

**To:** Ilene B. Tannen([nytef@jonesday.com](mailto:nytef@jonesday.com))  
**Subject:** U.S. Trademark Application Serial No. 97120307 - T A O - 005010-0079  
**Sent:** August 25, 2022 12:04:52 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[4339195](#)  
[screenshot-shop-globaltrinetnetwork-com-team-kit-16614424303351](#)  
[screenshot-shop-globaltrinetnetwork-com-casual-clothing-16614424607801](#)  
[screenshot-www-swimoutlet-com-collections-mens-triathlon-clothing-20977-16614427857271](#)  
[screenshot-www-swimoutlet-com-collections-womens-casual-clothing-20968-16614428281901](#)  
[screenshot-varlosports-com-product-category-triathlon-gear-16614430531001](#)  
[screenshot-varlosports-com-product-category-womens-casual-16614430994281](#)

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

**U.S. Application Serial No.** 97120307

**Mark:** T A O

**Correspondence Address:**

ILENE B. TANNEN  
JONES DAY  
250 VESEY STREET  
NEW YORK NY 10281 UNITED STATES

**Applicant:** Comme des Garçons Co., Ltd.

**Reference/Docket No.** 005010-0079

**Correspondence Email Address:** [nytef@jonesday.com](mailto:nytef@jonesday.com)

**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 25, 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:**

- Likelihood of confusion refusal
- Identification of goods
- Basis
- Declaration

## **SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 4339195 and 6717603. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

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.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993).

Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

The applicant's mark is TAO (stylized) for bags including purses, business card holders, shopping bags, key cases, tote bags, shoulder bags, backpacks, and school bags in class 18 and various clothing in class 25.

The registrants' marks are:

1. TAO (Reg. No. 4339195, owner Tao Technical-Wear GMBH) for "functionally adapted clothing and apparel specially developed for application in running, triathlon and other ambitious stamina sports, namely, shirts, t-shirts, polo shirts, tops, tank tops, [ jumpers, ] sweaters, [ pullovers, ] tights, jackets, wind resistant jackets, pants, shorts, knickers, underwear, caps, belts, socks, gloves, waistcoats, running tops;"

2. TAO LI SHU (Reg. No. 6717603, owner Guangzhou Bogemeng Trading Co) for "luggage; purses; valises; attaché cases; business card cases; canvas shopping bags; key cases; leather bags; leather credit card wallets; military duffle bags, garment bags for travel, tote bags, shoulder bags and backpacks; pocket wallets; school bags; travelling bags."

The marks are similar in this case. First, a mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that "the argument concerning a difference in type style is not viable where one party asserts rights in no particular display").

With respect to TAO, the marks are identical. Where the marks of the respective parties are identical or virtually 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).

With respect to the TAO LI SHU, the marks contain the identical term TAO. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (holding COMMASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (holding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (holding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

In addition, although applicant's mark does not contain the entirety of the registered mark, applicant's mark is likely to appear to prospective purchasers as a shortened form of registrant's mark. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010) (quoting *United States*

*Shoe Corp.*, 229 USPQ 707, 709 (TTAB 1985)). Thus, merely omitting some of the wording from a registered mark may not overcome a likelihood of confusion. See *In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257; *In re Optica Int'l*, 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(b)(ii)-(iii). In this case, applicant's mark does not create a distinct commercial impression from the registered mark because it contains the identical term TAO as in the registered mark and does not add any wording that would distinguish it from that mark. Consumers are likely to be confused as to the source of the goods when they encounter the goods bearing the marks because they are likely to believe that the goods emanate from the same source. The marks are highly similar.

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. See *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services 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).

The goods are identical and related in this case. The applicant and the registrant of TAO LI SHU both provide the same types of bags such as purses, business card holders, shopping bags, key cases, tote bags, shoulder bags, backpacks, and school bags. Where the goods of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding that confusion is likely declines. See *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1373, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018) (quoting *In re Viterro Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(b).

Please note the Office does not need to find similarity as to each good listed in the applicant's and registrant's identifications. It is sufficient for a refusal based on likelihood of confusion that the Office find any goods that comes within the identification of goods in a particular class in the application related to any of the goods within the cited registration. *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981); *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1409 (TTAB 2015), *aff'd* 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) ("[I]t is sufficient for finding a likelihood of confusion if relatedness is established for any item encompassed by the identification of goods within a particular class in the application.").

In addition, the applicant and the registrant of TAO both provide the same types of clothing. Although the registrant's goods are "functionally adapted clothing and apparel specially adapted for application in running, triathlon and other ambitious stamina sports," there is no limitation in the applicant's goods and therefore the goods may also be used for the same purposes. Decisions regarding likelihood of confusion in the clothing field have found many different types of apparel to be related. *Cambridge Rubber Co. v. Cluett, Peabody & Co.*, 286 F.2d 623, 624, 128 USPQ 549, 550 (C.C.P.A. 1961) (women's boots related to men's and boys' underwear); *Gen. Shoe Corp. v. Hollywood-Maxwell Co.*, 277 F.2d 169, 169-70, 125 USPQ2d 443, 443-4 (C.C.P.A. 1960) (shoes and hosiery related to

