

This Opinion is not a
Precedent of the TTAB

Mailed: September 14, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Farm to Fun LLC

Serial No. 98753836

Farm to Fun LLC, pro se.¹

Leah Guzik, Trademark Examining Attorney, Law Office 136,
Megan Askew, Managing Attorney.

Before Wellington, Cohen, and Stanley, Administrative Trademark Judges.

Opinion by Cohen, Administrative Trademark Judge:

Applicant Farm to Fun LLC seeks registration on the Principal Register of the mark SNOWY THE MOUSE (MOUSE disclaimed) in standard characters for “plush toys; jigsaw puzzles” in International Class 28.²

¹ A revocation of attorney of Scott Landsbaum of Scott Landsbaum Inc. was filed by Applicant and is noted. 6 TTABVUE. Our records will be updated accordingly.

² Application Serial No. 98753836 was filed on September 16, 2024, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), based on an allegation of use anywhere and in commerce of September 16, 2024 for “plush toys” and an allegation of bona fide intent to use under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b) for “jigsaw puzzles.”

Citations to the prosecution file refer to the USPTO’s TRADEMARK STATUS & DOCUMENT RETRIEVAL (“TSDR”) system and identify the documents by title, date, and page in the downloadable .pdf version. Citations to the briefs and other materials in the appeal record refer to the Board’s TTABVUE online docket system.

The Examining Attorney has refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark, when used in connection with the identified goods, is likely to cause confusion, to cause mistake, or to deceive because it resembles the registered mark SNOWY for "stuffed toys" in International Class 28.³

When the refusal was made final, Applicant sought reconsideration of the refusal, which was denied. Applicant appealed and the appeal is fully briefed. We have reviewed the evidence and arguments properly made of record, although we do not necessarily address all of them in this opinion. For the reasons explained below, we affirm the refusal to register.

I. Evidentiary Matter

In its appeal brief, Applicant references third-party registrations that include the term SNOWY, including SNOWY PIER GAMES, SNOWY LANE, and other third-party registrations that purportedly show marks sharing common terms including WOW WEE, WOW TOYS, PAW PATROL, PAW PALS, BABY, BABY VAMPYRES, BABY BABY, and BABY-U.⁴ The Examining Attorney objected to this evidence as untimely.⁵

The evidentiary record in an application should be complete prior to the filing of an ex parte appeal to the Board. Trademark Rule 2.142(d), 37 C.F.R. § 2.142(d); *see*

³ Registration No. 3171278 issued on the Principal Register on November 14, 2006 and has been renewed.

⁴ 7 TTABVUE 5-9.

⁵ 9 TTABVUE 2.

In re Midwest Gaming & Entm't LLC, No. 85111552, 2013 WL 1442237, at *2 n.3 (TTAB 2013) (new evidence submitted with brief is “untimely and therefore not part of the record for this case”). Also, the Board does not take judicial notice of registrations, and the third-party registrations to which Applicant refers are not of record. *See Edom Labs Inc. v. Lichter*, No. 91193427, 2012 WL 1267961, at *4 (TTAB 2012) (“Board does not take judicial notice of registrations or applications residing in the Office, and further, with respect to the applications, they are evidence of nothing more than that they were filed with the USPTO”) (citations omitted). Additionally, the lists of third-party registrations are of little, if any, probative value because we do not know whether the registrations are active, what specific goods or services are identified in the registration, whether the marks are in continued use, who currently owns the registrations, or whether the registrations issued on the Principal Register as opposed to the Supplemental Register. Moreover, many of the listed marks appear to contain substantial additional matter, or because the specific goods have not been identified by Applicant, may be registered for goods that have not been shown to be similar to the relevant goods. *See Omaha Steaks Int’l, Inc. v. Greater Omaha Packing Co.*, 908 F.3d 1315, 1325 (Fed. Cir. 2018) (error to rely on third-party evidence of similar marks for dissimilar goods, as Board must focus “on goods shown to be similar”); *Edom Labs*, 2012 WL 1267961, at *4.

