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Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88210874
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/88210874/large
LITERAL ELEMENT	TIGHT LINES ADVISORS
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.
OWNER SECTION (current)	
NAME	Tight Lines Advisors, LLC
STREET	228 Trinity Pass
CITY	Stamford
STATE	Connecticut
ZIP/POSTAL CODE	06903
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
OWNER SECTION (proposed)	
NAME	Tight Lines Advisors, LLC
STREET	228 Trinity Pass
CITY	Stamford
STATE	Connecticut
ZIP/POSTAL CODE	06903
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	johnabplanalp@tightlinesadvisors.com
ARGUMENT(S)	
Applicant's arguments are attached as a PDF in the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_6520515966-20200311120336547582_._3283604-Arguments_TIGHT_LINES_ADVISORS.PDF
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT18\IMAGEOUT18\882\108\88210874\xml1\RFR0002.JPG

	\\TICRS\EXPORT18\IMAGEOUT18\882\108\88210874\xml1\RFR0003.JPG
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	\\TICRS\EXPORT18\IMAGEOUT18\882\108\88210874\xml1\RFR0005.JPG
GOODS AND/OR SERVICES SECTION (040) (current)	
INTERNATIONAL CLASS	040
DESCRIPTION	
Manufacturing process consulting and advisory services; Product manufacturing process consulting in the areas of process development, production control, inventory, energy consumption, equipment maintenance and repair, labor productivity and customer service	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (040) (proposed)	
INTERNATIONAL CLASS	040
TRACKED TEXT DESCRIPTION	
~~Manufacturing process consulting and advisory services~~; Manufacturing process consulting and advisory services namely, consulting services provided to the plastics, packaging, injection molding, metal forming, assembly and Consumer Products industries focused on manufacturing process review to providing enhanced efficiency, performance, competitive position and financial growth; ~~Product manufacturing process consulting in the areas of process development, production control, inventory, energy consumption, equipment maintenance and repair, labor productivity and customer service~~	
FINAL DESCRIPTION	
Manufacturing process consulting and advisory services namely, consulting services provided to the plastics, packaging, injection molding, metal forming, assembly and Consumer Products industries focused on manufacturing process review to providing enhanced efficiency, performance, competitive position and financial growth	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(class deleted)	
ATTORNEY INFORMATION (current)	
NAME	Terrence J. McAllister
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
INTERNAL ADDRESS	10TH FLOOR
STREET	ONE LANDMARK SQUARE
CITY	STAMFORD
STATE	Connecticut
POSTAL CODE	06901-2682
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	203-327-4500 x135
FAX	203-327-6401
EMAIL	trademark@ogrp.com
DOCKET/REFERENCE NUMBER	0013049UST1
ATTORNEY INFORMATION (proposed)	
NAME	Terrence J. McAllister

ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
INTERNAL ADDRESS	10TH FLOOR
STREET	ONE LANDMARK SQUARE
CITY	STAMFORD
STATE	Connecticut
POSTAL CODE	06901-2682
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	203-327-4500 x135
FAX	203-327-6401
EMAIL	trademark@ogrp.com
DOCKET/REFERENCE NUMBER	0013049UST1
OTHER APPOINTED ATTORNEY	Paul D. Greeley, Charles N. J. Ruggiero
CORRESPONDENCE INFORMATION (current)	
NAME	Terrence J. McAllister
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademark@ogrp.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER	0013049UST1
CORRESPONDENCE INFORMATION (proposed)	
NAME	Terrence J. McAllister
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademark@ogrp.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER	0013049UST1
SIGNATURE SECTION	
RESPONSE SIGNATURE	/OGRP-CNR-TJM-GKL/
SIGNATORY'S NAME	Terrence J. McAllister
SIGNATORY'S POSITION	Attorney of record for Applicant- New York Bar Member
SIGNATORY'S PHONE NUMBER	203 327 4500
DATE SIGNED	03/11/2020
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 11 12:30:11 ET 2020
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XX-2 02003111230115564 22-88210 874-7102a3083733eddab3d2d

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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. **88210874** TIGHT LINES ADVISORS(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/88210874/large) has been amended as follows:

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

Applicant's arguments are attached as a PDF in the Evidence section.

EVIDENCE

Original PDF file:
evi_6520515966-20200311120336547582_._3283604-Arguments_TIGHT_LINES_ADVISORS.PDF
Converted PDF file(s) (4 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.
Class 042 for Quality management services for internal and external quality improvement, namely, quality evaluation and analysis, quality assurance and quality control in the field of manufacturing

Applicant proposes to amend the following:
Current: Class 040Manufacturing process consulting and advisory services; Product manufacturing process consulting in the areas of process development, production control, inventory, energy consumption, equipment maintenance and repair, labor productivity and customer service
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: ~~Manufacturing process consulting and advisory services~~; Manufacturing process consulting and advisory services namely, consulting services provided to the plastics, packaging, injection molding, metal forming, assembly and Consumer Products industries focused on manufacturing process review to providing enhanced efficiency, performance, competitive position and financial growth; ~~Product manufacturing process consulting in the areas of process development, production control, inventory, energy consumption, equipment maintenance and repair, labor productivity and customer service~~