brassieres); *In re Embiid*, 2021 USPQ2d 577, at \*29-30 (TTAB 2021) (shoes related to shirts and sweat shirts); *Jockey Int'l, Inc. v. Mallory & Church Corp.*, 25 USPQ2d 1233, 1236 (TTAB 1992) (underwear related to neckties); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991) (women's pants, blouses, shorts and jackets related to women's shoes); *In re Pix of Am., Inc.*, 225 USPQ 691, 691-92 (TTAB 1985) (women's shoes related to outer shirts); *In re Mercedes Slacks, Ltd.*, 213 USPQ 397, 398-99 (TTAB 1982) (hosiery related to trousers); *In re Cook United, Inc.*, 185 USPQ 444, 445 (TTAB 1975) (men's suits, coats, and trousers related to ladies' pantyhose and hosiery); *Esquire Sportswear Mfg. Co. v. Genesco Inc.*, 141 USPQ 400, 404 (TTAB 1964) (brassieres and girdles related to slacks for men and young men). The application does not contain any limitations regarding trade channels for the goods, and therefore it is assumed that registrant's and applicant's goods are sold everywhere that is normal for such items, i.e., clothing and department stores. Thus, it can also be assumed that the same classes of purchasers shop for these items and that consumers are accustomed to seeing them sold under the same or similar marks. See *Kangol Ltd. v. KangaROOS U.S.A., Inc.*, 974 F.2d 161, 23 USPQ2d 1945 (Fed. Cir. 1992); *In re Smith & Mehaffey*, 31 USPQ2d 1531 (TTAB 1994); TMEP §1207.01(a)(iii).

Please also see the attached excerpted representative articles, establishing that specific-use clothing such as triathlon clothing and casual clothing are sold or provided through the same trade channels and 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).

The goods travel in the same channels of trade. Or, the conditions surrounding their marketing may be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source.

The similarities among the mark and the goods of the parties are so great as to create a likelihood of confusion.

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

## **INFORMALITIES**

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

## **IDENTIFICATION OF GOODS**

Some of the identification of goods are indefinite and must be clarified. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the goods. See TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. See *id.*

The identification of goods contains parentheses. Generally, an applicant should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of

incontestability, or (3) guidance to users of the USPTO's [\*U.S. Acceptable Identification of Goods and Services Manual\*](#) to draft an acceptable identification. *See* TMEP §§1402.04, 1402.12. The only exception for including parenthetical information in identifications is if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." *See* TMEP §1402.12.

Therefore, applicant must remove the parentheses from the identification and incorporate any parenthetical or bracketed information into the description of the goods.

In addition, the wording "including" in the identification of goods is indefinite and must be deleted. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03(a). The identification must be specific and all-inclusive. This wording is an open-ended term (e.g., "such as") that is not acceptable because it fails to identify specific goods. *See* TMEP §1402.03(a).

For easier reference, the suggested amendments are shown in bold and italics.

Applicant may substitute the following wording, if accurate:

Folding briefcases, shoulder bags, Gladstone bags, briefcases, suitcases, carry-on bags, tote bags, ***trunks being luggage***, handbags, Boston bags, schoolchildren's backpacks, ***backpacks in the nature of rucksacks, credit card cases, textile shopping bags, wheeled shopping bags, purses not of precious metal***, key cases, ***wallets not of precious metal, commuter's-pass holders in the nature of mass transit card cases***, business card cases, ***vanity cases, not fitted***, umbrellas and their parts, parasols, industrial packaging containers of leather, clothing for domestic pets, walking sticks, canes, in international class 18;

Clothing, one-piece dresses, jackets, ***clothing of leather, namely, (SPECIFY type of clothing, e.g., leather jackets, leather pants, etc.)***, suits, vests, coats, sweatshirts, trousers and pants, shirts, polo shirts, blouses, dresses, skirts, t-shirts, nightwear, underwear, evening gowns, sweaters, cardigans, overalls, garters, ***belts for clothing***, waistbands, suspenders, neckties, scarves, hosiery, shoes, athletic shoes, overshoes, ***headgear for wear, namely, hats and caps being headwear***, gloves, swimwear, boots, masquerade costumes, in international class 25.

Please note the parentheticals denote place(s) where the applicant must provide acceptable identifications. Any identification must be incorporated into the identification without the use of parentheticals or brackets.

sho

Applicant's goods may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods or add goods not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods will further limit scope, and once goods are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

**For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [\*U.S. Acceptable Identification of Goods and Services\*](#)**

***Manual.* See TMEP §1402.04. To expedite prosecution of this trademark application, when amending the identification as required above, the Office strongly encourages the applicant to select pre-approved wording contained within this manual that accurately describes the goods and/or services therein. Failure to do so may result in delay.**

## **BASIS**

The application specifies both an intent to use basis under Trademark Act Section 1(b) and a claim of priority under Section 44(d) based on a foreign application. *See* 15 U.S.C. §§1051(b), 1126(d); 37 C.F.R. §2.34(a)(2), (a)(4). However, no copy of a foreign registration has been provided even though the application indicates applicant's intent to rely on Section 44(e) as an additional basis for registration. *See* 15 U.S.C. §1126(e).

An application with a Section 44(e) basis must include a true copy, photocopy, certification, or certified copy of a foreign registration from an applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §§1004, 1004.01, 1016. In addition, an applicant's country of origin must be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. 15 U.S.C. §1126(b); TMEP §§1002.01, 1004.