Thus, we do not consider Applicant’s unsupported arguments related to these registrations. *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1371 (Fed. Cir. 2018) (“Attorney argument is no substitute for evidence.”) (citation omitted).

II. Likelihood of Confusion

“The Trademark Act prohibits registration of a mark that so resembles a registered mark as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion [or] mistake, or to deceive.” *In re Charger Ventures LLC*, 64 F.4th 1375, 1379 (Fed. Cir. 2023). Our determination of the likelihood of confusion under Section 2(d) of the Trademark Act is based on an analysis of all probative facts in the record that are relevant to the likelihood of confusion factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) (“*DuPont*”); *Charger Ventures*, 64 F.4th at 1379. We consider each *DuPont* factor for which there is evidence and argument. *See, e.g., In re Guild Mortg. Co.*, 912 F.3d 1376, 1379 (Fed. Cir. 2019).

In any likelihood of confusion analysis, different *DuPont* factors may play a dominant role and some factors may not be relevant. *Naterra Int’l, Inc. v. Bensalem*, 92 F.4th 1113, 1116 (Fed. Cir. 2024) (citing *Tiger Lily Ventures Ltd. v. Barclays Cap. Inc.*, 35 F.4th 1352, 1362 (Fed. Cir. 2022)). In addition, varying weight may be assigned to each factor depending on the evidence presented, and “any one of the factors may control a particular case.” *Id.*; *see also Charger Ventures*, 64 F.4th at 1381. Two key considerations are the similarities between the marks and the similarities between the goods or services, which are addressed under the first two *DuPont* factors. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322 (Fed. Cir. 2017) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65 (Fed. Cir. 2002)). We discuss the relevant factors below.

A. The Goods, Trade Channels and Classes of Consumers

The second *DuPont* factor concerns the “similarity or dissimilarity and nature of the goods or services as described in an application or registration...,” and the third *DuPont* factor concerns the “similarity or dissimilarity of established, likely-to-continue trade channels.” *DuPont*, 476 F.2d at 1361. We compare the goods as they are identified in the relevant registration and the application. *In re Detroit Athletic Co.*, 903 F.3d 1297, 1306 (Fed. Cir. 2018); *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369 (Fed. Cir. 2012).

Likelihood of confusion may be found as to each class in its entirety if it exists as to any good in that class. *Sabhnani v. Mirage Brands, LLC*, No. 92068086, 2021 WL 6072822, at *9 n.17 (TTAB 2021) (citations omitted); *see also Sage Therapeutics, Inc. v. Sageforth Psych. Servs., LLC*, No. 91270181, 2024 WL 1638376, at *8 n.41 (TTAB 2024) (“It is sufficient for a finding of likelihood of confusion if relatedness is established for any item encompassed by the identification of goods or services within a particular class in the application.”).

Applicant’s application includes “plush toys” and the cited registration includes “stuffed toys.” The identifications, on their face, are essentially identical in-part as

stuffed toys are also known as plush toys.⁶ Therefore, Applicant's and Registrant's goods are identical in-part, which Applicant does not dispute.⁷

Because the goods are identical in-part, we presume that the channels of trade and classes of consumers for the identical goods overlap. *In re Viterro Inc.*, 671 F.3d 1358, 1362 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining likelihood of confusion); *Am. Lebanese Syrian Associated Charities Inc. v. Child Health Rsch. Inst.*, No. 91190361, 2011 WL 4090447, at *6 (TTAB 2011).

