "is assumed to take more care in purchasing 'expensive' items which he buys infrequently, than buying every day relatively inexpensive items." 3 J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* § 23:96 (5th ed. 2018); *Magnaflux Corp. v. Sonoflux Corp.*, 231 F.2d 669, 109 U.S.P.Q. 313 (C.C.P.A. 1956) (other things

being equal, confusion is less likely where goods are expensive and are purchased after careful consideration than where they are purchased casually).

Here, THE ARGONAUT mark covers “catering services,” which are both expensive and heavily scrutinized prior to a consumer’s purchase of the same. Applicant’s services are not purchased on impulse. Rather, Applicant’s services are marketed to and purchased by consumers planning important and significant events, such as weddings, charity galas, or retirement parties. Applicant’s catering services are purchased with great care and attention to detail as they require a significant investment of time, thought, and money from the purchaser. Thus, Applicant’s consumers are highly sophisticated and readily able to distinguish the difference between Applicant’s THE ARGONAUT mark and the Cited Mark, which significantly diminishes any potential chance of consumer confusion.

The Cited Mark covers “hotel services,” which are likewise expensive and require consumers consider important logistical information, such as dates of stay and the place of travel, prior to purchase.¹ The services offered under the Cited Mark are not purchased on impulse; but are instead purchased based on myriad factors important to the consumer such as location, amenities, available dates, and quality of the hotel. The cited registrant’s consumers are thus highly sophisticated and able to distinguish between Applicant’s THE ARGONAUT mark covering “catering services” and the cited registrant’s “hotel services,” which they require for their vacation or work trip. Given Applicant and the cited registrant market and sell

¹ Hotels are frequently chosen based on a consumer’s budget, desire for amenities, and location in relation to a consumer’s itinerary. See Temblador, Alex, “9 Tips for Picking a Good Hotel Online,” *Oyster.com The Hotel Tell-All* (February 15, 2017) attached hereto at Exhibit B.

distinguishable services to consumers who are likely to make purchases with extreme care, intention, and knowledge of the services, the likelihood of consumer confusion is obviated.

c. Significant Coexistence of Registrations and Allowed Applications for ARGONAUT Marks Shows that Confusion is Not Likely.

It is well settled that the greater the number of identical or similar marks already registered for similar goods or services, the less possibility of confusion between any two specific uses of the marks. *See, e.g., In re Dayco Products-Eagle Motive, Inc.*, 9 U.S.P.Q.2d 1910 (T.T.A.B. 1988) (IMPERIAL as adopted by others in connection with automotive products is a relatively weak mark afforded a narrower scope of protection; weakness of marks is a significant factor that can "tip the scales" in favor of finding of no likelihood of confusion between a registered mark and Applicant's mark). Indeed, the greater the number of identical or similar marks present on the Register, the smaller sphere of influence each mark has as a source identifier. Therefore, third-party registrations are relevant to show that a mark or a portion of a mark is "so commonly used that the public will look to other elements to distinguish the source of the goods." TMEP §1207.01(d)(iii).



A review of the Trademark Office records discloses the existence of numerous coexisting registrations and allowed applications, in addition to the Cited Mark, that consist of or incorporate the term ARGONAUT, or variations thereof, including, but not limited to, the following:

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
ARGONAUT RN: 4837826 SN: 86346004	Registered October 20, 2015	(Int'l Class: 08) side arms, not including firearms, namely, hunting knives; hand-to-hand combat	Sport Manufacturing Group, Inc.	

