

To: WILLIAM SCOTT GOLDMAN(trademarks@branding-law.com)
Subject: U.S. Trademark Application Serial No. 97119904 - ARTSOCKET
Sent: August 24, 2022 03:52:13 PM EDT
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Attachments

[5833774](#)
[RH Towels.jpg](#)
[RH Bedding.png](#)
[RL Home.png](#)
[Serena&LilyRugs.jpg](#)
[Serena&LilyBed.jpg](#)
[Serena&LilyBath.jpg](#)

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97119904

Mark: ARTSOCKET

Correspondence Address:

WILLIAM SCOTT GOLDMAN
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WASHINGTON DC 20004 UNITED STATES

Applicant: Lin, Zhipeng

Reference/Docket No. N/A

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NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be [abandoned](#). Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 24, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Section 2(d) Refusal – Likelihood of Confusion

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5833774. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Standard of Analysis for Section 2(d) Refusal

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 and/or services 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). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

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 and/or services. *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.

Facts

Applicant has applied to register the mark ARTSOCKET for use on “Carpets; Rugs; Wallcoverings; Bath mats; Bathroom mats; Bathroom rugs; Beach mats; Floor mats for vehicles; Non-slip mats for baths; Stable mats for use as animal mattresses” in International Class 27.

Registrant’s mark is ARTSOCKET for “Blanket throws; Canvas fabric; Cotton fabric; Duvets; Hand towels; Linen cloth; Pillow covers; Shower curtains; Table linen; Table pads; Throws for traveling; Towels; Window curtains; Woolen fabric; Woollen blanket” in International Class 24.

Similarity of Marks

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 Fondée 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 ARTSOCKET and registrant's mark is ARTSOCKET. 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.*

Therefore, the marks are confusingly similar.

Relatedness of Goods

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 and/or services] 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).

Where the marks of the respective parties are identical, as in this case, the degree of similarity or relatedness between the goods needed to support a finding of likelihood of confusion declines. *See In re Country Oven, Inc.*, 2019 USPQ2d 443903, at *5 (TTAB 2019) (citing *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017)); TMEP §1207.01(a); *see also In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993).

Here, the attached Internet evidence, consisting of screenshots of third-party websites, establishes that the same entity commonly provides the relevant goods under the same mark, through the same trade channels, which are 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).

In conclusion, because the marks are identical and the goods are related, there is a likelihood of confusion as to the source of applicant's goods. Therefore, registration is refused pursuant to Section 2(d) of the Trademark Act.

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

ASSISTANCE

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

Artsocket

Mark Punctuated

ARTSOCKET

Translation

Goods/Services

- IC 024. US 042 050.G & S: Blanket throws; Canvas fabric; Cotton fabric; Duvets; Hand towels; Linen cloth; Pillow covers; Shower curtains; Table linen; Table pads; Throws for traveling; Towels; Window curtains; Woolen fabric; Woollen blankets. FIRST USE: 20180509. FIRST USE IN COMMERCE: 20180509

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

88273851

Filing Date

20190123

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20190528

Registration Number

5833774

Date Registered

20190813

Owner

(REGISTRANT) Zhipeng Lin INDIVIDUAL CHINA No.72, Anbian, Wenli Village, Daitou Town, Xiuyu District, Putian, Fujian CHINA 351166 (LAST LISTED OWNER)
SUZHOU YONGZHENLUE TRADING CO., LTD. COMPANY CHINA ROOM 520, BUILDING 3,
SUZHOU TAIHU NEW TOWN, BUSINESS PLAZA, XUKOU TOWN, WUZHONG DISTRICT SUZHOU
CHINA

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark
TRADEMARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record

LIVING

DINING

BED

BATH

LIGHTING

TEXTILES

RUGS

WINDOWS

DÉCOR

ART

OUTDOOR

SALE

Bed Linens

Bedding By Type

Bedding Essentials

Bath Towels & Linens

Pillows

Throws

Windows

Outdoor Textiles

Fabric By The Yard

Sale

In-Stock Textiles


Bath Towel & Linen Collections

Bath Towels

Bath Rugs

Shower Curtains

Robes, Slippers & Sleepwear



≡

🔍

RH

LIVING

DINING

BED

BATH

LIGHTING

TEXTILES

RUGS

WINDOWS

DÉCOR

ART

OUTDOOR

SALE

Beds

Dressers, Nightstands & Armoires

FreshBed™ Sleep System

Mattresses & Foundations

Benches & Stools

Bed Linens

Bedding By Type

Bedding Essentials

Mirrors

Shop By Room

Sale

In-Stock Bed

Bedding Collections

Duvet Covers & Shams


Sheets & Pillowcases

Quilts & Coverlets

Bed Throws & Blankets

Down & Basics

FreshBed™ Compatible Bedding Collections



×

RALPH LAUREN

MEN WOMEN KIDS & BABY HOME GIFTS WORLD OF RL SALE



What's New

- New Arrivals
- Bedding Shop
- Penthouse Living
- Seasonal Entertaining
- Home Office
- Monogram Shop
- Explore My Style

Bedding

- Bedding Collections
- Sheets & Pillowcases
- Duvets & Comforters
- Bed Blankets & Coverlets
- Throw Blankets
- Throw Pillows
- Shams
- Bedding Basics

Towels & Robes

- Bath Towels & Mats
- Beach Towels
- Bath Robes

Décor

- Decorative Accessories
- Frames
- Throw Pillows
- Candles & Hurricanes
- Games & Books

Dining

- Dinnerware & Flatware
- Serveware
- Glassware & Drinkware
- Bar Tools & Accessories

