

MEMOJI (SN 88/158,604) Office Action Response

Applicant Apple Inc. submits this response to the office action dated January 7, 2019 refusing registration of MEMOJI on the grounds that the mark is likely to cause confusion with the registered mark MEMOJI & Design, owned by Social Technologies LLC ("Registrant").

On September 26, 2018, Apple filed a petition to cancel the cited registration based on its prior common law rights in the MEMOJI mark. See *Apple Inc. v. Social Technologies LLC*, Canc. No. 92069578 (T.T.A.B.) (the "Cancellation Proceeding"). This Cancellation Proceeding is currently pending.

The Cancellation Proceeding pertains to a registered mark that the examining attorney has cited against Apple's applied-for mark pursuant to Section 2(d) of the Trademark Act, and cancellation of Registrant's mark would necessarily resolve the issues raised in the office action refusal. Accordingly, Apple respectfully requests that prosecution of the subject application be suspended pending disposition of the Cancellation Proceeding, subject to Apple's right to request resumption of this proceeding should developments in the Cancellation Proceeding warrant.