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
	Int'l Class: 08 First Use: August 1, 2014 Filed: July 23, 2014 Registered: October 20, 2015	weapons, namely, knives; knife sharpeners; knives, namely, folding, fixed hand, hobby, throwing, pocket, razor, chef, kitchen, butcher, serving, table, carving, household, utility, hunting, fishing, and sport knives, machetes; knife steels in the nature of stainless steel knives	(New York Corp.) 76-05 113Th Street, Suite #M1-M3 Forest Hills New York 11375	
ARGONAUT RN: 4368973 SN: 85212535	Registered 8 Accepted October 31, 2018 Int'l Class: 33 First Use: April 24, 2013 Filed: January 7, 2011 Registered: July 16, 2013	(Int'l Class: 33) wine	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT RN: 3799491 SN: 77869801	Registered 8 & 15 July 10, 2015 Int'l Class: 36,45 First Use: October 10, 1947 Filed: November 10, 2009 Registered: June 8, 2010	(Int'l Class: 36) insurance claims management services, namely, claim establishment, evaluation, negotiation and disposition; insurance services, namely, underwriting in the fields of primary general liability, and excess and umbrella liability (Int'l Class: 45) insurance claims management services, namely, investigation of insurance claims; litigation support services related to insurance claims	Argo Group International Holdings, LTD. (Bermuda Corp.) 110 Pitts Bay Road Pembroke Bermuda	
ARGONAUT RN: 4716989 SN: 85889059	Registered April 7, 2015 Int'l Class: 33 First Use: April 23, 2013 Filed: March 28, 2013 Registered: April 7, 2015	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	


Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
ARGONAUT RN: 4794979 SN: 86505007	Registered August 18, 2015 Int'l Class: 15 First Use: January, 2011 Filed: January 15, 2015 Registered: August 18, 2015	(Int'l Class: 15) guitars	Kauer Guitars, Inc. (California Corp.) #6 9864 Dino Drive Elk Grove California 95624	
ARGONAUT RN: 5256822 SN: 86703187	Registered August 1, 2017 Int'l Class: 32 First Use: December 13, 2012 Filed: July 23, 2015 Registered: August 1, 2017	(Int'l Class: 32) beer	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT RN: 5197220 SN: 87047721	Registered May 2, 2017 Int'l Class: 09,42 First Use: April 25, 2016 Filed: May 24, 2016 Registered: May 2, 2017	(Int'l Class: 09) computer software platform and software applications for use in manufacturing particularly for user configuration and definition, production planning, process analysis, production modeling, operational process maps, tracking, traceability, kitting, sequencing, device management, cost reduction, safety improvement, and capturing, analyzing and reporting factory data in manufacturing (Int'l Class: 42) software as a service (saas) featuring computer software for use in manufacturing particularly for user configuration and definition, production planning, process analysis, production modeling, operational process maps, tracking, traceability, kitting, sequencing, device management, cost reduction, safety improvement, and capturing, analyzing and reporting factory data in manufacturing	Superior Controls, Inc., Dba Redviking (Michigan Corp.) 46247 Five Mile Road Plymouth Michigan 48170	

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
ARGONAUT RN: 2245415 SN: 75312509	Renewed May 18, 2009 Int'l Class: 09 First Use: September 2, 1996 Filed: June 20, 1997 Registered: May 18, 1999 Last Renewal: May 18, 2009	(Int'l Class: 09) water velocity meters	Ysi Incorporated (Ohio Corp.) 1700/1725 Brannum Lane P.O. Box 279 Yellow Springs Ohio 45387	
ARGONAUT RN: 3473021 SN: 77092150	Renewed July 22, 2018 Int'l Class: 09 First Use: March 6, 2008 Filed: January 26, 2007 Registered: July 22, 2008 Last Renewal: July 22, 2018	(Int'l Class: 09) communications headsets for use with communication radios, intercom systems, or other communications network transceivers; hearing protection headsets, not for medical use	Aegisound, LLC (Virginia Limited Liability Company) Suite 3030 2020 Kraft Drive Blacksburg Virginia 24060	
ARGONAUT RN: 3210851 SN: 78805297	Renewed February 20, 2017 Int'l Class: 36 First Use: June 7, 1993 Filed: February 2, 2006 Registered: February 20, 2007 Last Renewal: February 20, 2017	(Int'l Class: 36) financial services, namely, investment management services, including hedge fund investment management services	Argonaut Management LP., David Gerstenhaber, U.S. Citizen (Delaware LTD. Partnership) 17th Floor 546 Fifth Avenue New York New York 10036	
ARGONAUT ARMS COMPANY ARGONAUTA RMSCO.COM	Registered November 3, 2015 Int'l Class: 13 First Use:	(Int'l Class: 13) firearms	Argonaut Associates, L.L.C. (Florida Limited Liability Company)	"ARMS COMPANY"

