

This Opinion is not a  
Precedent of the TTAB

Mailed: September 20, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re Summer Soles, LLC*  
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Serial No. 97287607  
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Kirby Blair Drake of Kirby Drake Law PLLC,  
for Applicant Summer Soles, LLC.

Sahar Nasserghodsi, Trademark Examining Attorney, Law Office 115,  
Daniel Brody, Managing Attorney.

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Before Goodman, Heasley and Johnson,  
Administrative Trademark Judges.

Opinion by Goodman, Administrative Trademark Judge:

Summer Soles, LLC (“Applicant”) seeks registration on the Principal Register of the mark FIELDS OF GREEN (in standard characters) for “Facial moisturizers containing matcha” in International Class 3.<sup>1</sup>

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<sup>1</sup> Application Serial No. 97287607 was filed on February 28, 2022 under Section 1(b), Trademark Act, 15 U.S.C. § 1051(b), based on a bona fide intention to use the mark in commerce. An amendment to allege use was filed on June 13, 2023, claiming July 26, 2022 as the date of first use and first use in commerce.

Page references to the application record are to the online database of the USPTO’s Trademark Status & Document Retrieval (TSDR) system. References to the briefs on appeal

The Trademark Examining Attorney has refused registration of Applicant's mark under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that Applicant's mark so resembles the following Principal Register marks owned by the same entity: FIELDS OF GREENS (typed drawing) and FOREVER FIELDS OF GREENS (in standard characters) both for "nutritional supplement containing barley green" in International Class 5.<sup>2</sup>

When the refusal was made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the request for reconsideration, the appeal was resumed. We affirm the refusal to register.

#### I. Likelihood of confusion

Section 2(d) of the Trademark Act prohibits registration of a mark that so resembles a registered mark as to be likely, when used on or in connection with the

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refer to the Board's TTABVUE docket system. Applicant's brief is at 6 TTABVUE; the Examining Attorney's brief is at 8 TTABVUE.

Applicant also attached to the brief evidence submitted in its request for reconsideration. This was unnecessary. *In re Virtual Indep. Paralegals, LLC*, Ser. No. 86947786, 2019 TTAB LEXIS 74, at \*3 (TTAB 2019). The better practice is to submit the evidence only once, and to refer to the evidence by Office Action/Response date and TSDR page number (as the Board does) in later Office Actions/Responses or appeal briefs. *Id.*

This opinion cites the Federal Reporter for decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals. For decisions of the Board this opinion cites to the LEXIS legal database. Practitioners should also adhere to the citation form recommended in TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 101.03 (2024).

<sup>2</sup> Registration No. 2018119 issued November 11, 1996, renewed; Registration No. 5031811 issued August 30, 2016, Section 8 accepted and Section 15 acknowledged. Effective November 2, 2003, Trademark Rule 2.52, 37 C.F.R § 2.52, was amended to replace the term "typed" drawing with "standard character" drawing. A mark depicted as a typed drawing is the legal equivalent of a standard character mark. *ProMark Brands Inc. v. GFA Brands, Inc., ProMark Brands, Inc. v. GFA Brands, Inc.*, Opp. No. 91194974, 2015 TTAB LEXIS 67, at \*3 n.5 (TTAB 2015) (citing TBMP § 807.03(i)).

goods or services of the applicant, to cause confusion, or to cause mistake, or to deceive. 15 U.S.C. § 1052(d). Our determination of likelihood of confusion under Section 2(d) is based on an analysis of all probative facts in the record that are relevant to the likelihood of confusion factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) (“*DuPont*”). *See also In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003) (same). We consider each *DuPont* factor for which there is evidence and argument. *See, e.g., In re Guild Mortg. Co.*, 912 F.3d 1376, 1379 (Fed. Cir. 2019); *In re Country Oven, Inc.*, Ser. No. 87354443, 2019 TTAB LEXIS 381, at \*2 (TTAB 2019).

In every Section 2(d) case, two key factors are the similarity or dissimilarity of the marks and the goods or services. *See In re i.am.symbolic, LLC*, 866 F.3d 1315, 1322 (Fed. Cir. 2017) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”). These factors are discussed below.