Owner AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: Tight Lines Advisors, LLC, a limited liability company legally organized under the laws of Connecticut, having an address of
228 Trinity Pass
Stamford, Connecticut 06903
United States

Proposed: Tight Lines Advisors, LLC, a limited liability company legally organized under the laws of Connecticut, having an address of
228 Trinity Pass
Stamford, Connecticut 06903
United States
Email Address: johnabplanalp@tightlinesadvisors.com

The owner's/holder's current attorney information: Terrence J. McAllister. Terrence J. McAllister of OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P., is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD, Connecticut 06901-2682
United States

The docket/reference number is 0013049UST1.

The phone number is 203-327-4500 x135.

The fax number is 203-327-6401.

The email address is trademark@ogrp.com

The owner's/holder's proposed attorney information: Terrence J. McAllister. Other appointed attorneys are Paul D. Greeley, Charles N. J. Ruggiero. Terrence J. McAllister of OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P., is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD, Connecticut 06901-2682
United States

The docket/reference number is 0013049UST1.

The phone number is 203-327-4500 x135.

The fax number is 203-327-6401.

The email address is trademark@ogrp.com

Terrence J. McAllister 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.

Correspondence Information (current):

Terrence J. McAllister
PRIMARY EMAIL FOR CORRESPONDENCE: trademark@ogrp.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 0013049UST1.

Correspondence Information (proposed):

Terrence J. McAllister
PRIMARY EMAIL FOR CORRESPONDENCE: trademark@ogrp.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 0013049UST1.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the

owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)
Request for Reconsideration Signature
Signature: /OGRP-CNR-TJM-GKL/ Date: 03/11/2020
Signatory's Name: Terrence J. McAllister
Signatory's Position: Attorney of record for Applicant- New York Bar Member

Signatory's Phone Number: 203 327 4500

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: Terrence J. McAllister
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
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Mailing Address: Terrence J. McAllister
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Serial Number: 88210874
Internet Transmission Date: Wed Mar 11 12:30:11 ET 2020
TEAS Stamp: USPTO/RFR-XX.XXX.XXX.XX-2020031112301155
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47cd44ad1b5da96e763bc825dc518210d5a2fb-N
/A-N/A-20200311120336547582

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tight Lines Advisors, LLC
Mark:	TIGHT LINES ADVISORS
Serial No.:	88210874
Examining Attorney:	Jessica Hilliard
Attorney Docket No.:	0013049UST1

Request for Reconsideration

This is in response to the Final Office Action dated October 1, 2019.

Proposed Amendment of Description of Services:

The Applicant has deleted class 42 and have revised class 40 so that it is clear that the Applicant's services and the cited Registration services are not the same, similar, connected, or related in any manner:

Class 40- revised language:

Manufacturing process consulting and advisory services namely, consulting services provided to the plastics, packaging, injection molding, metal forming, assembly and Consumer Products industries focused on manufacturing process review to providing enhanced efficiency, performance, competitive position and financial growth.

Class 42- Delete

Remarks

Likelihood of Confusion – 2(d) Refusal

The Examining Attorney has refused to register Applicant's TIGH LINES ADVISORS mark (the "Mark") under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the asserted ground that Applicant's Mark is likely to be confused with the mark in U.S. Registration No. 5475142 for TIGHTLINE DEVELOPEMENT (The "Cited Mark"). For all of the reasons discussed below, including the amendment of the services as mow entered, there is no likelihood of confusion between Applicant's Mark and the Cited Mark.

A. The Standard.

Registration of a mark may be refused under Section 2(d) of the Lanham Act, 15 U.S.C. §1052 (d), only if "confusion is likely because of concurrent use of the marks of an applicant and a prior user on their respective goods." In re E.I. du Pont de Nemours & Co., 177 U.S.P.Q. 563 (CCPA 1973) (hereinafter "du Pont"). Confusion occurs if purchasers of the goods or services believe they emanate from the same source. See, e.g., In re Quadram Corp., 228 U.S.P.Q. 863, 866 (TTAB 1985). In the instant case, as shown below, such confusion is highly unlikely to occur.

In making a determination of likelihood of confusion, the Examining Attorney must consider the known circumstances surrounding use of the mark, and "each case must be decided on its own facts. There is no litmus rule which can provide a ready guide to all cases." du Pont, 177 U.S.P.Q. at 566-67. The following du Pont factors are relevant herein:

> (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
>
> (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
>
> (12) The extent of potential confusion, i.e., whether de minimis or substantial.
>
> * * *

Id. The factors listed by the du Pont court were not enumerated in an order of relative merit; according to du Pont, any factor may, "from case to case, play a dominant role." Id.; see also, Kellogg Co. v. Pack'em Enters., Inc., 951 F.2d 330, 333 (Fed. Cir. 1991) ("We know of no reason why in a particular case, a single du Pont factor may not be dispositive.").

