

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: **88263638**

Examining Attorney: **Mullen, Mark T.**

Applicant: **Dragon IP Holdings, LLC**

Law Office: **111**

Filed: **January 16, 2019**

Docket No.: **950902-4**

Mark: **GREEN DRAGON and Design**

February 26, 2020

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Response to Office Action Dated September 5, 2019

Dear Examiner Mullen:

This is in response to the Office Action mailed on September 5, 2019 (the "Office Action") regarding Application No. 88263638 (the "Application") for registration on the Principal Register of the word mark GREEN DRAGON and design (the "Mark").

Registration is being sought in Class 034 for:

Cigarette lighters, cigarette tubes; electric cigarettes; electric cigars; electronic cigarette refill cartridges sold empty; electronic cigarettes; electronic hookahs; hookah parts, namely, tubes and hoses; hookah tobacco; hookahs; smokeless cigar vaporizer pipes; smokeless cigarette vaporizer pipes; smokers' articles, namely, hookah charcoal; smokers' articles, namely, rehydration tubes.

("Applicant's Goods").

It is the intention of undersigned counsel to respond fully and completely to the issues raised in the Office Action. Any failure to address any matter is purely the result of inadvertence.

Prior-Filed Application

The Office Action suggests that the current application may be suspended because of the application for the mark GREEN DRAGON EXTRACTS, Serial No. 88194018, filed on November 14, 2018.

Applicant, however, owns other trademarks that were filed prior to the GREEN DRAGON EXTRACTS mark, namely, the mark GREEN DRAGON and GREEN DRAGON and design, Serial Nos. 87831777 and 8783210. Thus, Applicant's earlier filed applications would preclude registration of the GREEN DRAGON EXTRACTS.

Request for Additional Information

The Office Action requests that Applicant provide additional information regarding any marijuana-related goods and services covered by the Application and that Applicant respond to three specific questions listed below.

Applicant's Goods are self-explanatory smoking articles that are not intended for use with marijuana or other products covered by the Controlled Substance Act.

1. Do or will the goods include cannabidiol (CBD)?

Response: Applicant's Goods covered in the Application do not include CBD, marijuana, cannabis, hemp, marijuana-based, cannabis-based or hemp-based preparations, or marijuana, cannabis or hemp-based extracts or derivatives which are derived from any part of the plant *Cannabis sativa L* other than the mature stalks or seeds from the said plant synthetic marijuana, or any other illegal controlled substances. (See *Declaration of Andrew Levine* attached hereto as Exhibit A, ¶ 5.)

2. If so, will there be more than a trace amount of CBD in the goods, e.g. more than 50 parts per million (PPM)?

Response: Applicant's Goods covered in the Application do not include CBD. (See Exhibit A, ¶ 5.)

3. Do or will applicant's identified goods include CBD which is derived from oils, extracts, or ingredients from plants other than *Cannabis sativa L* (also known as hemp, marijuana or cannabis)?

Response: No, Applicant's Goods covered in the Application do not include CBD oil, extracts, or ingredients from plants other than *Cannabis sativa L* and are otherwise compliant with the Controlled Substances Act. (See Exhibit A, ¶¶ 6, 7.)

Respectfully Submitted,

Kutak Rock LLP

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ATTORNEYS FOR APPLICANT