The identity of some of the goods and their identical overlapping channels of trade and classes of consumers not only weigh heavily in favor of finding a likelihood of confusion but also reduce the degree of similarity between the marks necessary to

⁶ WIKIPEDIA.ORG, June 12, 2025 Final Office Action at TSDR 25 ("A stuffed toy is ... known by many names, such as plush toys, plushies, loviess and stuffies."). Although "[t]here are inherent problems regarding the reliability of Wikipedia entries because Wikipedia is a collaborative website that permits anyone to edit the entries," Applicant did not introduce any evidence to rebut the accuracy of the Examining Attorney's Wikipedia evidence or otherwise argue it is unreliable. *In re IP Carrier Consulting Grp.*, No. 78542726, 2007 WL 1751192, at *4 (TTAB 2007) ("[T]he Board will consider evidence taken from Wikipedia so long as the non-offering party has an opportunity to rebut that evidence by submitting other evidence that may call into question the accuracy of the particular Wikipedia information."). Thus, we have considered it, keeping in mind the inherent limitations of Wikipedia entries.

⁷ In addition to the presumption that the goods are legally identical, the Examining Attorney submitted copies of at least four third party webpages offering plush and stuffed toys on the same website under the same mark, and submitted fifteen subsisting use-based, third-party registrations registered for plush toys and stuffed toys. March 25, 2025 Office Action at TSDR 9-11, 13-14, 16-22; June 12, 2025 Final Office Action at TSDR 8-19, 41-54, 84-93, 178, ; see *Detroit Athletic Co.*, 128 USPQ2d at 1050 (crediting relatedness evidence showing that third parties use the same mark for the goods and services at issue because "[t]his evidence suggests that consumers are accustomed to seeing a single mark associated with a source that sells both"). While this additional evidence is not needed given the in-part legally identical nature of the goods, this evidence provides additional support for the Examining Attorney's refusal.

find a likelihood of confusion. *Viterra*, 671 F.3d at 1363; *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348 (Fed. Cir. 2010); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877 (Fed. Cir. 1992) (“When marks would appear on virtually identical goods or services, the degree of similarity necessary to support a conclusion of likely confusion declines.”).

B. Strength or Weakness of the Cited Mark

Before we compare the marks, we consider the strength or weakness of the cited mark⁸ under the sixth *DuPont* factor which considers “[t]he number and nature of similar marks in use on similar goods.” *DuPont*, 476 F.2d at 1361. We do so because a determination of the strength or weakness of this mark helps inform us as to its

⁸ The fifth *DuPont* factor considers the “fame [or strength] of the prior mark,” *DuPont*, 476 F.2d at 1361. Here, as is normally the case in ex parte proceedings, there is no evidence as to fame or commercial strength particularly since the owner of the cited registration is not a party to this proceeding and thus, cannot introduce evidence regarding its use of the cited mark. See *In re Mr. Recipe*, No. 86040643, 2016 WL 1380730, at *2 (TTAB 2016); *In re Thomas*, No. 78334625, 2006 WL 1258862, at *8 n.11 (TTAB 2006). The lack of evidence of fame of Registrant’s mark does not make a likelihood of confusion less likely. Indeed, “it is settled that the absence of such evidence is not particularly significant in the context of an ex parte proceeding.” *In re Davey Prods. Pty Ltd.*, No. 77029776, 2009 WL 2420527, at *7 (TTAB 2009). Thus, the fifth factor does not apply.

Applicant also asserts that its mark has received industry recognition in what appears to be an attempt to assert that its mark is famous. 7 TTABVue 10-11. Under *DuPont*’s fifth factor, we typically consider the “fame of the **prior** mark,” which, here, is the mark in the cited registration. See *DuPont*, 476 F.2d at 1361 (emphasis added). Applicant’s assertions are unsupported by the record as the referenced publications have not been made of record. Even if Applicant had established that its own mark is famous, that alone would not support registration of the mark. That is, “fame of *either* mark increases the likelihood of confusion by making it more likely that purchasers will remember the famous mark and think of it when encountering similar goods sold under a similar mark. Of course, such likelihood of confusion is only a reason to **refuse** a new registration, not grant one.” *In re i.am.symbolic, LLC*, No. 85044494, 2015 WL 6746543, at *8 n.7 (TTAB 2015) (emphasis in bold here in italics in the original), *aff’d*, 866 F.3d 1315, 1330 (Fed. Cir. 2017). Even if the fame of an applicant’s mark eclipses the renown of the prior registrant, that fame does not entitle the applicant to usurp a prior trademark owner’s rights where confusion is likely. See *id.*

scope of protection. *See Made in Nature, LLC v. Pharmavite LLC*, No. 91223352, 2022 WL 2188890, at *11-12 (TTAB 2022) (quoting *DuPont*, 476 F.2d at 1361).