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
RN: 4847537 SN: 86415489	December 1, 2014 Filed: October 6, 2014 Registered: November 3, 2015		7432 Stetson Lane Port Charlotte Florida 33981	
ARGONAUT CAPITAL MANAGEMENT and Design  RN: 3770192 SN: 77707628	Registered 8 Accepted March 23, 2016 Int'l Class: 36 First Use: 1993 Filed: April 6, 2009 Registered: April 6, 2010	(Int'l Class: 36) financial services, namely, investment management services	Argonaut Management LP., David Gerstenhaber, a U.S. Citizen (Delaware LTD. Partnership) 17th Floor 546 Fifth Avenue New York New York 10036	"CAPITAL MANAGEMENT"
ARGONAUT CAPITAL MANAGEMENT and Design  RN: 5063139 SN: 86929581	Registered October 18, 2016 Int'l Class: 36 First Use: March, 2015 Filed: March 4, 2016 Registered: October 18, 2016	(Int'l Class: 36) financial services, namely, investment management services	Argonaut Management LP., David Gerstenhaber, a U.S. Citizen (Delaware LTD. Partnership) 17th Floor 546 Fifth Avenue New York New York 10036	"CAPITAL MANAGEMENT"
ARGONAUT CLAIMS SERVICES RN: 3557384 SN: 77487155	Registered 8 & 15 January 21, 2015 Int'l Class: 36,45 First Use: April 7, 2008 Filed: May 30, 2008 Registered:	(Int'l Class: 36) insurance claims management services, namely, claim establishment, evaluation, negotiation and disposition (Int'l Class: 45) insurance claims management services, namely, investigation of insurance claims; litigation support services related to insurance claims	Argo Group International Holdings, LTD. (Bermuda Corp.) 110 Pitts Bay Road Pembroke Bermuda	"CLAIMS SERVICES"

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
	January 6, 2009			
ARGONAUT FAT THUMB SN: 87212085	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT FAT THUMB RN: 5581375 SN: 87212103	Registered October 9, 2018 Int'l Class: 33 First Use: April 9, 2018 Filed: October 21, 2016 Registered: October 9, 2018	(Int'l Class: 33) Alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT GHOST FLEET SN: 87097388	Allowed - Intent to Use 4th Extension of Time Granted January 8, 2019 Filed: July 8, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT GHOST FLEET SN: 87097426	Allowed - Intent to Use 4th Extension of Time Granted January 8, 2019 Filed: July 8, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
ARGONAUT GILDED PROMISE SN: 87212140	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT GILDED PROMISE SN: 87212135	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT GOLD SEEKER SN: 87217005	Allowed - Intent to Use 3rd Extension of Time Granted November 8, 2018 Filed: October 26, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT GOLD SEEKER SN: 87216994	Allowed - Intent to Use 3rd Extension of Time Granted November 8, 2018 Filed: October 26, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT HOTEL RN: 2832500	Renewed April 13, 2014 Int'l Class: 42	(Int'l Class: 42) hotel services	Kimpton Hotel & Restaurant Group, LLC	




Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
SN: 76285062	First Use: August 18, 2003 Filed: July 12, 2001 Registered: April 13, 2004 Last Renewal: April 13, 2014		(Delaware Limited Liability Company) 222 Kearny Street, Suite 200 San Francisco California 94108	
ARGONAUT INSURANCE RN: 2863648 SN: 78159416	Renewed July 13, 2014 Int'l Class: 36 First Use: December 31, 1948 Filed: August 29, 2002 Registered: July 13, 2004 Last Renewal: July 13, 2014	(Int'l Class: 36) insurance services, namely, workers' compensation insurance, commercial liability insurance, commercial property insurance, public entity insurance, public entity property insurance, religious organization property insurance, religious organization liability insurance, underwriting and actuarial services, insurance claims processing and administration services, insurance safety consultation services and insurance risk management services	Argo Group International Holdings, LTD. (Bermuda Corp.) 110 Pitts Bay Road Pembroke Hm 08 Bermuda	"INSURANCE"
ARGONAUT KRAKEN and Design  RN: 5416196 SN: 87504918	Registered March 6, 2018 Int'l Class: 09 First Use: April 17, 2013 Filed: June 26, 2017 Registered: March 6, 2018	(Int'l Class: 09) breathing apparatus for divers, namely, buoyancy bladders; breathing apparatus for divers, namely, rebreathers; breathing apparatus for underwater swimming; underwater breathing apparatus	Vdh Worldwide LLC (Florida Limited Liability Company) 27251 Wesley Chapel Blvd Wesley Chapel Florida 33544	
ARGONAUT MERCHANT MINER SN: 87217496	Allowed - Intent to Use 3rd Extension of Time Granted November 14, 2018	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
	Filed: October 27, 2016			
ARGONAUT MERCHANT MINER SN: 87217513	Allowed - Intent to Use 3rd Extension of Time Granted November 14, 2018 Filed: October 27, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT MINER'S EXCHANGE SN: 87212302	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT MINER'S EXCHANGE SN: 87212173	Allowed - Intent to Use 3rd Extension of Time Granted November 1, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT PANNED OUT SN: 87212201	Allowed - Intent to Use 3rd Extension of Time Granted November 1, 2018 Filed: October 21, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
ARGONAUT PANNED OUT SN: 87212193	Allowed - Intent to Use 3rd Extension of Time Granted November 1, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT PROSPECTOR SN: 87212270	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT PROSPECTOR SN: 87212285	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 21, 2016	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT SALOON SN: 87202843	Allowed - Intent to Use 3rd Extension of Time Granted December 13, 2018 Filed: October 13, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	"SALOON"
ARGONAUT SALOON SN: 87202855	Allowed - Intent to Use 3rd Extension of Time	(Int'l Class: 33) alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.)	"SALOON"

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
	Granted December 13, 2018 Filed: October 13, 2016		600 Yosemite Boulevard Modesto California 95354	
ARGONAUT SALOON STRENGTH SN: 87202865	Allowed - Intent to Use 3rd Extension of Time Granted November 6, 2018 Filed: October 13, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT SALOON STRENGTH RN: 5581369 SN: 87202875	Registered October 9, 2018 Int'l Class: 33 First Use: March 9, 2018 Filed: October 13, 2016 Registered: October 9, 2018	(Int'l Class: 33) Alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT SPECULATOR RN: 5581377 SN: 87212225	Registered October 9, 2018 Int'l Class: 33 First Use: March 9, 2018 Filed: October 21, 2016 Registered: October 9, 2018	(Int'l Class: 33) Alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT SPECULATOR SN: 87212221	Allowed - Intent to Use 3rd Extension of Time	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.)	

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	Granted November 1, 2018 Filed: October 21, 2016		600 Yosemite Boulevard Modesto California 95354	
ARGONAUT THE CLAIM RN: 5628402 SN: 87212298	Registered December 11, 2018 Int'l Class: 33 First Use: April 10, 2018 Filed: October 21, 2016 Registered: December 11, 2018	(Int'l Class: 33) Alcoholic beverages except beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ARGONAUT THE CLAIM SN: 87212293	Allowed - Intent to Use 3rd Extension of Time Granted November 8, 2018 Filed: October 21, 2016	(Int'l Class: 32) beers	E. & J. Gallo Winery (California Corp.) 600 Yosemite Boulevard Modesto California 95354	
ERGONAUTS RN: 5441361 SN: 87341498	Registered April 10, 2018 Int'l Class: 42 First Use: January 1, 2000 Filed: February 19, 2017 Registered: April 10, 2018	(Int'l Class: 42) consultation in the field of ergonomics, namely, designing workplace facilities and equipment to optimize efficiency and safety	Davis, Steve I (United States Citizen) 212 Davis Hollow Rd. Berea Kentucky 404038858	
THE ARGONAUT TIRE TRACTION	Registered 8 Accepted November 14, 2015 Int'l Class: 20	(Int'l Class: 20) flexible non-metal runners made of polyester fibers with latex bonders and aluminum oxide used for traction of vehicle tires in snow	Spongezz Inc. (Canada Corp.) 79 St Regis Cres North Toronto,	"TIRE TRACTION RUNNERS"