Therefore, applicant must provide a copy of the foreign registration from applicant's country of origin when it becomes available. TMEP §1003.04(a). A copy of a foreign registration must consist of a document issued to an applicant by, or certified by, the intellectual property office in applicant's country of origin. TMEP §1004.01. If applicant's country of origin does not issue registrations or Madrid Protocol certificates of extension of protection, applicant may submit a copy of the Madrid Protocol international registration that shows that protection of the international registration has been extended to applicant's country of origin. TMEP §1016. In addition, applicant must also provide an English translation if the foreign registration is not written in English. 37 C.F.R. §2.34(a)(3)(ii); TMEP §1004.01(a)-(b). The translation should be signed by the translator. TMEP §1004.01(b).

If the foreign registration has not yet issued, or applicant requires additional time to procure a copy of the foreign registration (and English translation, as appropriate), applicant should so inform the trademark examining attorney and request that the U.S. application be suspended until a copy of the foreign registration is available. TMEP §§716.02(b), 1003.04(b).

If applicant cannot satisfy the requirements of a Section 44(e) basis, applicant may request that the mark be approved for publication based solely on the Section 1(b) basis. *See* 15 U.S.C. §§1051(b), 1126(e); 37 C.F.R. §2.35(b)(1); TMEP §§806.02(f), 806.04(b), 1003.04(b). Although the mark may be approved for publication on the Section 1(b) basis, it will not register until an acceptable allegation of use has been filed. *See* 15 U.S.C. §1051(c)-(d); 37 C.F.R. §§2.76, 2.88; TMEP §1103. Please note that, if the U.S. application satisfied the requirements of Section 44(d) as of the U.S. application filing date, applicant may retain the priority filing date under Section 44(d) without perfecting the Section 44(e) basis, provided there is a continuing valid basis for registration. *See* 37 C.F.R. §2.35(b)(3)-(4); TMEP §§806.02(f), 806.04(b).

Alternatively, applicant has the option to amend the application to rely solely on the Section 44(e) basis and request deletion of the Section 1(b) basis. *See* 37 C.F.R. §2.35(b)(1); TMEP §806.04. The foreign registration alone may serve as the basis for obtaining a U.S. registration. *See* 37 C.F.R. §2.34(a)(3); TMEP §806.01(d).

## **DECLARATION**

The application was unsigned, resulting in the application not being properly verified. *See* TMEP §804. Applicant must properly sign and therefore verify the application in an affidavit or signed declaration under 37 C.F.R. §2.20. *See* 37 C.F.R. §§2.2(n), 2.33(a), (b)(2)-(c), 2.34(a)(2), (a)(3)(i), (a)(4)(ii); TMEP §804.02.

The following statements must be verified: That applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; that applicant believes applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true. 37 C.F.R. §§2.33(b)(2), (c), 2.34(a)(2), (a)(3)(i), (a)(4)(ii).

For more information about the verified statement and instructions on providing one using the online Trademark Electronic Application System (TEAS) response form, see the [Verified statement](#) webpage.

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

/Alex Seong Keam/  
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U.S. Patent and Trademark Office  
Law Office 114  
(571) 272-9176  
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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

TAO

**Mark Punctuated**

TAO

**Translation**

The word "tao" translates to English as "way", "path", or "route", or sometimes more loosely as "doctrine" or "principle".

**Goods/Services**

- IC 025. US 022 039.G & S: Functionally adapted clothing and apparel specially developed for application in running, triathlon and other ambitious stamina sports, namely, shirts, t-shirts, polo shirts, tops, tank tops, [ jumpers, ] sweaters, [ pullovers, ] tights, jackets, wind resistant jackets, pants, shorts, knickers, underwear, caps, belts, socks, gloves, waistcoats, running tops. FIRST USE: 20130100. FIRST USE IN COMMERCE: 20130100

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85267523

**Filing Date**

20110315

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20120214

**Registration Number**

4339195

**Date Registered**

20130521

**Owner**

(REGISTRANT) Joy Sportswear GmbH LIMITED LIABILITY COMPANY FED REP GERMANY  
Braunleinsberg 16 Ottensoos FED REP GERMANY 91242 (LAST LISTED OWNER) TAO TECHNICAL-  
WEAR GMBH LIMITED LIABILITY COMPANY FED REP GERMANY BAUHOFSTRASSE 10A  
SCHWAIG B. NURNBERG FED REP GERMANY 90571

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
LIVE

**Attorney of Record**  
Frank H. Foster



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RANGE

SEASON













GENDER

SIZE

## Team Kit

Items 1-24 of 26

Sort By Position

 <p>GTN Core Men's Short Sleeve Jersey ★★★★☆ 2 Reviews £49.99</p>	 <p>GTN Core Women's Short Sleeve Jersey £49.99</p>	 <p>GTN Core Men's Bibshorts ★★★★☆ 4 Reviews £49.99</p>	 <p>GTN Core Women's Bibshorts £49.99</p>
 <p>GTN Core Men's Cycling Wind Vest £44.99</p>	 <p>GTN Core Women's Wind Vest £44.99</p>	 <p>GTN Core Arm Warmers £19.99</p>	 <p>GTN Core Knee Warmers £39.99</p>
			