Lighting

- Table & Floor Lamps
- Chandeliers & Ceiling Lights
- Wall Lighting

Furniture

- Sofas & Sectionals
- Chairs
- Benches & Ottomans
- Desks, Bookcases, & Shelves
- Tables
- Bar Carts & Bar Cabinets
- Beds
- Dressers & Nightstands
- Mirrors

Rugs

Ralph's Coffee Shop

The Pup Shop

More To Explore

- About Ralph Lauren Home
- Our Furniture Icons
- Building a Flagship
- Trade Professionals
- Furniture & Rug Care
- Shop All Swatches

Sale

- Bedding
- Towels & Robes
- Décor
- Dining
- RL Home: Enjoy Up to 30% Off

BY COLOR

All Rugs
Blue Rugs
Neutral Rugs
Grey Rugs
Multicolored Rugs

BY CONSTRUCTION

Performance & Outdoor Rugs
Natural & Jute Rugs
Denim Rugs
Wool Rugs
Hand-Knotted Rugs
Rug Pads
Rug Swatches

GET INSPIRED

The Rug Guide
The S&L Gift Certificate



NEW GROUND RULES

Shop All Rugs



SHOP BY CATEGORY

HAND-KNOTTED RUGS

PERFORMANCE RUGS

BLUE RUGS

NATURAL & JUTE RUGS

WOOL RUGS

DENIM RUGS

RUNNERS



BEDDING

All Bedding
Sheets
Duvet Covers
Quilts & Coverlets
Blankets & Throws
Bedding Bundles
Shams & Pillowcases
Bedskirts
Robes & Pajamas

BED FOUNDATIONS

Mattress & Foundation
Bedding Inserts & Protectors
Essential Bed Linens
Dryer Balls

NURSERY

Nursery Bedding
Nursery Bundles
Changing Pads & Crib Mattresses

GET INSPIRED

Sleep Well: The Bedding Guide
Masterclass: Styling a Bed
Pillow Combinations for Your Bed
The S&L Gift Certificate



A WELL-DRESSED BED
Shop Bedding



BATH

- All Bath
- Bath Towels
- Bath Rugs & Mats
- Shower Curtains
- Bath Bundles
- Pajamas & Robes
- Kids Bath

BATH ORGANIZATION

- Hampers & Storage
- Bathroom Décor
- Vanity Accessories



THE ULTIMATE SPA DAY
Shop Bath Towels



https://www.serenaandlily.com/bath/

Google Chrome
104.0.5112.81

2:43:42 PM 8/24/2022
Windows 10 Enterprise N 2016 LTSB 64-bit Build 14393

https://www.serenaandlily.com/

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 24, 2022 for
U.S. Trademark Application Serial No. 97119904

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

Note To The File

Serial Number: 97119904

Date: 08/24/2022 2:49 pm

Created by: Salima Oestreicher

ARTSOCKET

Searched

- Google
- OneLook

Statistics for Case 97119904						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97119904[sn]	1	0	1	1	0:00
2	*r{"t"1:2}{ "sz"1:2}{v1:2}{ "ckqx"1:2}*[bi,ti] not dead[ld]	59	0	59	59	0:02
3	*{v}{ "r"1:2}{ "t"1:2}*[bi,ti] not dead[ld]	182765	0	0	0	0:19
4	*{ "sz"1:2}{v1:2}{ "ckqx"1:2}{v1:2}t*[bi,ti] not dead[ld]	15979	0	0	0	0:03
5	3 and 4	1515	0	0	0	0:15
6	*{ "sz"1:2}o{v0:1}{ "ckqx"1:2}{v1:2}t*[bi,ti] not dead[ld]	15319	0	0	0	0:01
7	3 and 6	1502	0	0	0	0:15
8	7 and ("027")[cc]	932	0	0	0	0:16
9	7 and ("042" a b "200")[ic]	409	0	0	0	0:16
10	7 and ("027" a b "200")[ic]	238	0	238	238	0:44
11	7 and ("035" a b "200")[ic]	792	0	0	0	0:21
12	*art*[bi,ti] and *{ "sz"1:2}o{v0:1}{ "ckqx"1:2}{v}t*[bi,ti] not dead[ld]	8	0	0	0	0:01
13	*{v}rt*[bi,ti] and *{ "sz"1:2}o{v0:1}{ "ckqx"1:2}{v}t*[bi,ti] not dead[ld]	11	0	11	11	0:01
14	*{v}rt*[bi,ti] and *{ "sz"1:2}{v1:2}{ "ckqx"1:2}{v}t*[bi,ti] not dead[ld]	24	0	24	24	0:01
15	*{ "sz"1:2}{v1:2}{ "ckqx"1:2}{v}t*[bi,ti] not dead[ld]	832	0	0	0	0:03
16	15 and ("027")[cc]	160	0	160	160	0:02
17	*art*[bi,ti] and ("027")[cc] not dead[ld]	22680	0	0	0	0:01
18	art*[bi,ti] and ("027")[cc] not dead[ld]	4372	0	0	0	0:01
19	art*[bi,ti] and ("027" a b "200")[ic] not dead[ld]	192	0	192	192	0:03
20	art*[bi,ti] and ("042" a b "200")[ic] not dead[ld]	1483	0	0	0	0:01
21	art*[bi,ti] and ("035" a b "200")[ic] not dead[ld]	2566	0	0	0	0:01
22	art[bi,ti] and ("035" a b "200")[ic] not dead[ld]	1315	0	0	0	0:02
23	art[bi,ti] and ("042" a b "200")[ic] not dead[ld]	518	0	0	0	0:02
24	*artsocket*[bi,ti]	14	8	6	6	0:01
25	"art socket"[bi,ti]	3	0	3	3	0:00

Session ended 08/24/2022 2:32 pm

Total search duration 172.00

Session duration 12 minutes 18 seconds

Adjacency Level 1

Near Level 1