Applicant submitted no evidence of third-party registrations we may consider,⁹ but it also argued that SNOWY is descriptive of an owl, supporting that argument with dictionary and WIKIPEDIA.ORG definitions¹⁰ and evidence of third-party use¹¹ during prosecution. Applicant also argues that based on Registrant's specimen of use, SNOWY is used to describe an "Animated Snowy Owl."¹²

Applicant did not submit a copy of the specimen during prosecution and we do not take judicial notice of a registration file in an ex parte appeal. *In re Sela Prods. LLC*, No. 77629624, 2013 WL 2951800, at *2 (TTAB 2013) (file of cited registration not automatically of record). Moreover, we find this argument unavailing because a claim that a registered mark is descriptive or that a specimen of use does not demonstrate trademark usage would be an impermissible collateral attack on the cited registration. *See In re Fiesta Palms LLC*, No. 76598049, 2007 WL 950952, at *3 (TTAB 2007) ("inasmuch as the cited mark is registered on the Principal Register, we must assume that it is at least suggestive and we cannot entertain applicant's

⁹ As explained, we have given no consideration to the arguments based on the third-party registrations referenced in Applicant's appeal brief, 7 TTABVUE 5-9, which are not of record. In any event, "[i]t is axiomatic that the Board must assess each mark on its own facts and record and that the prior decisions and actions of other trademark examining attorneys in registering other marks are not binding upon the USPTO and the Board." *In re Korn Ferry*, No. 90890949, 2024 WL 3219482, at *5 (TTAB 2024) (quotation and quotation marks omitted).

¹⁰ May 14, 2025 Response to Office Action at TSDR 12-18, 49-69.

¹¹ *Id.* at 19-48.

¹² 7 TTABVUE 11.

argument that the registered mark is descriptive of registrant's services."); *In re Peebles Inc.*, No. 74073163, 1992 WL 215315, at *3 n.5 (TTAB 1992) ("[A]n attack on the validity of registrant's registration ... is not permitted in an ex parte appeal proceeding."). And "[e]ven if [Registrant's] marks are inherently weak, that is not fatal to a finding of likelihood of confusion because even weak marks are entitled to protection against confusion." *Made in Nature*, 2022 WL 2188890, at *19; see 15 U.S.C. § 1057(b) (registration is "prima facie evidence of the validity of the registered mark").

The sixth *DuPont* factor is neutral and we accord the cited registration "the normal scope of protection to which inherently distinctive marks are entitled." *In re Info. Builders Inc.*, No. 87753964, 2020 WL 2094122, at *10 (TTAB 2020); see *Made in Nature*, 2022 WL 2188890, at *19.

C. Similarity of the Marks

"Under the first *DuPont* factor, we consider 'the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.'" *Sabhnani*, 2021 WL 6072822, at *13 (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371 (Fed. Cir. 2005)). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, No. 87075988, 2018 WL 2734893, at *5 (TTAB 2018), *aff'd* 777 Fed. Appx. 516 (Fed. Cir. 2019) (quoting *In re Davia*, No. 85497617, 2014 WL 2531200, at *2 (TTAB 2014)). "The proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar

in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties.” *i.am.symbolic*, 866 F.3d at 1323 (quoting *Coach Servs.*, 668 F.3d at 1368 (internal quotation marks omitted)). We keep in mind that consumers must depend on their recollection of marks to which they have previously been exposed and that their memories are fallible. *See, e.g., In re St. Helena Hosp.*, 774 F.3d 747, 751 (Fed. Cir. 2014); *Sage Therapeutics*, 2024 WL 1638376, at *5 (quoting *In re i.am.symbolic, llc*, No. 85916778, 2018 WL 3993582, at *4 (TTAB 2018)).