Mark Registration No. Serial No.	Status/Key Dates	Goods/Services	Owner Information	Disclaimer
RUNNERS and Design  RN: 3847374 SN: 77884077	First Use: September 30, 2009 Filed: December 2, 2009 Registered: September 14, 2010		Ontario M3j1y9 Canada	
UWF ARGONAUTS and Design  RN: 4667424 SN: 86298805	Registered January 6, 2015 Int'l Class: 25,41 First Use: August 1, 2009 Filed: June 3, 2014 Registered: January 6, 2015	(Int'l Class: 25) jerseys; short sets; tops; wearable garments and clothing, namely, shirts (Int'l Class: 41) encouraging intercollegiate athletic programs by organizing and conducting educational programs and activities for intercollegiate athletes and alumni	University of West Florida (Florida State University) 11000 University Parkway Pensacola Florida 32514	
WEST FLORIDA ARGONAUTS and Design  RN: 4687693 SN: 86298619	Registered February 17, 2015 Int'l Class: 25,41 First Use: August 1, 2009 Filed: June 3, 2014 Registered: February 17, 2015	(Int'l Class: 25) jerseys; short sets; tops; wearable garments and clothing, namely, shirts (Int'l Class: 41) encouraging intercollegiate athletic programs by organizing and conducting educational programs and activities for intercollegiate athletes and alumni	University of West Florida (Florida State University) 11000 University Parkway Pensacola Florida 32514	"WEST FLORIDA"

Copies of the Trademark Office electronic records for the above-mentioned marks are already a part of the record.

Applicant submits that given the extensive third-party use of and registrations for marks that include ARGONAUT or a variation thereof, consumers will look to other aspects of the

marks to identify and distinguish the source of the goods or services offered under them. In fact, as evidenced by the coexisting registrations for and use of these third-party marks and the Cited Mark, consumers already consistently engage in this sort of analysis and are able to readily distinguish these marks from each other. Indeed, the Cited Mark and the third-party marks listed above are coexisting with one another. Further, the Cited Mark is just as close, if not closer, to several of these third-party references, and they likewise are all peacefully coexisting with one another. Thus, just as all of these references are able to peacefully coexist with one another, Applicant's THE ARGONAUT mark should also be able to coexist, and is thus entitled to registration.

d. The Cited Mark is Neither Famous Nor Used in Connection With a Wide Variety of Goods or Services.

The scope of protection for the Cited Mark is narrow, as the Examining Attorney has presented no evidence that the prior mark has acquired fame or is part of a family of related marks. Significantly, the registration for the Cited Mark is coexisting with the other third-party references cited above. Therefore, the analysis of likely confusion in this case is strictly limited to the services specified in the cited registration and Applicant's services, and Applicant has already demonstrated the marked differences between the parties' respective offerings. *See CBS Inc. v. Morrow*, 218 U.S.P.Q. 198 (Fed. Cir. 1983) (the goods specified in a registration are to be compared with the goods specified in the application for a likelihood of confusion analysis). Thus, there is no likelihood of confusion in this case.

II. CONCLUSION

For all of the foregoing reasons, Applicant submits that its mark THE ARGONAUT is distinguishable from the Cited Mark and that registration of the mark is not likely to cause

confusion. Accordingly, Applicant respectfully requests the Examining Attorney pass the Subject Application for publication in the *Official Gazette*.