

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE EXAMINER OF TRADEMARKS**

Trademark / Servicemark Application
United States Principle Register

Mark:

In re Application of:

EVERLASTING COMFORT

Xie Xin dba Lacy Home Fashion Inc.
23050 Aspen Knoll Dr.
Diamond Bar, CA 91765

Serial Number: 87332068

International Class: 20

OFFICE ACTION RESPONSE

The examining attorney has issued an office action with two issues which are addressed herein, namely the potentially conflicting prior pending application and description of the mark.

I. POTENTIALLY CONFLICTING PRIOR PENDING APPLICATION

The examining attorney has cited prior pending application no. 87145238 for COMFORT EVERLAST, as a potentially conflicting mark which may present a bar to registration of applicant's mark. The prior pending application for COMFORT EVERLAST has abandoned. See **Exhibit 1**. Any potential refusal based on the cited prior pending application is now moot.

The examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d).

Applicant respectfully requests the examining attorney withdraw any refusal or potential refusal based on application no. 87145238 for COMFORT EVERLAST.

II. DESCRIPTION OF THE MARK

The applicant adopts the suggested description of the mark. An amendment is submitted herewith amending the description of the mark as follows:

The mark consists of a stylized infinity symbol design appearing above the stylized wording "EVERLASTING COMFORT".

III. CONCLUSION

For the reasons stated herein, the applicant respectfully requests that the mark EVERLASTING COMFORT be registered.