In analyzing likelihood of confusion, we limit our discussion to Registration No. 2018119 for the mark FIELDS OF GREENS (typed drawing) for “nutritional supplement containing barley green” as this mark is closest to Applicant’s mark. If we find no likelihood of confusion with this mark, then it follows there would be no likelihood of confusion with the mark in the other cited registration. *See In re Max Cap. Grp. Ltd.*, Ser. No. 77186166, 2010 TTAB LEXIS 1, at \*4-5 (TTAB 2008)

(confining likelihood of confusion analysis to one of multiple cited registrations deemed closest to the applied-for mark). We therefore refer to Registration No. 2018119 and the mark FIELDS OF GREENS as the cited registration in the remainder of this decision.

A. Similarity or Dissimilarity of the Marks

The first *DuPont* factor requires us to determine the similarity or dissimilarity of the marks when viewed in their entireties in terms of appearance, sound, connotation and overall commercial impression. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371 (Fed. Cir. 2005) (quoting *DuPont*, 476 F.2d at 1361). The test, under the first *DuPont* factor, is not whether the marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods offered under the respective marks is likely to result. *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368 (Fed. Cir. 2012). “[T]he marks ‘must be considered . . . in light of the fallibility of memory.’” *In re St. Helena Hosp.*, 774 F.3d 747, 751 (Fed. Cir. 2014) (quoting *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 685 (CCPA 1977)).

Applicant’s mark is FIELDS OF GREEN. Registrant’s mark is FIELDS OF GREENS.

Applicant’s mark is in standard characters and Registrant’s mark is a typed drawing. Neither Applicant’s nor Registrant’s mark is limited to any particular font

style, color, or size of display. *Citigroup Inc. v. Cap. City Bank Grp., Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1259 (Fed. Cir. 2011) (standard character registrations “are federal mark registrations that make no claim to any particular font style, color, or size of display and, thus, are not limited to any particular presentation”) (citing 37 C.F.R. § 2.52 ); *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 950 (Fed. Cir. 2000) (“Registrations with typed drawings are not limited to any particular rendition of the mark and, in particular, are not limited to the mark as it is used in commerce.”).

The marks are nearly identical in sound and appearance. The additional letter “S” in Registrant’s mark to make the plural version of green (“GREENS”) is a minimal difference that is insignificant in the similarity of the marks analysis. *See, e.g., Wilson v. DeLaunay*, 245 F.2d 877, 878 (CCPA 1957) (“It is evident that there is no material difference, in a trademark sense, between the singular and plural forms of the word ‘Zombie’ and they will therefore be regarded here as the same mark.”); *Weider Publ’ns, LLC v. D & D Beauty Care Co.*, Opp. No. 91199352, 2014 TTAB LEXIS 2, at \*25 (TTAB 2014) (“singular and plural forms of the same term are essentially the same mark”).

As to connotation, Applicant argues that “GREENS” in Registrant’s mark refers to the green color of barley greens, especially in plural form, while the singular form “GREEN” in Applicant’s mark refers to the green color of matcha. 6 TTABVUE 3. The Examining Attorney responds that although “GREEN” in each mark may refer to different ingredients (matcha or barley greens), “consumers would perceive the phrases as being unitary and conveying the impression of fields containing green or

greens.”<sup>8</sup> TTABVUE 4. The Examining Attorney submits that consumers “are not likely to dissect the term ‘GREEN’ or ‘GREENS’ from the marks and perceive that the term refers to a color of an ingredient of the goods.” *Id.* The Examining Attorney asserts that the commercial impression of Applicant’s mark and the cited mark is that “a feature or ingredient of the goods that happens to be an ingredient that is in the color green.” *Id.* at 4-5.

Relevant definitions of “GREEN” provided by the Examining Attorney from MERRIAM-WEBSTER DICTIONARY include: a: “covered by green growth or foliage, *green fields*”; and b: “consisting of green plants and usually edible herbage, *a green salad*.” December 28, 2023 Denial of Reconsideration at TSDR 2 (merriam-webster.com). The Examining Attorney points out that Applicant’s goods contain green tea extract, aloe leaf juice and alfalfa extract, which are greens. *Id.* at 4; 8 TTABVUE 5 (“applicant’s applied-for goods contain a variety of greens as ingredients. For example, organic green tea extract and aloe leaf juice, and alfalfa extract, and that alfalfa extracts are age-fighting greens.”). Applicant refers to evidence that “barley greens” is another name for barley grass, which are young barley plants that have not yet begun making seeds. December 22, 2023 Request for Reconsideration at TSDR 21 (webmd.com).

