

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>Trademark:</b>	NIPLIPS BEAUTIFUL-AUTHENTIC YOU
<b>Applicant:</b>	NipLips, LLC
<b>U.S. Serial No.:</b>	88/315,020
<b>Filed:</b>	Feb. 25, 2019
<b>Examining Attorney:</b>	Heather A. Sales

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**REMARKS**

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Applicant submits these remarks in response to the Office Action dated May 3, 2019. In the Office Action, the Examining Attorney cited the existence of a registered mark (U.S. Registration No. 4,748,857) (the “Registered Mark”) as a basis to refuse registration of Applicant’s mark under Trademark Section 2(d), 15 U.S.C. § 1052(d), on the grounds that Applicant’s mark is likely to be confused with the Registered Mark.

**ARGUMENTS**

Applicant respectfully disagrees that the instant Application should be rejected and asserts that there is no likelihood of confusion between Applicant’s mark and the Registered Mark. This is clear because the Registered Mark appears to have been abandoned and does not appear to be currently used in commerce. To the extent necessary, Applicant intends to take steps to establish said abandonment before the TTAB.

**CONCLUSION**

Applicant submits that it has overcome the Examining Attorney’s likelihood of confusion refusal. Therefore, Applicant respectfully requests that the refusal to register be withdrawn and that the application be approved for publication.

Dated: November 1, 2019

Respectfully Submitted,

/s/ Isaac S. Crum  
Attorney for Applicant  
Rusing Lopez & Lizardi