

### **CITED REGISTRATIONS:**

The Examiner refused registration of the subject mark based on a likelihood of confusion with Reg. Nos. 3256611 for VANQUISH owned by LVMH Swiss Manufactures S.A., and 2946239 for VANQUISH owned by Stitch 'n Genius. Applicant asserts that for the reasons set forth below, the refusals to register should be withdrawn.

Applicant submits herewith a fully executed Assignment of Reg. No. 2946239 from Registrant to Applicant (see attached). This assignment was filed with the Trademark Office on April 18, 2011. As Applicant does not yet have a reel/frame number identifying the recordal of the assignment, Applicant has attached, for the Examiner's reference, a confirmation receipt of filing issued by the Trademark Office.

As the cited registration now stands in the name of Applicant, the refusal to register based on a likelihood of confusion should be withdrawn with respect to the '239 registration.

Applicant further asserts that the remaining registration (no. 3256611) currently co-exists with the '239 registration. Since the '239 registration has been assigned to Applicant, its subject pending application should likewise be able to co-exist. Thus, the refusal to register based on the '611 registration should be withdrawn.

### **PRIOR PENDING APPLICATIONS:**

The Examiner also cited prior pending Application Ser. Nos. 85071546 for V VANQUISH DESIGNER EYEWEAR owned by Moda Collection, and 79086150 for VANQUISH & Design owned by Vanquish SRL. Neither of these marks should bar registration of the Applicant's mark.

By virtue of the Assignment, Applicant has rights which precede those of Moda and Vanquish. Moreover, the assigned registration has been cited as a bar to Vanquish's application. Accordingly, both of these citations should be withdrawn.