We find the connotation and commercial impression of the marks similar in that FIELDS OF GREEN or FIELDS OF GREENS both convey goods coming from fields which contain green plants or coming from fields which contain green foliage.

Considering the marks in their entireties, we find the marks very similar in appearance, sound, connotation and commercial impression.

B. Similarity or Dissimilarity of the Goods

Under the second *DuPont* factor we consider “[t]he similarity or dissimilarity and nature of the goods or services as described in an application or registration.” *DuPont*, 476 F.2d at 1361. Our comparison is based on the goods as identified in Applicant’s application and the cited registration. *In re Detroit Athletic Co.*, 903 F.3d 1297, 1307 (Fed. Cir. 2018) (citing *In re i.am.symbolic*, 866 F.3d at 1325).

“[T]he greater the degree of similarity in the marks, the lesser the degree of similarity that is required of the products ... on which they are being used in order to support a holding of likelihood of confusion.” *L’Oreal S.A. v. Marcon*, Opp. No. 91184456, 2012 TTAB LEXIS 77, at \*19 (TTAB 2012) (quoting *In re Concordia Int’l Forwarding Corp.*, Ser. No. 242402,<sup>3</sup>1983 TTAB LEXIS 19, at \*4 (TTAB 1983)). Where an applicant’s mark is nearly identical to the cited mark, it can lead to the assumption that there is a common source “even when [the] goods or services are not competitive or intrinsically related.” See *In re Shell Oil Co.*, 992 F.2d 1204, 1207 (Fed. Cir. 1993). “[G]oods that are neither used together nor related to one another in kind may still ‘be related in the mind of the consuming public as to the origin of the goods. It is this sense of relatedness that matters in the likelihood of confusion analysis.’” *Shen Mfg. Co., Inc. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1244 (Fed. Cir. 2004) (quoting *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000) (comparing FRITO-LAY for snack foods to FIDO LAY for dog treats)).

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<sup>3</sup> Complete serial number unavailable.

Applicant's goods are "Facial moisturizers containing matcha," and the goods in the cited registration are "nutritional supplement containing barley green."

Evidence that "a single company sells the goods ... of both parties, if presented, is relevant to a relatedness analysis." *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267 (Fed. Cir. 2002). *See also In re Embiid*, Ser. No. 88202890, 2021 TTAB LEXIS 168, at \*39 (TTAB 2021) (evidence of third-parties offering goods of both applicant and registrant pertinent to relatedness of the goods). The Examining Attorney provided internet evidence to show that facial moisturizer and nutritional supplements may emanate from the same source under the same mark. December 13, 2022 Office action at TSDR 4-13; June 22, 2023 Office action at TSDR 2-5.

Perricone MD offers Perricone MD Hypoallergenic Clean Correction Barrier Repair Nourishing Moisturizer and Perricone MD Nutraceuticals Omega 3. December 13, 2022 Office action at TSDR 4-5.



doTerra offers doTerra Greens and doTerra Anti-Aging Moisturizer:





*Id.* at 6-7.

Young Living offers Multigreens Herbal Supplement and Young Living Art Light Moisturizer



June 22, 2023 Office action at TSDR 2-3.

Swanson offers Swanson Premium Argan Oil Ultralight Moisturizing Night Cream and Swanson Barley Grass Juice Powder.



*Id.* at TSDR 4-5.

Hammer Nutrition offers Premium Insurance Caps and Hammer Nutrition Pelle Eccellente ultra hydrating skin cream.



