

ESTTA Tracking number: **ESTTA1085652**

Filing date: **09/30/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92067794
Party	Plaintiff Joshua S. Schoonover
Correspondence Address	JOSHUA S SCHOONOVER COASTAL PATENT LAW GROUP PC PO BOX 131299 CARLSBAD, CA 92013 UNITED STATES Primary Email: LawGroup@CoastalPatent.com 858-565-4730
Submission	Plaintiff's Notice of Reliance
Filer's Name	Joshua S. Schoonover
Filer's email	lawgroup@coastalpatent.com
Signature	/JSS/
Date	09/30/2020
Attachments	1-NOR-complete.pdf(933923 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Ser. No. 87/629,391
Mark: FORUM

Joshua S. Schoonover,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92067794 (parent)
)	Cancellation No. 92069499
The Burton Corporation,)	
)	
Respondent.)	
)	

PETITIONER’S NOTICE OF RELIANCE ON OFFICIAL RECORDS UNDER 37 C.F.R.

§ 2.122(e)

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice and TBMP § 704.07, Petitioner, Joshua S. Schoonover, hereby makes of record and notifies Respondent, The Burton Corporation, of its reliance on the following official records:

1. A true and accurate copy of the status report from the United States Patent and Trademark Office’s Trademark Status and Document Retrieval (TSDR) database for U.S. Trademark Application Serial No. 87629391 that was downloaded on September 30, 2020 and which is attached hereto as *Exhibit A*. Petitioner will rely on Serial No. 87629391 to show standing.

2. A true and accurate copy of the office action refusal mailed December 19, 2018 in U.S. Trademark Application Serial No. 87629391 as-obtained from the United States Patent and Trademark Office’s TSDR database, was downloaded on September 30, 2020, and which is

attached hereto as *Exhibit B*. Petitioner will rely on the December 19, 2018 office action in connection with Serial No. 87629391 to show standing.

Dated this 30th day of September 2020.

By: /Joshua S. Schoonover/
Joshua S. Schoonover, Esq.
COASTAL PATENT LAW GROUP, P.C.
PO Box 131299
Carlsbad, CA 92013
Telephone: (858) 565-4730
Facsimile: (858) 408-3339
Email: LawGroup@CoastalPatent.com

Petitioner Pro Se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of PETITIONER'S NOTICE OF RELIANCE ON OFFICIAL RECORDS UNDER 37 C.F.R. § 2.122(e) has this 30th day of September 2020, been delivered via email only to the below-identified Attorney/Correspondent for the Respondent:

tmip@drm.com

/Joshua S. Schoonover/
Joshua S. Schoonover

EXHIBIT A

EXHIBIT A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2020-09-30 16:03:25 EDT			
Mark: FORUM			
<h1>FORUM</h1>			
US Serial Number:	87629391	Application Filing Date:	Sep. 30, 2017
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Trademark		
TM5 Common Status	LIVE/APPLICATION/Under Examination		
Descriptor:		The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.	
Status:	Suspension check completed. Application remains suspended.		
Status Date:	Aug. 19, 2020		
▼ Mark Information ▲ Collapse All			
Mark Literal Elements:	FORUM		
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.		
Mark Drawing Type:	4 - STANDARD CHARACTER MARK		
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none">• Brackets [...] indicate deleted goods/services;• Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and• Asterisks *..* identify additional (new) wording in the goods/services.			
For:	Beanies; Belts; Gloves; Hats; Hoodies; Pants; Shoes; Shorts; Snow boots; Snow pants; Snowboard gloves; Snowboard jackets; Snowboard pants; Snowboard trousers; Socks; Sweatshirts; T-shirts; Ski and snowboard shoes and parts thereof		
International Class(es):	025 - Primary Class	U.S Class(es):	022, 039
Class Status:	ACTIVE		
Basis:	1(b)		
For:	Snow boards; Snow skis; Snowboard bindings; Snowboards; Harnesses specially adapted for carrying snowboards, skis and skateboards		
International Class(es):	028 - Primary Class	U.S Class(es):	022, 023, 038, 050
Class Status:	ACTIVE		
Basis:	1(b)		
▼ Basis Information (Case Level)			
Filed Use:	No	Currently Use:	No
Filed ITU:	Yes	Currently ITU:	Yes
Filed 44D:	No	Currently 44E:	No
Filed 44E:	No	Currently 66A:	No
Filed 66A:	No	Currently No Basis:	No
Filed No Basis:	No		

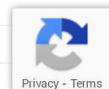


EXHIBIT A

▼ Current Owner(s) Information

Owner Name:	Schoonover, Joshua S.		
Owner Address:	PO Box 131299 Carlsbad, CALIFORNIA UNITED STATES 92013		
Legal Entity Type:	INDIVIDUAL	Citizenship:	UNITED STATES

