

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86393777
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86393777/large
LITERAL ELEMENT	BLACK BOX
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_701095314-20141110170456749561 . BLACK_BOX_86393777 -_OA_Response.pdf
CONVERTED PDF FILE(S) (8 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\937\86393777\xml5\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\937\86393777\xml5\ROA0003.JPG
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DESCRIPTION OF EVIDENCE FILE	Arguments in support of registration, namely, the applicant's response to potential Section 2(d) refusal and attached exhibits in support thereof have been attached
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
NEW ATTORNEY SECTION	
NAME	Tom Dunlap
FIRM NAME	DunlapWeaver PLLC
STREET	211 Church St., SE
CITY	Leesburg
STATE	Virginia

ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	7037777319
EMAIL	ip@dunlapweaver.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	MAVSAK INC 3060 OCEAN AVE BROOKLYN New York (NY) US 11235-3310
NEW CORRESPONDENCE SECTION	
NAME	Tom Dunlap
FIRM NAME	DunlapWeaver PLLC
STREET	211 Church St., SE
CITY	Leesburg
STATE	Virginia
ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	7037777319
EMAIL	ip@dunlapweaver.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Seth Willig Chadab/
SIGNATORY'S NAME	Seth Willig Chadab
SIGNATORY'S POSITION	Associate Attorney, DunlapWeaver PLLC, Maryland Bar Member
SIGNATORY'S PHONE NUMBER	7037777319
DATE SIGNED	11/10/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Nov 10 17:09:45 EST 2014
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 141110170945788546-863937 77-500a14ea8fce12b5311dd5 b9a82050d525224b67c897eb5 bd1ea97a7af1c9-N/A-N/A-20 141110170456749561

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86393777** BLACK BOX(Standard Characters, see <http://tsdr.uspto.gov/img/86393777/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of Arguments in support of registration, namely, the applicant's response to potential Section 2(d) refusal and attached exhibits in support thereof have been attached has been attached.

Original PDF file:

[evi_701095314-20141110170456749561_-_BLACK_BOX_86393777_-_OA_Response.pdf](#)

Converted PDF file(s) (8 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Tom Dunlap of DunlapWeaver PLLC, having an address of
211 Church St., SE Leesburg, Virginia 20175

United States

ip@dunlapweaver.com

7037777319

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

MAVSAK INC

3060 OCEAN AVE

BROOKLYN

New York (NY)

US

11235-3310

Proposed:

Tom Dunlap of DunlapWeaver PLLC, having an address of
211 Church St., SE Leesburg, Virginia 20175

United States

ip@dunlapweaver.com

7037777319

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S)

Response Signature

Signature: /Seth Willig Chadab/ Date: 11/10/2014

Signatory's Name: Seth Willig Chadab

Signatory's Position: Associate Attorney, DunlapWeaver PLLC, Maryland Bar Member

Signatory's Phone Number: 7037777319

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.

Mailing Address: Tom Dunlap
DunlapWeaver PLLC
211 Church St., SE
Leesburg, Virginia 20175

Serial Number: 86393777

Internet Transmission Date: Mon Nov 10 17:09:45 EST 2014

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20141110170945788

546-86393777-500a14ea8fce12b5311dd5b9a82

050d525224b67c897eb5bd1ea97a7af1c9-N/A-N

/A-20141110170456749561

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 86393777
Mark: BLACK BOX
Applicant: MAVSAK INC
Office Action Date: October 16, 2014

RESPONSE TO OCTOBER 16, 2014 OFFICE ACTION

This Response is filed in reply to the Office Action e-mailed on October 16, 2014. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for BLACK BOX is in condition for allowance to publication.

Potential Section 2(e)(1) Refusal: Merely Descriptive

Applicant responds to the refusal by amending the application to seek registration on the Supplemental Register.

Potential Section 2(d) Refusal: 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 Bridgett G. Smith raises a Section 2(d) refusal in a subsequent Office Action.

The USPTO has suggested that the Applicant's mark, BLACK BOX, may be suspended, because of a likelihood of confusion with the pending U.S. Applications Serial Nos. 86114621 and 86114622 (herein referred as the "BLACKBOXGUARD marks" or "cited marks").

No likelihood of confusion has been found for similar marks with similar goods

Courts across the country have long held that the addition of different terms to a common element appreciably reduces the likelihood of confusion between two marks. See *US Trust v. U.S. States Trust Co.*, 210 F. Supp. 2d 9, 27-28 (D. Mass 2002) (UNITED STATES TRUST COMPANY not confusingly similar to UNITED STATES TRUST COMPANY OF BOSTON, both for financial services); *Colgate Palmolive Co. v. Carter-Wallace, Inc.*, 432 F.2d 1400, 1402, 167 U.S. P. Q. 529, 530 (C.C.P.A. 1970) (PEAK PERIOD not confusingly similar to PEAK); *Servo Corp. Am. v. Servo-Tek Prod. Co.*, 289 F. 2d 955, 981 129 U.S.P.Q. 352, 353 (C.C.P.A. 1961) (SERVOSPEED not confusingly similar to SERVO); *Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F. 2d 1560, 1564, 4 U.S.P.Q. 2d 1793, 1796 (Fed. Cir. 1987) (SWEATS not confusing similar to ULTRA SWEATS, both for sportswear); *Gen. Mills Inc. v. Kellogg Co.*, 824 F. 2d 622, 627, 3 U.S.P.Q. 2d 1442, 1446 (8th Cir. 1987) (OATMEAL RAISIN CRISP not confusingly similar to APPLE RASIN CRISP, both for breakfast cereal); *Consol. Cigar v. RJR*

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