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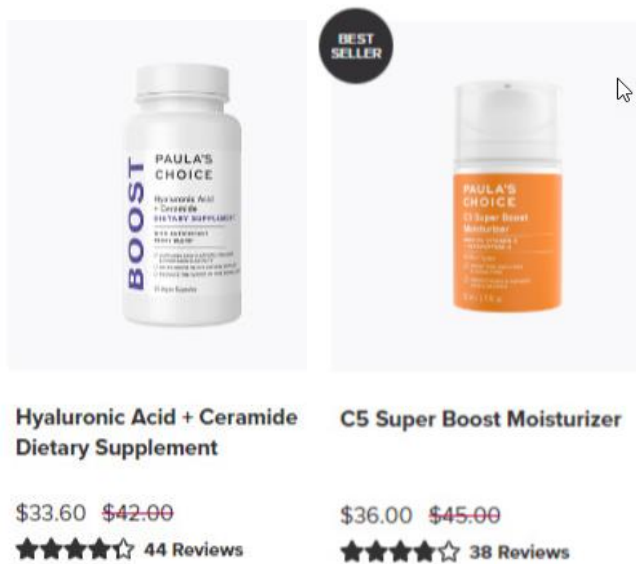
December 13, 2022 Office action at TSDR 8-9.

Herbalife offers Formula 2 Multivitamin Complex and Herbalife Skin Daily Glow Moisturizer.



*Id.* at TSDR 10-11.

Paula’s choice offers Boost Hyaluronic Acid+Ceramide Dietary Supplement and Paula’s Choice C5 Super Boost Moisturizer.



*Id.* at TSDR 12-13.

Applicant argues that the “Internet evidence does not suggest that the same entity is offering both nutritional supplements and facial care products under the same mark.” 6 TTABVUE 3. In particular, Applicant argues that “[t]hese entities have a company name that may be commonly associated with both nutritional supplement

and cosmetic products; however, the product brands are not common between the two classes of goods.” *Id.* at 4.

Applicant submits “there is no evidence ... presented that entities have adopted a single mark for both types of goods” and that “even if they are from a single source, the single source is not offering them under the same product brand, making it less likely that a consumer would assume that they were being offered by the same entity.” *Id.* at 3-4.

While many manufacturers use different product marks, these manufacturers also display their house marks in connection with these products. This evidence is probative, regardless of whether the use is as a house mark or a product mark. *See, e.g., In re Davey Prods. Pty, Ltd.*, Ser. No. 77029776, 2009 TTAB LEXIS 524, at \*15 (TTAB 2009) (two third-party webpages showing that applicant’s and registrant’s goods can be manufactured and sold by a single source supported relatedness); *Wet Seal, Inc. v. FD Mgmt., Inc.*, Opp. No. 91157022, 2007 TTAB LEXIS 21, at \*35-36 (TTAB 2007) (evidence of three companies selling both clothing and fragrances under the same house mark supported a finding that such goods are related).

The Examining Attorney also provided eight third-party registrations based on use in commerce showing nutritional supplements and facial moisturizers under the same mark. June 22, 2023 Office action at TSDR 6-13.

Third-party registrations that individually cover a number of different items and which are based on use in commerce may serve to suggest that the listed goods are of a type that may emanate from a single source. *See In re Albert Trostel & Sons Co.*,

Ser. No. 74186695, 1993 TTAB LEXIS 36, at \*7 (TTAB 1993); *In re Mucky Duck Mustard Co.*, Ser. No. 73603019, 1988 TTAB LEXIS 11, at \*9 n.6 (TTAB 1988), *aff'd*, 864 F.2d 149 (Fed. Cir. 1988).

Applicant cites to *Vital Pharms, Inc. v. Kronholm*, Opp. No. 91181806, 2011 TTAB LEXIS 207, at \*15 (TTAB 2011) to support its argument that Applicant's and Registrant's goods are unrelated. In *Vital Pharms*, the Board found that because plaintiff failed to provide evidence during its testimony period, the identifications for the parties' goods — cosmetics, fragrances and perfumes and nutritional supplements — on their face, did not support a finding of relatedness. In this case, in contrast, we do have evidence in the record as to relatedness, so our determination can be based on more than just the identifications in the application and the cited registration. In any event, prior decisions in trademark cases are of little help in deciding cases involving different marks and different facts. "Each case must be decided on its own facts and the differences are often subtle ones." *Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 1199 (CCPA 1973).

