

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: UNDEAD LABS
Application Ser. No.: 88/233,920
Classes: 9, 41, 42
Office Action Date: 03-06-2019

**RESPONSE
TO
OFFICE ACTION**

This correspondence is filed in response to the issues raised in the Office Action and Application referenced above.

1. Owner of cited registrations.

Microsoft Corporation (“Microsoft” or “Applicant”) is the owner of U.S. Registration Nos. 4459372 and 4747011 for the mark UNDEAD LABS because Microsoft has acquired Undead Labs LLC, registrant of such registrations, and Microsoft "controls the nature and quality of the goods sold or services rendered under the [M]ark." TMEP § 1201.01; *see evidence of ownership included in Exhibit A.*

2. Disclaimer.

Making no admission of the merely descriptive nature of the word “LABS” and no acknowledgement of Applicant’s lack of an exclusive right therein at the time of a disclaimer, and solely for the purpose of having the Application proceed to allowance,¹ Applicant submits the following disclaimer:

-- No claim is made to the exclusive right to use "LABS" apart from the mark as shown. --

¹ 15 U.S.C. 1056 (b) (“No disclaimer . . . shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or his right of registration on another application if the disclaimed matter be or shall have become distinctive of his goods or services.”).