

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86376369
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86376369/large
LITERAL ELEMENT	SPANTEEZ FOOT THONG
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.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_701095314-20150120104250976149_.SPANTEEZ-Response.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\763\86376369\xml5\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\763\86376369\xml5\ROA0003.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\863\763\86376369\xml5\ROA0005.JPG
DESCRIPTION OF EVIDENCE FILE	arguments and statements in response to the Office Action.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/KeithScott/
SIGNATORY'S NAME	Keith Scott
SIGNATORY'S POSITION	Owner
DATE SIGNED	01/20/2015
AUTHORIZED SIGNATORY	YES
RESPONSE SIGNATURE	/VirginiaScott/
SIGNATORY'S NAME	Virginia Scott
SIGNATORY'S POSITION	Owner
DATE SIGNED	01/20/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jan 20 10:47:07 EST 2015
	USPTO/ROA-XX.XXX.XX.XX-20 150120104250976149

TEAS STAMP

69-530aa662cb89bb1e624e3a
ad15c9499dda5a665633473bf
315e939b6ad15f15df-N/A-N/
A-20150120104250976149

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. **86376369** SPANTEEZ FOOT THONG(Standard Characters, see <http://tsdr.uspto.gov/img/86376369/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of arguments and statements in response to the Office Action. has been attached.

Original PDF file:

[evi_701095314-20150120104250976149_.SPANTEEZ-Response.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

SIGNATURE(S)

Response Signature

Signature: /KeithScott/ Date: 01/20/2015

Signatory's Name: Keith Scott

Signatory's Position: Owner

Response Signature

Signature: /VirginiaScott/ Date: 01/20/2015

Signatory's Name: Virginia Scott

Signatory's Position: Owner

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 86376369

Internet Transmission Date: Tue Jan 20 10:47:07 EST 2015

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20150120104707213

324-86376369-530aa662cb89bb1e624e3aad15c

9499dda5a665633473bf315e939b6ad15f15df-N

/A-N/A-20150120104250976149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott, Keith
Serial No.:	86376369
Filed:	August 25, 2014
Trademark Atty:	Katherine Chang
Word Mark:	SPANTEEZ FOOT THONG

RESPONSE TO DECEMBER 9, 2014 OFFICE ACTION

This Response is filed in reply to the Office Action e-mailed on December 9, 2014. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for SPANTEEZ FOOT THONG is in condition for allowance to publication.

AMENDMENT OF IDENTIFICATION

The Examining Attorney has requested an amendment to the identification of the class 025 goods. Applicant amends the identification of the class 025 goods to the following:

Foot covers, namely, thong footwear, socks

DISCLAIMER

The Applicant submits the following disclaimer:

No claim is made to the exclusive right to use “FOOT THONG” apart from the mark as shown.

INFORMATION REQUEST

In response to the Examining Attorney’s request for advertisements, Applicant asserts that it does not currently have promotional materials. However, Applicant provides photographs of the identified goods in Exhibit A.

Additionally, Applicant provides advertisements of similar goods in Exhibit B.

PRIOR PENDING APPLICATION

Applicant submits a preliminary response to the potential section 2(d) refusal stemming from the prior pending application under serial number 85822292 for FOOT THONGS MIRACLE SOCKS.

APPLICANT'S WORD MARK

SPANTEEZ FOOT THONG

Class 025: Foot covers, namely, thong footwear, socks.

PRIOR PENDING MARK

FOOT THONG MIRACLE SOCKS

Class 025: Socks

APPLICANT'S MARK IS NOT CONFUSINGLY SIMILAR BECAUSE THE COMMON ELEMENTS ARE HIGH DESCRIPTIVE

The USPTO suggests that it will refuse registration of Applicant's mark, SPANTEEZ FOOT THONG, because of the potential registration of the mark FOOT THONG MIRACLE SOCKS. To avoid the potential suspension resulting from application serial number 85822292, Applicant respectfully asserts that Applicant's mark raises no 2(d) issue with the prior pending application because (1) the shared common element is high descriptive, (2) Applicant has disclaimed the common element, and (3) the images found in Exhibit B support the position that the common element is descriptive.

CONCLUSION

Applicant has fully responded to the Office Action. For at least the above reasons, Applicant asserts that Applicant's mark, SPANTEEZ FOOT THONG, is sufficiently distinct from the prior pending mark, so as not to result in consumer confusion. Applicant respectfully submits in good faith that all potential 2(d) refusals, rejections, and/or objections have been overcome and that the applied for mark is in condition for publication.

EXHIBIT A: Pictures of Applicant's Products



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