Applicant takes the position that the Examining Attorney's internet evidence only shows the goods being sold through the same stores. Again, Applicant cites to *Vital Pharms*, 2011 TTAB LEXIS 207, at \*15, which stated that "the presence of the parties' respective goods in the same store does not necessarily lead to the conclusion that confusion would arise."<sup>4</sup> *Id.* To further support its argument, Applicant cites to

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<sup>4</sup> In *Vital Pharms*, 2011 TTAB LEXIS 207, at \*15, there was an admission from applicant that cosmetics and fragrances are "sold in the same mass market stores and pharmacies" as nutritional supplements, but the admission alone did not support a finding of relatedness.

*Mini Melts, Inc. v. Reckitt Benckiser LLC*, Opp. No. 91173963, 2016 TTAB LEXIS 151 at \*23 (TTAB 2016) (“we recognize that the mere fact that disparate products are sold in the same retail outlets does not, standing alone, establish that the goods are related for purposes of determining likelihood of confusion”) and an unpublished decision *In re Pearl River Chinese Products Emporium, Inc.*, Ser. No. 75406111, 2005 TTAB LEXIS 203, at \*6-7 (TTAB 2005) (the mere fact that two different items can be found in a department store is not a sufficient basis for a finding that the goods are related) to support its argument that Applicant’s and Registrant’s goods are not related. 6 TTABVUE 3, 5-6.

We do not find this argument persuasive. While the fact that products are sold in the same store or on the same internet site does not, per se, warrant a conclusion that the goods are related, that is not what the record reflects in this case. Here, the internet evidence shows not only that the respective goods are available in the same online stores, but also that facial moisturizers and nutritional supplements are offered by the manufacturers under the same house mark.

Applicant argues that there is no evidence that purchasers looking for matcha will look for barley greens. The Board rejected a similar argument focusing on purchasers in *In re Davia*, Ser. No. 85497617, 2014 TTAB LEXIS 214, at \*24-25 (TTAB 2014). There, the applicant argued that “a proper focus on the relevant purchaser would reveal no likelihood of confusion, because consumers searching for a condiment to add hot spice to food would not select a sweetener.” *Id.* The Board rejected this argument, stating that “the issue is not whether consumers would confuse the goods themselves,

but rather whether they would be confused as to the source of the goods.” *Id.* at 25. Thus, the focus here is whether consumers will be confused as to the source of the goods, not whether the consumer would search for matcha and barley greens at the same time.

We further note that various types of evidence may support a finding of relatedness. “Evidence of relatedness may include news articles or evidence from computer databases showing that the relevant goods are used together or used by the same purchasers; advertisements showing that the relevant goods are advertised together or sold by the same manufacturer or dealer; or copies of prior use-based registrations of the same mark for both applicant’s goods and the goods listed in the cited registration.” *In re Ox Paperboard, LLC*, Ser. No. 87847482, 2020 TTAB LEXIS 266, at \*15 (TTAB 2020) (citation omitted). Here we have third-party registration evidence showing that registrants offer both facial moisturizers and nutritional supplements under the same mark, as well as internet evidence showing manufacturer use of house marks on facial moisturizers and nutritional supplements.

In Applicant’s December 22, 2023 Request for Reconsideration at TSDR 4-12, Applicant provided plain copies of registrations for two GREEN LIVING marks and three LIVING GREEN marks, listed below, each owned by different entities and each covering different goods, to support its argument that its mark and the cited mark can co-exist.

GREEN LIVING (“green” disclaimed), Reg. No. 4634604, (Section 44), for goods that include non-medicated personal care products, namely skin moisturizers (Cl. 3) at TSDR 5.<sup>5</sup>


**greenliving** Reg. No. 6232790, for goods that include beer mugs, coffee pots and drinking straws (Cl. 21) at TSDR 11.

LIVINGGREEN, Reg. No. 3165993, for goods that include paints (Cl.2), natural and artificial stone (Cl.19), furniture (Cl.20) and bed sheets and towels (Cl. 24) at TSDR 8.

LIVING GREEN<sup>🌿</sup> (“green” disclaimed) Reg. No. 5899580, (Section 66a), for various cleaning preparations (Cl. 3) and deodorizers (Cl. 5) at TSDR 9.<sup>6</sup>

LIVING GREEN (“green” disclaimed), Reg. No. 3489717, for goods that include paper towels (Cl. 16) at TSDR 4.