FILTER COLOUR 



GTN Women's Blue Running T-Shirt

£21.99



GTN Mens Running T-Shirt - Black

★★★★☆ 4 Reviews

£21.99



GTN Men's Blue Running T-Shirt

★★★★☆ 4 Reviews

£21.99



GTN Women's Running T-Shirt - Black

★★★★☆ 1 Review

£21.99



GTN Women's White Running T-Shirt

£21.99



GTN Men's White Running T-Shirt

★★★★☆ 1 Review

£21.99



GTN Fan Kit Jersey - Black & Yellow

★★★★☆ 9 Reviews

£25.00 £49.99



GTN Fan Kit Women's Jersey - Black & Yellow

★★★★☆ 1 Review

£25.00 £49.99



GTN Fan Kit Women's Bib Shorts - Black

£25.00 £49.99



GTN Complete Women's Fan Kit Bundle

£50.00 £99.98



GTN Fan Kit Arm Warmer - Black

★★★★☆ 3 Reviews

£12.50 £24.99



GTN Fan Kit Leg Warmer - Black

★★★★☆ 3 Reviews

£15.00 £29.99



GTN Fan Kit Kids' Jersey - Black & Yellow	GTN Fan Kit Kids' Shorts - Black	GTN Complete Kids' Fan Kit Bundle ★★★★★ 1 Review	GTN Fractal Running Cap
£12.50 <del>£24.99</del>	£12.50 <del>£24.99</del>	£25.00 <del>£49.98</del>	£35.00



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PRICE

£10.00 £49.99

44 products

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RANGE

GENDER

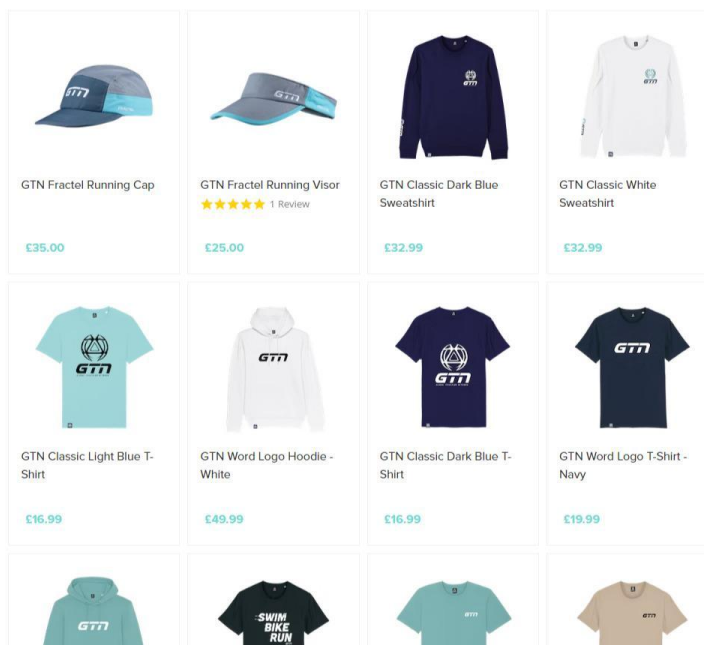
SIZE

















FILTER COLOUR

## Casual Clothing

Items 1-24 of 44

Sort By Position



 <p>GTN Word Logo Hoodie - Teal</p> <p>★★★★★ 2 Reviews</p> <p>£49.99</p>	 <p>GTN Swim, Bike, Run T-Shirt - Black</p> <p>★★★★★ 1 Review</p> <p>£22.99</p>	 <p>GTN Core Teal T-Shirt</p> <p>★★★★★ 1 Review</p> <p>£19.99</p>	 <p>GTN Core Desert Dust T-Shirt</p> <p>£19.99</p>
 <p>GTN Core India Ink T-Shirt</p> <p>★★★★★ 1 Review</p> <p>£19.99</p>	 <p>GTN Core Sky Blue T-Shirt</p> <p>★★★★★ 1 Review</p> <p>£19.99</p>	 <p>GTN Core Mauve T-Shirt</p> <p>★★★★★ 1 Review</p> <p>£19.99</p>	 <p>GTN Word Logo T-Shirt - Blue &amp; Silver</p> <p>★★★★★ 1 Review</p> <p>£10.00 <del>£19.99</del></p>
 <p>GTN Swim, Bike, Run Logos T-Shirt</p> <p>★★★★★ 2 Reviews</p> <p>£22.99</p>	 <p>GTN Core Black Sweatshirt</p> <p>£34.99</p>	 <p>GTN Core Blue Sweatshirt</p> <p>£34.99</p>	 <p>GTN Core Grey Sweatshirt</p> <p>£34.99</p>
 <p>SWIM BIKE RUN</p>			

GTN Swim, Bike, Run T-Shirt

★★★★★ 4 Reviews

£22.99

GTN Men's Blue Running T-Shirt

★★★★★ 4 Reviews

£21.99

GTN Men's White Running T-Shirt

★★★★★ 1 Review

£21.99

GTN Women's Blue Running T-Shirt

£21.99



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Men's Triathlon Clothing

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T18 Products

Category

Men's Triathlon Shorts (45)

Men's Triathlon Suits (34)

