

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85963631
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/85963631/large
LITERAL ELEMENT	F3 OUTDOORS
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.
LEGAL ENTITY SECTION (current)	
TYPE	sole proprietorship
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Mississippi
LEGAL ENTITY SECTION (proposed)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Mississippi
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_102001020-215503819_.F3_OUTDOORS-RESPONSE.pdf
CONVERTED PDF FILE(S) (7 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\636\85963631\xml9\ROA0008.JPG
DESCRIPTION OF EVIDENCE FILE	arguments in response to the 2(d) refusal against registration number 3946247 and a potential 2(d) refusal against serial number 79107681.
GOODS AND/OR SERVICES SECTION (025)(current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing: such as, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, socks headwear and shirts	

GOODS AND/OR SERVICES SECTION (025)(proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
Clothing: such as, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, socks headwear and shirts; Clothing, namely, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, headwear and shirts	
FINAL DESCRIPTION	
Clothing, namely, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, headwear and shirts	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(no change)	
ADDITIONAL STATEMENTS SECTION	
SIGNIFICANCE OF MARK	F3 appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, or any geographical significance.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/avann/
SIGNATORY'S NAME	Antonio G. Vann
SIGNATORY'S POSITION	Attorney of Record, VA Bar Member
SIGNATORY'S PHONE NUMBER	7037777319
DATE SIGNED	03/27/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Mar 27 22:08:49 EDT 2014
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 140327220849008131-859636 31-50081f8f695ee819a7beaa 2f8469cceed082294cde2f64b 9441de541a6dc3a5f9-N/A-N/ A-20140327215503819615

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85963631** F3 OUTDOORS(Standard Characters, see <http://tsdr.uspto.gov/img/85963631/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of arguments in response to the 2(d) refusal against registration number 3946247 and a potential 2(d) refusal against serial number 79107681. has been attached.

Original PDF file:

[evi_102001020-215503819_.F3_OUTDOORS-RESPONSE.pdf](#)

Converted PDF file(s) (7 pages)

[Evidence-1](#)

[Evidence-2](#)
[Evidence-3](#)
[Evidence-4](#)
[Evidence-5](#)
[Evidence-6](#)
[Evidence-7](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 025 for Clothing: such as, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, socks headwear and shirts
Original Filing Basis:

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: ~~Clothing: such as, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, socks headwear and shirts;~~
[Clothing, namely, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, headwear and shirts](#)

Class 025 for Clothing, namely, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, headwear and shirts

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.

APPLICANT AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: F3 Outdoors, a sole proprietorship having an address of
695 Tara Road
Brandon, Mississippi 39042
United States

Proposed: F3 Outdoors, a limited liability company legally organized under the laws of Mississippi, having an address of
695 Tara Road
Brandon, Mississippi 39042
United States

ADDITIONAL STATEMENTS

Significance of wording, letter(s), or numeral(s)

F3 appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, or any geographical significance.

SIGNATURE(S)

Response Signature

Signature: /avann/ Date: 03/27/2014

Signatory's Name: Antonio G. Vann

Signatory's Position: Attorney of Record, VA Bar Member

Signatory's Phone Number: 7027777210

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85963631

Internet Transmission Date: Thu Mar 27 22:08:49 EDT 2014

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20140327220849008

131-85963631-50081f8f695ee819a7beaa2f846

9cceed082294cde2f64b9441de541a6dc3a5f9-N

/A-N/A-20140327215503819615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: F3 Outdoors LLC
Serial No.: 85963631
Filed: June 19, 2013
Trademark Atty: Deborah E. Lobo
Word Mark: F3 OUTDOORS

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 27, 2013

This Response is filed in reply to the Office Action e-mailed on September 27, 2013. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for F3 OUTDOORS is in condition for allowance to publication.

Potential Section 2(d) – Likelihood of Confusion

Applicant submits a preliminary response to the potential section 2(d) refusal; however, Applicant reserves all rights to provide a detailed and more descriptive response if Examining Attorney Deborah E. Lobo raises a Section 2(d) refusal in a subsequent Office Action.

APPLICANT'S WORD MARK	CITED REGISTERED STYLIZED MARK	CITED PENDING MARK
F3 OUTDOORS	(F3 TECH LOGO HERE)	F3
Serial No. 85963631	Registration No. 3946247	Serial No. 79107681
025: Clothing: such as, tops, pants, shorts, gloves, fleece pullovers, vests, sweatshirts, jackets, socks headwear and shirts 042: Creating an on-line community for registered users for the purpose of sharing images and stories about outdoor experiences	025: Socks	012: motorcycles

Preliminary Response with Reservation of Rights

The USPTO suggests that it will refuse registration of Applicant's mark, F3 OUTDOORS, because of a likelihood of confusion with registered mark F3 TECH and pending mark F3. "[T]he question of

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.