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Joshua S. Schoonover		
Attorney Primary Email Address:	LawGroup@CoastalPatent.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	JOSHUA S. SCHOONOVER COASTAL PATENT LAW GROUP, P.C. PO BOX 131299 CARLSBAD, CALIFORNIA UNITED STATES 92013		
Phone:	858-565-4730	Fax:	8584083339
Correspondent e-mail:	LawGroup@CoastalPatent.com	Correspondent e-mail Authorized:	Yes

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Aug. 19, 2020	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Feb. 10, 2020	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Aug. 08, 2019	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Aug. 02, 2019	ASSIGNED TO LIE	68171
Jan. 04, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 04, 2019	LETTER OF SUSPENSION E-MAILED	6332
Jan. 04, 2019	SUSPENSION LETTER WRITTEN	94372
Dec. 28, 2018	ASSIGNED TO EXAMINER	94372
Dec. 20, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 19, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 19, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 19, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 19, 2018	NON-FINAL ACTION E-MAILED	6325
Dec. 19, 2018	NON-FINAL ACTION WRITTEN	90290
Dec. 11, 2018	LETTER OF PROTEST ACCEPTED	
Jun. 05, 2018	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 05, 2018	LETTER OF SUSPENSION E-MAILED	6332
Jun. 05, 2018	SUSPENSION LETTER WRITTEN	90290
May 23, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 22, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 22, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 09, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 09, 2018	NON-FINAL ACTION E-MAILED	6325
Jan. 09, 2018	NON-FINAL ACTION WRITTEN	90290

EXHIBIT A

Jan. 09, 2018	ASSIGNED TO EXAMINER	90290
Oct. 05, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 04, 2017	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information

TM Attorney: GIPSOV, MARYNA K

Law Office Assigned: LAW OFFICE 127

File Location

Current Location: TMO LAW OFFICE 127

Date in Location: Aug. 19, 2020

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**



EXHIBIT B

EXHIBIT B

To: Schoonover, Joshua S. (LawGroup@CoastalPatent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87629391 - FORUM - N/A
Sent: 12/19/2018 5:16:41 PM
Sent As: ECOM117@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION
SERIAL NO.** 87629391

MARK: FORUM

87629391

**CORRESPONDENT
ADDRESS:**
JOSHUA S.
SCHOONOVER
COASTAL PATENT
LAW GROUP, P.C.
PO BOX 131299
CARLSBAD, CA 92013

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Schoonover,
Joshua S.

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**

N/A

**CORRESPONDENT E-
MAIL ADDRESS:**

LawGroup@CoastalPatent.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: **12/19/2018**

INTRODUCTION

In a previous Office action dated January 9, 2018, the trademark examining attorney refused registration of the applied-for mark based on the following: Trademark Act Section 2(d) for a likelihood of confusion with a registered mark. On May 22, 2018, the applicant responded and advised there was a cancellation proceeding in place regarding the Section 2(d) registration, and requested suspension pending the outcome of the proceeding. On June 5, 2018, action on the application was suspended pending the outcome.

On December 11, 2018, the Office of the Deputy Commissioner for Trademark Examination Policy accepted a Letter of Protest received in connection with this application. The evidence presented in the letter was forwarded to the trademark examining attorney for consideration. *See* TMEP §1715. Based upon this evidence, the trademark examining attorney is taking further action, as specified below. *See* TMEP §1715.02(b).

EXHIBIT B

In addition to the refusal in this Office action, all refusal in the Office action dated January 9, 2018, are herein incorporated by reference. Therefore, a proper response to this Office action must address each issue raised in the preceding Office action as well as in this Office action.

SUMMARY OF ISSUES:

- Trademark Act Section 2(d) Refusal – Likelihood of Confusion

TRADEMARK ACT SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3598502 and 2207535. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration (Reg. No. 3598502); the other registration was previously provided.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are “relevant and of record” need be considered. *M2 Software, Inc. v. M2 Commc’ns, Inc.*, 450 F.3d 1378, 1382, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006) (citing *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1241, 73 USPQ2d 1350, 1353 (Fed. Cir. 2004)); *see In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1744 (TTAB 2018).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

The overriding concern is not only to prevent buyer confusion as to the source of the goods, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

COMPARISON OF THE MARKS

The applicant’s mark is FORUM in standard characters. The registrant’s marks are FORUM in standard characters (Reg. No. 3598502) and typed letters, a precursor to standard characters (Reg. No. 2207535). A single registrant owns the registrations.

Marks are 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). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)); TMEP §1207.01(b).