“No element of a mark is ignored simply because it is less dominant, or would not have trademark significance if used alone.” *In re Electrolyte Labs. Inc.*, 929 F.2d 645, 647 (Fed. Cir. 1990) (citing *Spice Islands, Inc. v. Frank Tea & Spice Co.*, 505 F.2d 1293, 1295 (CCPA 1974)). On the other hand, “there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entirety.” *Detroit Athl.*, 903 F.3d at 1305 (quoting *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985)).

The Examining Attorney argues that Applicant’s and Registrant’s marks are similar in sound, appearance, meaning and commercial impression because both “share the identical term SNOWY”;¹³ the addition of THE MOUSE to Applicant’s mark is not enough to obviate a likelihood of confusion as “both marks may be

¹³ 9 TTABVUE 4.

perceived as character names when used in the context of the goods”;¹⁴ and Applicant disclaimed the term MOUSE indicating it is descriptive wording, such that SNOWY “remains the dominant and distinctive portion of the mark[].”¹⁵

Applicant argues that the “examining attorney improperly focuses on the shared word SNOWY”;¹⁶ that “the phrase SNOWY THE MOUSE conveys a distinct identity that differs substantially from the single word SNOWY”;¹⁷ and that SNOWY THE MOUSE identifies a specific character brand.¹⁸ These arguments are unavailing.

Both marks lead with the identical and dominant term SNOWY. Generally, first terms in marks tend to contribute more than terms that follow in creating a mark’s commercial impression, especially when the following terms are disclaimed, descriptive terms, as in the case of the term MOUSE in Applicant’s mark. *In re Detroit Athl.*, 903 F.3d at 1305 (“[T]he non-source identifying nature of the words ‘Co.’ and ‘Club’ and the disclaimers thereof constitute rational reasons for giving those terms less weight in the analysis.”); *In re Code Consultants, Inc.*, No. 75645560, 2001 WL 1149619, at *4 (TTAB 2001) (disclaimed matter is often “less significant in creating the mark’s commercial impression”); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.* No. 74797, 1988 WL 252340, at *3 (TTAB 1988) (first part of a mark “is most likely to be impressed upon the mind of a purchaser and remembered”).

¹⁴ *Id.*

¹⁵ *Id.* at 5.

¹⁶ 7 TTABVUE 3.

¹⁷ *Id.* at 4.

¹⁸ *Id.* at 12; 10 TTABVUE 4.

While the addition of the disclaimed term MOUSE may be a point of difference in Applicant's mark in sound when fully articulated or in appearance, it does not alleviate confusion. *Charger Ventures*, 64 F.4th at 1382 (citing *Detroit Athl.*, 903 F.3d at 1304-05). The disclaimer of MOUSE is an admission of descriptiveness by Applicant. See *In re Zuma Array Ltd.*, No. 79288888, 2022 WL 3282655, at *7 (TTAB 2022) ("Applicant disclaimed exclusive rights in the term 'Smart,' thus conceding that 'smart' is merely descriptive of electronic sensor modules.") (internal quotes omitted) (citing *In re Six Continents Ltd.*, No. 88430142, 2022 WL 407385, at *8 (TTAB 2022) (disclaimer of the word SUITES in mark ATWELL SUITES "is a concession that 'Suites' is not inherently distinctive")). Disclaimed matter that is descriptive of a party's goods is typically less significant or less dominant when comparing marks. *Detroit Athl.*, 903 F.3d at 1305. The non-source identifying nature of MOUSE and the disclaimer thereof constitutes a rational reason for giving the term less weight in our analysis. *Detroit Athl.*, 903 F.3d at 1305.

