

## LETTER OF PROTEST MEMORANDUM

**Date:** December 11, 2019

**To:** Amer Y. Raja  
Examining Attorney

**From:** Jason I. Roth  
Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy

**Subject:** Letter of protest concerning U.S. Application Serial No. 88585845  
for the mark

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in ex parte examination. TMEP §1715.02. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest:

Possible likelihood of confusion under Section 2(d) with the following registrations:

U.S. Registration No. 1809126 for the mark Helmet with Derrick Design; and  
U.S. Registration No. 2476024 for the mark TENNESSEE OILERS INAUGURAL  
SEASON 97 & Design.

Please see copies of the registrations in the X-Search database.

**NOTE:** *The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.*