On appeal, as examples of similar marks co-existing on the trademark register, Applicant points to GREEN LIVING (Reg. No. 4634604) for, among other things, skin

moisturizers, and  (Reg. No. 5899580) for, among other things, various cleaning preparations. 6 TTABVUE 4; December 22, 2023 Request for Reconsideration at TSDR 4-5. In particular, Applicant argues that Applicant’s and Registrant’s marks are “similar to the mark ‘Green Living’ in terms of goods associated with marks arguably being able to be sold in the same channel or even in

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<sup>5</sup> This registration has been registered since November 11, 2014.

<sup>6</sup> This registration has been registered for less than five years and is not probative. *In re 1st USA Realty Prof’ls, Inc.*, Ser. No. 78553715, 2007 TTAB LEXIS 73, at \*5 (TTAB 2007) (“Because these registrations [under Section 44 and Section 66] are not based on use in commerce they have no probative value in showing the relatedness of the services, and they have not been considered.”).



the same store or on the same website, but the marks were still each registrable.” *Id.* at 4. Applicant also refers to the additional registrations submitted during prosecution as additional support for that point. *Id.* at 5.

Although the third-party registrations submitted by Applicant contain the term GREEN, which has been disclaimed when not depicted as a compound word, the marks otherwise contain the term LIVING, which is not found in Applicant’s and Registrant’s nearly identical marks.<sup>7</sup> We also find the goods listed in the registrations are not probative except for one registration, (Reg. No. 4634604), which identifies, among other goods, skin moisturizers. The registrations otherwise do not involve the same identified goods nor the same marks at issue herein. The peaceful co-existence of these similar registered marks for different goods cannot justify registration of a confusingly similar mark. “The Board must decide each case on its own merits.” *In re Nett Designs Inc.*, 236 F.3d 1339, 1342 (Fed. Cir. 2001). “Because each case must be decided independently of prior decisions ... the marks and goods are different from the present case that, even if they [GREEN LIVING and LIVING GREEN] were relevant, they would merely stand for the principle that the Office determines each case on its own merits.” *In re Embiid*, 2021 TTAB LEXIS 168, at \*52.

Considering the relatedness evidence as a whole, the third-party use evidence suggests that consumers are accustomed to seeing a single house mark identifying

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<sup>7</sup> Applicant does not raise the issue of conceptual weakness of the term “green.” The Examining Attorney argues that FIELDS OF GREEN and FIELDS OF GREENS are unitary terms and that consumers are “not likely to dissect ‘GREEN’ or ‘GREENS’ from the marks.”  
<sup>8</sup> TTABVUE 4.

facial moisturizers and nutritional supplements. *In re Detroit Athletic*, 903 F.3d at 1306; *see also In re Charger Ventures LLC*, 64 F.4th 1375, 1382 (Fed. Cir. 2023) (“Because the record shows that companies are known to offer both residential and commercial services under the same mark and, often, on the same website, we find that substantial evidence supports the Board’s finding on [the second and third *DuPont*] factors.”). The third-party registrations corroborate the third-party use-based evidence, showing companies offering facial moisturizers and nutritional supplements under a single mark.

We find, based on the evidence of record, Applicant’s and Registrant’s goods are related. *See In re C.H. Hanson Co.*, Ser. No. 77983232, 2015 TTAB LEXIS 357, at \*17 (TTAB 2015) (third-party registrations and internet evidence support relatedness).

## II. Conclusion

The final step in analyzing likelihood of confusion is to weigh the *DuPont* factors for which there has been evidence and argument and explain the results of the weighing. *In re Charger Ventures LLC*, 64 F.4th at 1384. We have considered all *DuPont* factors for which there is argument and evidence.

The first and second *DuPont* factors weigh in favor of likelihood of confusion. We find confusion likely as to Registration No. 2018119, FIELDS OF GREENS. Therefore, we need not consider the issue of likelihood of confusion with respect to the other cited registration (Registration No. 5031811).

**Decision:** The refusal to register Applicant’s mark, FIELDS OF GREEN, is affirmed. 15 U.S.C. § 1052(d).