Men's Triathlon Singlets (50)

Activity

Material

Discount

Pattern

UPF Rating

Sleeve Length

Top Style

Temperature

Wetsuit Thickness


Brand

Size

Color

Price

Featured



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SALE

DeSoto Men's Riviera Short Sleeve Fil suit

\$242.97 - \$325.00

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★★★★★ (3)




DeSoto Men's Mobius 4 Pocket Tri Short

\$104.00

See Member Price in Cart

★★★★★ (9)




DeSoto Men's Mobius Custom Tri Suit (SwimOutlet Exclusive)

\$150.00

\$117.00 - \$141.99 Member Price

★★★★★ (7)




BEST SELLER


T18 Men's 7" Competitor Tri Short


\$69.99


\$55.99 Member Price


★★★★★ (18)












**UP TO 80% OFF**

**SALE**

DeSoto Men's Skin Cooler Full Zip Sleeved Tri Top

\$61.99 - \$155.00

★★★★☆ (4)




**NOW 26% OFF**

**SALE**

TYR Men's Competitor Short Sleeve Top

\$47.97 - \$64.99

★★★★☆ (4)



**UP TO 25% OFF**


**SALE**

TYR Men's 9" Competitor Tri Short

\$55.97 - \$74.99

Member Price Available

★★★★☆ (20)




**BEST SELLER**

Zoot Men's Core + Tri Tank

\$70.00

\$63.00 - \$66.99 Member Price

★★★★★ (1)



**BEST SELLER**

**NOW 83% OFF**

**SALE**


Zone3 Men's Activate+ Sleeveless Full Zip Tri Suit

Sport Men's Triathlon Performance Tank Top

\$9.99 - \$59.99

**Final Pw! While Supplies Last!**

★★★★☆ (8)



**BEST SELLER**

**UP TO 45% OFF**


**SALE**

DeSoto Men's Forza 4 Pocket Tri Short

\$92.97 - \$170.00

See Member Price in Cart

★★★★☆ (6)



**UP TO 45% OFF**


**SALE**

Zone3 Men's Activate+ Short Sleeve Full Zip Tri Suit

\$195.00

\$185.25 Member Price

★★★★☆ (4)




**BEST SELLER**

DeSoto Men's Riviera Tri Short

\$165.00

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★★★★★ (5)



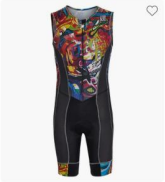
**SALE**

DeSoto Men's Skin Cooler Short Sleeve Top

\$100.00

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★★★★★ (2)



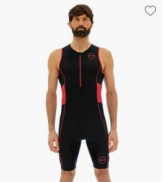
**SALE**

DeSoto Men's Forza Tri Suit

\$300.00

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★★★★☆ (3)




**SALE**

Zone3 Men's Activate Tri Suit

\$110.00

\$103.99 Member Price

★★★★★ (1)



**SALE**

DeSoto Men's Riviera Tri Short

\$165.00

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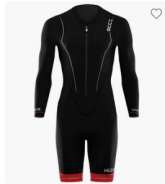
★★★★★ (5)



DeSoto Men's Short Sleeve Forza Tri Suit  
\$325.00  
★★★★☆ (5)



DeSoto Men's Skin Cooler Half Zip Tri Top  
\$125.00  
See Member Price in Cart  
★★★★☆ (1)



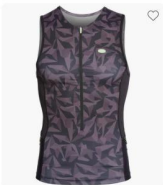
Huub Men's Race Full Sleeve Tri Suit  
\$199.99 - \$299.99



**UP TO 55% OFF**  
**SALE**  
DeSoto Men's Skin Cooler Long Sleeve Top  
\$81.97 - \$110.00  
See Member Price in Cart  
★★★★☆ (2)



Zoot Men's Core + Tri 9" Short  
\$75.00  
\$67.50 - \$70.99 Member Price  
★★★★☆ (1)



**UP TO 85% OFF**  
**SALE**  
Sugoi Men's RPM Tri Tank  
\$17.97 - \$132.99  
See Member Price in Cart  
★★★★☆ (1)



TYR Men's 8" Competitor Core Tri Short  
\$49.99  
\$39.99 Member Price  
★★★★☆ (7)



**NEW!**  
ZXU Men's Aero Sleeved Tri Suit  
\$179.95





NOW 50% OFF



**SALE**  
TYR Men's Competitor Singlet  
\$29.99 ~~\$59.99~~  
★★★★★ (1)



Zoot Men's Core + Tri 7" Short  
\$70.00  
\$63.00 ~~\$66.99~~ **Member Price**  
★★★★★ (4)



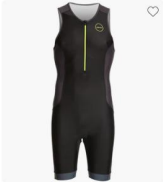
**NEW!**  
Castelli Men's Free Sanremo 2 Suit Sleeveless Tri Suit  
\$219.99  
★★★★★ (1)



NOW 81% OFF



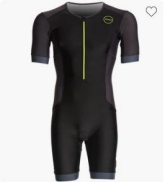
**SALE**  
2XU Men's Perform Tri Singlet  
\$16.07 ~~\$99.95~~  
★★★★★ (3)



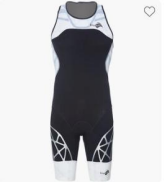
Zone3 Men's Aquaflo Plus Tri-suit  
\$160.00  
[See Member Price in Cart](#)