In a likelihood of confusion determination, the marks in their entireties are compared for similarities in appearance, sound, connotation, and commercial impression. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1323, 123 USPQ2d 1744, 1748 (Fed. Cir. 2017); *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)); *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v).

In the present case, applicant’s mark is FORUM and registrant’s marks are FORUM. These marks are identical in appearance, sound, and meaning, “and have the potential to be used . . . in exactly the same manner.” *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff’d*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017). Additionally, because they are identical, these marks are likely to engender the same connotation and overall commercial impression when considered in connection with applicant’s and registrant’s respective goods. *Id.*

EXHIBIT B

Therefore, the marks are confusingly similar.

COMPARISON OF THE GOODS

The applicant's goods are identified as "Beanies; Belts; Gloves; Hats; Hoodies; Pants; Shoes; Shorts; Snow boots; Snow pants; Snowboard gloves; Snowboard jackets; Snowboard pants; Snowboard trousers; Socks; Sweatshirts; T-shirts; Ski and snowboard shoes and parts thereof" in Class 25 and "Snow boards; Snow skis; Snowboard bindings; Snowboards; Harnesses specially adapted for carrying snowboards, skis and skateboards" in Class 28. The registrant's goods include sweatshirts, hats, beanies, caps (Reg. No. 3598502) and snowboards, snowboard bindings, leashes for snowboards (Reg. No. 2207535).

A. Relatedness of Goods with Reg. No. 2207535

As shown by the previous Office Action dated January 9, 2018, the goods of the applicant and registrant are related. When analyzing an applicant's and registrant's goods for similarity and relatedness, that determination is based on the description of the goods in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

The identifications set forth in the application and registration contain identical items in Class 28: snowboards and snowboard bindings, as well as snowboard leashes and harnesses for snowboards, which are essentially the same type of item. These goods have no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. See *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Accordingly, the goods of applicant and the registrant are considered related for purposes of the likelihood of confusion analysis.

With regard to the Class 25 goods, they commonly emanate from a single source. The compared goods need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The Internet evidence attached to the January 9, 2018 Office Action, consisting of website screenshots from www.gnu.com (makes clothing, hats, snowboards, and snowboard bindings), www.lib-tech.com (same), www.salomon.com (same), and www.neversummer.com (makes clothing, hats, and snowboards), establishes that the same entity commonly manufactures the relevant goods and markets the goods under the same mark, the relevant goods are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Thus, applicant's and registrant's goods are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

B. Relatedness of Goods with Reg. No. 3598502

When analyzing an applicant's and registrant's goods for similarity and relatedness, that determination is based on the description of the goods in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

In this case, the goods in the application and registration contain identical items: sweatshirts, hats and beanies. Therefore, it is presumed that the channels of trade and class(es) of purchasers are the same for these goods. See *Cai v. Diamond Hong, Inc.*, ___ F.3d ___, 27 USPQ2d 1797, 1801 (Fed. Cir. 2018) (quoting *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)). Thus, applicant's and registrant's goods are related.

In summary, the applicant's and registrant's marks create the same commercial impression and the respective goods are highly related. Therefore, consumers are likely to be confused and mistakenly believe that these goods originate from a common source. Accordingly, registration must be refused under Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

EXHIBIT B

RESPONSE GUIDELINES

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal in this Office action. *See* TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

/Jillian R. Cantor/
Trademark Examining Attorney
U.S. Patent & Trademark Office
Law Office 117
(571) 272-6564
jillian.cantor@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

EXHIBIT B

Print: Dec 19, 2018

78665952

DESIGN MARK

Serial Number

78665952

Status

CANCELLATION PENDING

Word Mark

FORUM

Standard Character Mark

Yes

Registration Number

3598502

Date Registered

2009/03/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

BURTON CORPORATION, THE CORPORATION VERMONT 80 INDUSTRIAL PARKWAY
BURLINGTON VERMONT 05401

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: [shirts,]
sweatshirts, hats, beanies, caps, [socks,] gloves [, and belts].
First Use: 1996/01/00. First Use In Commerce: 1996/09/00.

Filing Date

2005/07/07

Examining Attorney

RAUEN, JAMES A.

Attorney of Record

Douglas R. Wolf

FORUM

EXHIBIT B

To: Schoonover, Joshua S. (LawGroup@CoastalPatent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87629391 - FORUM - N/A
Sent: 12/19/2018 5:16:42 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **12/19/2018** FOR U.S. APPLICATION SERIAL NO. 87629391

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **12/19/2018** (*or sooner if specified in the Office action*). A response transmitted through the Trademark Electronic Application System (TEAS) must be received before midnight **Eastern Time** of the last day of the response period. For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the TEAS response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

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