As shown below, and its prior response, due to the differences in the marks, the nature of the goods and services offered, the likelihood of confusion between Applicant's Mark and the Cited Marks is, at most, de minimis. Applicant, therefore, respectfully requests reconsideration of the Examining Attorney's refusal, and that the instant application be approved for publication and registration.

With the amended services description, the dissimilarity between the services offered by Applicant and those associated with the Cited Mark renders the potential for confusion highly unlikely, and decisions of the Trademark Trial and Appeal Board ("TTAB") support this conclusion. Applicant's amended services is clearly different in significant ways from the services covered by the Cited Mark. Applicant has amended the services to focus specifically on the nature of its services-"manufacturing process consulting".

Applicant's services focus on health and safety related cost reductions, improvements in inventory, reduction in energy consumption, improvements in downstream operations, education in maintenance and equipment repair, increased labor productivity and corporate advocacy, reduced external customer complaints and an increase in customer satisfaction. They are not directed towards product design or anything closely related to the medical product design services offered under the Cited mark. As part of the suite of services offered the Applicant provides direction, focus and motivation so that every employee is involved as a stakeholder in driving the company forward. Tight Lines Quality Focus increases product performance and reliability, while establishing and improving customer relationships. Tight Lines Production dramatically reduces defects and scrap rates, allowing manufacturers to get the most out of their workforce and materials. Tight Lines Communications allow for an organized, productive work environment that keeps all stakeholders informed and involved. Tight Lines Operations maintains control with ease and efficiency. Precisely applied, the returns are inspiring to observe and participate in.

In sharp contrast to the "manufacturing process consulting" services performed by the Applicant, the Cited mark services focused on "medical product design" services not offered by the Applicant. This information comes directly from the Cited mark Owner's web site:

Our contract development team was assembled in 2014. By focusing on project performance and offering a unique combination of services to accommodate our clients' needs, we have been successful in steadily growing our customer-base.

Our model is to assemble a core team of experienced design and development resources focused on the medical device space. All team members have the background and talent to drive all aspects of product development and launch

Our expertise lies in bringing innovative medical devices to market. As product development specialists, we work comfortably in the typically ambiguous front-end of the process all the way through to commercialization of a finished device.

For any given project, TightLine Development will leverage the combined resources of the core team to support project needs. This approach allows us to provide a self-sufficient group resource that internally manages personnel and skill sets to most effectively deliver on customer objectives.

What We Do

- Rapid Prototype
- Regulatory Analysis
- Competitive Analysis
- Concept Freeze

- CAD Models
- Engineering Drawings
- Design History File Review

- Test Execution
- Design History File Completion
- Regulatory Submission

https://www.tightlinedevelopment.com/

Specifically, where goods and services have very specialized and distinct purposes or uses, confusion is unlikely, even if there is some overlap in the nature of the products. See Astra Pharm. Prods., Inc. v. Beckham Instruments, Inc., 220 U.S.P.Q. 786, 790 (1st Cir. 1983) (the fact that both parties' products were used in the medical or health care field was not sufficient to demonstrate a likelihood of confusion as to the source of the products); see also In re Digirad Corp., 45 U.S.P.Q.2d 1841, 1845 (TTAB 1998) (TTAB found that the marks DIGIRAD and DIGIRAY were not likely to be confused with one another, although they differed only by one letter and both were used for medical diagnostic equipment).

The Federal Circuit made a similar finding in *Electric Design & Sales v. Electronic Data Systems*, 21 USPQ2d 1388 (Fed. Cir. 1992), where the Court found that the mark EDS for computer programming services was not confusingly similar to the mark EDS for power supplies/battery chargers. *Id.* ("although the two parties conduct business not only in same fields but also with some of the same companies, the mere purchase of the goods and services of both parties by the same institution does not, by itself, establish similarity of trade channels or overlap of customers.")

There is legal precedent that has found that showing use of related or identical marks in the same broad field "is not sufficient to demonstrate that a genuine issue exists concerning likelihood of confusion. *Astra Pharmaceuticals Prods. V. Beckman Instruments*, 220 USPQ 786, 790 (1st Cir. 1983). In this case, the Court found that there was no confusion where both parties used the mark ASTRA and the general field of goods could be considered related (hospital products), due in part to the differences in the goods when viewed more specifically (pharmaceuticals and laboratory instruments).

Conclusion

As all of the concerns of the Examining Attorney have been addressed, Applicant requests that the subject mark be published for opposition. Based on the foregoing remarks, the Trademark Examining Attorney should withdraw its refusal and approve the Application for publication. In view of the foregoing, applicant respectfully requests favorable consideration and that this mark be passed to publication.

Respectfully submitted,

Date: March 11, 2020

Terrence J. McAllister, Esq.
Attorney for Applicant
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.