

## 08 OFFICE ACTIONS · REFUSAL AND OPTIONS

# A two-issue office action, read and triaged the day it issued.

SKYLINE JUICE, a real pending application for juice beverages, drew a non-final office action on Sep 27, 2026. What exactly is refused, what was cited, and what can the applicant realistically do?

Pull the latest office action for application 99882477, SKYLINE JUICE. What is the examiner refusing and requiring, what did they cite, and what are the applicant's realistic options for responding?

Attorney

## §2(D) REFUSAL + JUICE DISCLAIMER

The latest action is a Non-Final Office Action issued Sep 27, 2026 (19 pages) against **SKYLINE JUICE**, Serial No. 99882477, filed by United Beverage LLC on Jun 12, 2026 for Class 32 juice beverages. No response appears on record yet.

### What the examiner is refusing and requiring

**1. § 2(d) likelihood-of-confusion refusal.** The OA text states registration is refused because of a likelihood of confusion with the mark in **U.S. Registration No. 6937972** — **SKYLINES**, owned by Almassiva GmbH & Co. KG.

The problem is a hard one: the refusal rests on the **SKYLINES** registration, whose recitation expressly covers "*non-alcoholic beverages, namely, fruit drinks and soft drinks*" — squarely overlapping the applicant's Class 32 fruit/grape/orange/mango juice beverages. And the shared element is the dominant one: **SKYLINE** vs **SKYLINES**, nearly identical in appearance, sound, and meaning.

**2. Disclaimer requirement.** The examiner requires applicant to disclaim "**JUICE**" as merely descriptive of the goods... Note how this compounds the § 2(d) problem: if JUICE adds no distinctive force, the marks are effectively **SKYLINE** vs **SKYLINES** for overlapping fruit drinks.

### Deadline

Response is due within 3 months of the issue date — **Dec 27, 2026** — extendable once, for a fee, to a hard ceiling of **Mar 27, 2027** (6 months from issuance).

Markus · real session, Sep 27, 2026 · get\_latest\_office\_action, get\_prosecution\_document, lookup\_trademark · 33 seconds

Find third-party registrations that could help argue the cited mark deserves only narrow protection.

Attorney, follow-up

Two evidence pulls, and they point in opposite directions — here's the honest read.

### 1. The crowded-field argument is not supported — don't make it

I measured the SKYLINE landscape across Classes 32, 30 and 29: **9 live marks held by only 4 distinct owners** — well below the threshold for a crowded-field argument... Arguing SKYLINES is weak because "everyone uses SKYLINE" would be unsupported by this record — and an examiner who runs the same search will see it isn't crowded. ...

Markus · get\_crowded\_field\_evidence, list\_marks\_containing\_term, get\_coexistence\_evidence · 47 seconds

## WHY THIS NEEDS THE PROSECUTION FILE

A general model can explain §2(d). It can't pull an office action issued that day, identify the cited registration and its goods, work out the response deadline, and then check whether a crowded-field argument is actually available before you make it. Markus did, and told the attorney not to make the argument the register doesn't support.

Checked against the USPTO record: the Sep 27, 2026 office action refuses under §2(d) citing Reg. 6,937,972 (SKYLINES, Almassiva GmbH & Co. KG), whose goods include "non-alcoholic beverages, namely, fruit drinks and soft drinks," and requires a disclaimer of JUICE. The SKYLINE count (9 live marks, 4 owners in Classes 29, 30 and 32, not counting the applicant's own) and the coexistence pairs shown were re-checked; one pair owned by a private individual is left out, as is the registrant's counsel named in the raw session. The application is real and public; the attorney's question is invented.