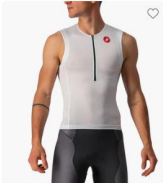
Sugal Men's Aero Tri Suit  
\$264.99  
[See Member Price in Cart](#)



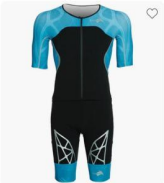
Zone3 Men's Aquaflo Plus SS Tri-suit  
\$195.00  
[See Member Price in Cart](#)  
★★★★★ (1)



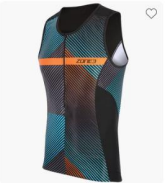
Kiwami Men's Spider WS2 Tri-suit  
\$329.00  
[See Member Price in Cart](#)



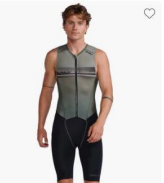
**NEW!**  
Castelli Men's Free Tri 2 Sleeveless Top  
\$119.99



Kiwami Men's Spider LD2 Aero Tri-suit  
\$369.00  
[See Member Price in Cart](#)  
★★★★★ (1)



Zone3 Men's Activate+ Sleeveless Tri Top  
\$95.00  
\$90.25 **Member Price**



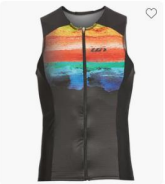
**NEW!**  
2XU Men's Aero Front Zip Tri-suit  
\$159.95  
★★★★★ (1)



**UP TO 62% OFF**  
● ● ●  
**SALE**  
2XU Men's Active Tri Singlet  
\$24.97 - \$64.95  
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● ● ●  
Louis Garneau Men's Sprint Sleeveless Tri Suit  
\$159.99  
[Member Price Available](#)



**NOW 81% OFF**  
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**SALE**  
Louis Garneau Men's Pro Carbon Comfort Tri Top  
\$17.97 - \$94.95  
★★★★☆ (3)



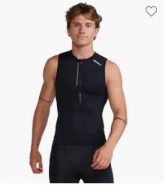
**NOW 81% OFF**  
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**SALE**  
Louis Garneau Men's Pro Carbon Tri Top  
\$16.97 - \$69.95  
★★★★★ (1)



● ● ●  
DeSoto Men's Mobius Short Sleeve Custom Tri Suit (SwimOutlet Exclusive)  
\$195.00  
[Member Price Available](#)  
★★★★★ (1)



**NOW 27% OFF**  
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**SALE**  
Huub Men's Essentials Tri Shorts  
\$54.99 - \$74.99




● ● ●  
**NEW!**  
2XU Men's Aero Tri Singlet  
\$89.95



**NOW 81% OFF**  
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**SALE**  
Louis Garneau Men's Comp Sleeveless Tri Top  
\$12.97 - \$69.95  
★★★★★ (2)





Now 81% Off


SALE

Louis Garneau Men's Prime Engineer Jersey

\$18.97 ~~\$99.99~~

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★★★★★ (1)



Up To 60% Off


SALE

Zoot Men's Core Tri Tank

\$27.99 - \$70.00

See Member Price in Cart


★★★★★ (1)



Huub Men's Race Tri Short

\$99.99

\$94.99 Member Price



Zone3 Men's Aquaflo Plus SS Tri Top

\$109.00

See Member Price in Cart


★★★★★ (1)

Previous

123

Next

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SALE

TYR Men's 7" Competitor Tri Short

\$69.99

\$55.99 Member Price

★★★★★ (18)




SALE

Sporti Men's Triathlon Performance Tank Top

\$9.99 - \$49.99

Final Few! While Supplies Last!

★★★★★ (6)




SALE

DeSoto Men's Forza 4 Pocket Tri Short

\$92.97 - \$170.00

See Member Price in Cart

★★★★★ (8)




TYR Men's 8" Competitor Core Tri Short

\$49.99

\$39.99 Member Price

★★★★★ (7)



SALE

TYR Men's 9" Competitor Tri Short

\$55.97 - \$74.99

Member Price Available

★★★★★ (20)

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Women's Casual Dresses (153)

Women's Casual Tops (180)

Women's Casual Rompers & Jumpsuits (52)

Women's Casual Jackets & Coats (12)

Women's Casual Sweaters (15)

Material

+

Pattern

+

Department

+

Discount

+

Dress Style

•

Billabong Wild Pursuit Short Overall

\$49.90

See Member Price in Cart

★★★★★ (1)

Activity

+

Trend

+

Bottom Coverage

+

Support

+

UPF Rating

+

Sleeve Length

+

Rashguard Fit

+

Swim Solutions

+


Brand

Size


Color

Price

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BEST SELLER




NOW 25% OFF

SALE

J.Vadi Women's Santa Barbara Midi Dress

\$43.50 \$58.00

★★★★★ (1)



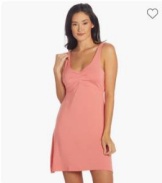
BEST SELLER

NOW 25% OFF

SALE

Skye Grace Cover Up Dress

\$46.99 \$62.00

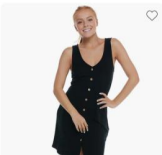



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Votcom Women's Swingin' Summer Dress


