

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86753853
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86753853/large
LITERAL ELEMENT	GOOD KARMA CAFE
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_1081622869-20180220101600947185_. Consent to Registration of TM by Good Karma Foods.PDF
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\867\538\86753853\xml2\ROA0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\867\538\86753853\xml2\ROA0003.JPG
DESCRIPTION OF EVIDENCE FILE	The examiner refused registration based upon confusion with a TM owned by Good Karma Foods, Inc. Attached is a consent to registration of the refused TM by Good Karma Foods, Inc.
GOODS AND/OR SERVICES SECTION (030)(class deleted)	
GOODS AND/OR SERVICES SECTION (043)(no change)	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Douglas M. Leavitt/
SIGNATORY'S NAME	Douglas M. Leavitt
SIGNATORY'S POSITION	Attorney of Record PA Bar
SIGNATORY'S PHONE NUMBER	2155454830
DATE SIGNED	02/20/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Feb 20 10:27:14 EST 2018
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XX-2 0180220102714122265-86753 853-5108f89576cd35240fadd 7783a317b03a857aa5b5b2daa 8faf9138a93ce37fdd542-N/A -N/A-20180220101600947185

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PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86753853** GOOD KARMA CAFE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86753853/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of The examiner refused registration based upon confusion with a TM owned by Good Karma Foods, Inc. Attached is a consent to registration of the refused TM by Good Karma Foods, Inc. has been attached.

Original PDF file:

[evi_1081622869-20180220101600947185_.Consent to Registration of TM by Good Karma Foods.PDF](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 030 for Coffee based beverages

SIGNATURE(S)

Response Signature

Signature: /Douglas M. Leavitt/ Date: 02/20/2018

Signatory's Name: Douglas M. Leavitt

Signatory's Position: Attorney of Record PA Bar

Signatory's Phone Number: 2155454830

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 86753853

Internet Transmission Date: Tue Feb 20 10:27:14 EST 2018

TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XX-2018022010271412

2265-86753853-5108f89576cd35240fadd7783a

317b03a857aa5b5b2daa8faf9138a93ce37fdd54

2-N/A-N/A-20180220101600947185

CONSENT TO REGISTRATION

This consent is given this 7th day of February, 2018, by Good Karma Foods, Inc., a corporation organized and existing under the laws of the State of Delaware, having an address of 2465 Central Ave., Suite 100, Boulder, Colorado 80301 (“Good Karma”).

WHEREAS, Good Karma is the owner of U.S. Trademark Registration Nos. 5,243,685, 5,170,567, 4,517,759 and 4,517,756, and also a number of pending U.S. applications, for the trademark “GOOD KARMA,” with and without a design element and with and without accompanying terms, for use in connection with a number of non-dairy products, including non-dairy beverages, milk alternatives, non-dairy refrigerated desserts, non-dairy frozen confections, non-dairy cheeses, non-dairy dips, non-dairy spreads, and non-dairy yogurts (the “GOOD KARMA Marks”);

WHEREAS, Good Karma Enterprises, LLC, a limited liability company organized and existing under the laws of the State of Delaware, with an address of 1013 Centre Road, Suite 403S Wilmington, Delaware, 19805 (“GKE”) is the owner of U.S. Application No. 86/753,853 for the mark GOOD KARMA CAFÉ for “coffee-house and snack-bar services” in Class 43, as amended;

WHEREAS, the U.S. Patent & Trademark Office (“USPTO”) has refused registration of GKE’s U.S. Application No. 86/753,853 for GOOD KARMA CAFÉ on the grounds of likelihood of confusion with Good Karma’s U.S. Trademark Registration No. 5,243,685 for GOOD KARMA; and

WHEREAS, both parties have agreed that based upon the distinct commercial impressions of the GOOD KARMA Marks and the GOOD KARMA CAFÉ mark,

continued concurrent use of their respective marks is not likely to cause confusion, mistake, or deception.

Now, therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Good Karma believes that there is no likelihood of confusion or conflict between the trademarks when used as described above.
2. Good Karma therefore hereby consents to the use and registration by GKE of the trademark GOOD KARMA CAFÉ for “coffee-house and snack-bar services” in Class 43,” as specified in GKE’s Application No. 86/753,853, as amended.
3. Good Karma will take no action to interfere with the use and registration of GOOD KARMA CAFÉ by GKE for “coffee-house and snack-bar services” in Class 43,” as specified in GKE’s Application No. 86/753,853, as amended.

In witness whereof, Good Karma has entered into this consent on the date first written above.

GOOD KARMA FOODS, INC.
(GOOD KARMA)



Doug Radi, CEO