Although Applicant's mark contains additional terms, the dominant portions of the marks are identical in appearance, sound, connotation and commercial impression. Cf. *In re Bay State Brewing Co.*, No. 85826258, 2016 WL 1045677, at *3 (TTAB 2016) (the Board has recognized "the penchant of consumers to shorten marks.") (citing *In re Abcor Dev. Corp.*, 588 F.2d 811, 815 (CCPA 1978) ("the users of language have a universal habit of shortening full names from haste or laziness or just economy of words") (Rich, J., concurring)). Contrary to Applicant's arguments, if a portion of both marks is the same, then the marks may be confusingly similar notwithstanding some differences. See, e.g., *Charger Ventures*, 64 F.4th at 1382 ("an

additional word or component may technically differentiate a mark but do little to alleviate confusion”); *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1266 (Fed. Cir. 2002) (similar commercial impressions found even though applicant’s mark PACKARD TECHNOLOGIES, with “TECHNOLOGIES” disclaimed, did not incorporate every feature of opposer’s HEWLETT PACKARD marks).

Inasmuch as there is no evidence to the contrary or providing an alternative interpretation, the marks used on in-part identical goods have the same meaning and commercial impression. *See, e.g., In re Embiid*, No. 88202890, 2021 WL 2285576, at *9 (TTAB 2021) (“[T]here is no evidence here, or other reason to find, that the mark TRUST THE PROCESS has one meaning when used with shoes, and a second and different meaning when used with shirts and sweatshirts, based on the nature of the respective goods.”); *UMG Recordings, Inc. v. Mattel, Inc.*, No. 91176791, 2011 WL 5014005, at *21 (TTAB 2011) (“[W]e must look to the likely consumer perception of the mark in connection with the identified goods, rather than applicant’s intended connotation.”). Applicant’s and Registrant’s broadly identified goods encompass legally identical stuffed or plush toys and the general impression conveyed by both Applicant’s mark SNOWY THE MOUSE and the cited mark SNOWY is likely to be that of a stuffed toy—possibly a stuffed mouse—named “Snowy.” *See S.W. Mgmt., Inc. v. Ocinomled, Ltd.*, No. 94002242, 2015 WL 4464550, at *17 (TTAB 2015) (where the goods in an application or registration are broadly described, they are deemed to encompass all the goods of the nature and type described therein).

Applicant's reliance on its intended use of SNOWY THE MOUSE as a character name "used across books, animation, toys, puzzles and digital media"¹⁹ and on Registrant's purported actual use as a descriptive term for "a single toy product"²⁰ is misplaced. The relevant comparison is between the marks as they appear in the application and registration, not on extrinsic marketplace uses. *Fuente Mktg. Ltd. v. Vaporous Techs., LLC*, 172 F.4th 1337, 1343 (Fed. Cir. 2026) ("The correct inquiry requires comparison only of the applied-for mark ... to [the] registered ... marks."); *In re Aquitaine Wine USA, LLC*, No. 86928469, 2018 WL 1620989, at *4 (TTAB 2018) ("[W]e do not consider how Applicant and Registrant actually use their marks in the marketplace, but rather how they appear in the registration and the application. We must compare the marks as they appear in the drawings, and not [based] on any [extrinsic materials] that may have additional wording or information.")

Based upon the above analysis, when comparing the marks overall, they are similar in sound, appearance, connotation and commercial impression. The first *DuPont* factor weighs in favor of finding a likelihood of confusion. *See Double Coin Holdings Ltd. v. Tru Development*, No. 92063808, 2019 WL 4877349, at *9 (TTAB 2019).

D. Conclusion

Having considered all evidence and arguments bearing on the relevant *DuPont* factors, we find that the in-part identical nature of the goods weighs heavily in favor

¹⁹ 7 TTABVUE 13.

²⁰ *Id.*

of a conclusion of likelihood of confusion; and the similarity of the marks and overlap in channels of trade and classes of customers also weigh in favor of a conclusion of likelihood of confusion. The sixth factor regarding strength of the mark in the cited registration is neutral. No factor supports Applicant's position.

We conclude that confusion is likely.

Decision: The refusal to register Applicant's proposed mark is affirmed under Section 2(d), 15 U.S.C. § 1052(d).