\$35.00

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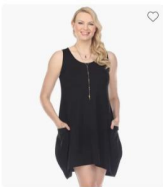




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**SALE**  
Yak & Yeti Dress Loose Fit  
\$33.25 ~~\$47.50~~  
★★★★★ (1)



UP TO 25% OFF

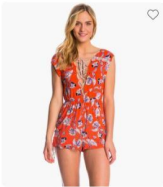
**SALE**  
O'Neill Women's Gardenia Dress  
\$44.63 - \$44.99 ~~\$59.99~~



**NEW!**  
Rip Curl Women's Havana Midi Dress  
\$64.95  
See Member Price in Cart



**SALE**  
Hurley Women's Flowy Tank Dress  
\$48.00  
See Member Price in Cart  
★★★★★ (1)

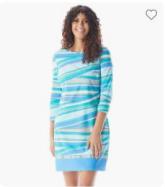


NOW 75% OFF

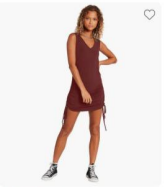
**SALE**  
MinaSPAK Floating in the Tropics Cover Up Romper  
\$24.74 ~~\$99.00~~  
Final Few! While Supplies Last!



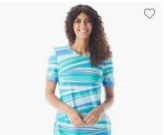
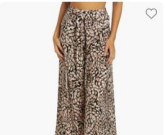
**SALE**  
Body Glove Women's Ivy Cover Up Dress  
\$49.00  
See Member Price in Cart  
★★★★★ (3)

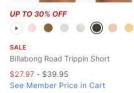
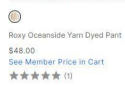
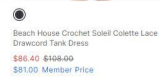
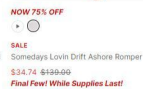
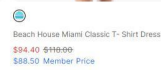
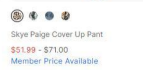


**SALE**  
Beach House Miami Boat Neck Tunic Dress 3/4 Sleeve  
\$94.40 ~~\$119.00~~  
\$88.50 Member Price



UP TO 40% OFF  
**SALE**  
Volcom Women's Cinch Ur Here Dress  
\$21.00 - \$26.25 ~~\$35.00~~



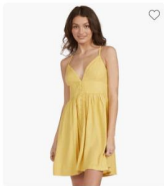




Carve Designs Adele Dress  
\$118.00



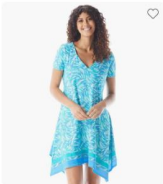
Body Glove Women's Nicole Cover Up Dress  
\$57.00  
See Member Price in Cart  
★★★★★ (2)



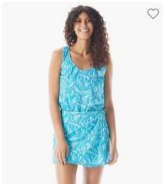
**UP TO 40% OFF**  
**SALE**  
Roxie Women's Golden Lights Dress  
\$36.00 - \$60.00  
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**NEW!**  
Carve Designs Cody Sun Dress  
\$74.00  
See Member Price in Cart  
★★★★★ (2)



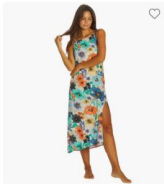
Beach House Delray Scarf Hem T-Shirt Dress  
\$94.40 ~~\$146.66~~  
\$88.50 Member Price



Beach House Delray Sleeveless Skirt Romper  
\$94.40 ~~\$146.66~~  
\$88.50 Member Price




**UP TO 40% OFF**  
**SALE**  
Coco Reef Contours Heritage Bezel Long Cover Up Dress  
\$61.56 - \$98.40 ~~\$144.66~~  
★★★★★ (1)



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O'Neill Women's Bayleigh Dress  
\$49.50






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\$37.50


~~\$75.00~~



Tommy Bahama Women's St Lucia Off The Shoulder Cover Up Dress

\$98.00


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Beach House Seaside Palm Kaisea Off the Shoulder Bell Sleeve Dress

~~\$94.40~~  
\$86.50

[Member Price](#)



Carve Designs Kali Cover Up Dress

\$68.00


★★★★★ (1)

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SwinOutlet Unisex Heavy Blend Hooded Sweatshirt

\$31.99

~~\$25.59~~

[Member Price](#)

★★★★★ (15)




SALE

SwinOutlet Women's New Era Tri-Blend Fleece Full-Zip Hoodie

\$17.97

~~\$46.66~~

★★★★★ (4)



SALE

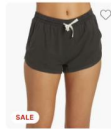
SwinOutlet Unisex Heavy Blend Crewneck Sweatshirt

\$25.99

~~\$23.79~~

[Member Price](#)

★★★★★ (7)




SALE

Billabong Road Trippin Short

~~\$27.97~~

~~\$39.95~~

[See Member Price in Cart](#)



SALE

Everyday Yoga Twisted Layering Crop Tank

~~\$14.58~~

~~\$19.99~~

~~\$66.56~~

★★★★★ (80)

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Triathlon Gear

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All Men's Triathlon Women's Triathlon



Men's HeatMap Summit Sleeved Triathlon Suit  
★★★★★  
\$250.00



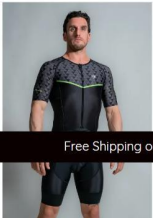
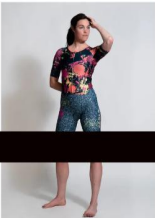
Women's HeatMap Summit Triathlon Suit  
NOT RATED  
\$250.00



Women's Solaris Triathlon Suit  
NOT RATED  
\$250.00











Men's Taino Summit Sleeved Triathlon Suit  
★★★★★  
\$250.00




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<p>Women's Tairo Summit Triathlon Suit</p> <p>★★★★★</p> <p>\$250.00</p>	<p>Men's Tesoro Wrath Elite Tri Suit</p> <p>★★★★★</p> <p>\$210.00</p>	<p>Women's Zen Summit Triathlon Suit</p> <p>★★★★★</p> <p><del>\$250.00</del> \$200.00</p>	<p>Women's Solaris Triathlon Shorts</p> <p>NOT RATED</p> <p>\$125.00</p>
 <p>Men's Tesoro Triathlon Vest</p> <p>NOT RATED</p> <p>\$115.00</p>	 <p>Men's HeatMap Triathlon Shorts</p> <p>NOT RATED</p> <p>\$110.00</p>	 <p>Men's HeatMap Triathlon Top</p> <p>NOT RATED</p> <p>\$110.00</p>	 <p>Women's HeatMap Triathlon Shorts</p> <p>★★★★★</p> <p>\$110.00</p>
 <p>Men's Tairo Triathlon Vest</p> <p>NOT RATED</p> <p>\$110.00</p>	 <p>Men's Tairo Triathlon Shorts</p> <p>NOT RATED</p> <p>\$110.00</p>	 <p>Women's Solaris Triathlon Vest</p> <p>NOT RATED</p> <p>\$110.00</p>	 <p>Women's Tairo Triathlon Shorts</p> <p>★★★★★</p> <p>\$110.00</p>







**Women's Tairo Triathlon Top**  
NOT RATED  
\$110.00



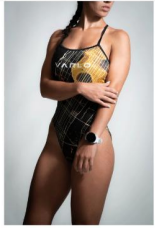
**Women's Tesoro Triathlon Shorts**  
NOT RATED  
\$110.00




**Men's Tesoro Triathlon Shorts**  
★★★★☆  
\$110.00




**Women's HeatMap Raceback Triathlon Top**  
★★★★★  
\$99.00



**Women's HeatMap 1-Piece Swimsuit**  
NOT RATED  
\$95.00




**Women's Solaris 1-Piece Swim Suit**  
NOT RATED  
\$95.00

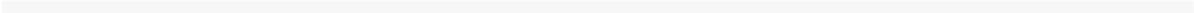


**Women's Calipso One Piece Swimsuit**  
★★★★★  
\$95.00

SALE



**Women's Zen Triathlon Shorts**  
NOT RATED  
~~\$110.00~~ \$88.00



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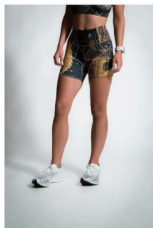
Women's Airflow Pullover Hoodie  
★★★★★  
\$99.00



Women's Tairo 360 Mid-Rise Leggings  
NOT RATED  
\$69.00



Unisex Heritage Sweatshirt Hoodie  
NOT RATED  
\$68.00



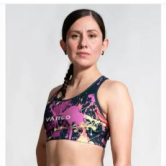
Women's HeatMap 6" Fitness Shorts  
★★★★★  
\$59.00



Women's Calipso 6" Fitness Shorts



Women's Tairo Sports Bra  
★★★★★












Women's Calipso Sports Bra  
★★★★★




Women's Zen 6" Fitness Shorts  
★★★★★


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★★★★★ \$59.00	★★★★ \$55.00	★★★★ \$49.00	★★★★ <del>\$59.00</del> \$47.20
 Women's Air Flow Polo Shirt - White ★★★★★ \$45.00	 Women's Air Flow Polo Shirt - Black ★★★★★ \$45.00	<div>SALE</div>  Women's Imani Fitness Shorts ★★★★★ <del>\$59.00</del> \$44.25	<div>SALE</div>  Zen Sports Bra ★★★★★ <del>\$49.00</del> \$39.20
<div>SALE</div>  Women's Imani Sports Bra ★★★★★ <del>\$49.00</del> \$36.75	<div>SOLD OUT</div>  Katana Run Trucker Hat LE ★★★★★ \$36.00	 Women's Future Awaits Shirt ★★★★★ \$35.00	 Women's Varlo Paladin Shirt ★★★★★ \$35.00
		<div>SALE</div> 	




**Women's Air Flow Tech shirt - White**  
NOT RATED  
★★★★★  
\$35.00




**Women's Air Flow Tech shirt - Black**  
NOT RATED  
★★★★★  
\$35.00




**Women's Zen Run Tank**  
NOT RATED  
★★★★★  
~~\$99.00~~ \$31.20




**Icon Snapback Cap (Forest Green)**  
NOT RATED  
★★★★★  
\$30.00




**Icon Snapback Cap (White)**  
NOT RATED  
★★★★★  
\$30.00



**Tairo Snapback Cap**  
NOT RATED  
★★★★★  
\$30.00



**Prism Snapback Cap**  
NOT RATED  
★★★★★  
\$30.00



**T1 Element Cap - White**  
NOT RATED  
★★★★★  
\$20.00

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Office Action (Official Letter) has issued  
on August 25, 2022 for  
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