

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zoetop Business Co., Limited

Examining Attorney: William D Jackson

Application Serial No.: 88/776,666

Law Office: 117

Mark: **SHEIN**

Office Action Date: April 17, 2020

Class: 14

RESPONSE TO OFFICE ACTION

On April 17, 2020, the Examining Attorney issued an Office Action refusing registration of Applicant Zoetop Business Co., Limited's (the "Applicant") Application Serial No. 88/776,666 (the "Application") to register the **SHEIN** mark (the "Applicant's Mark"), for use in connection with goods in Class 14 (the "Applicant's Goods").

In the Office Action, the Examining Attorney requested clarification of Applicant's goods, and issued a refusal to register Applicant's Mark on the grounds that the mark is primarily merely a surname under Trademark Act §2(e)(4), 15 U.S.C. §1052(e)(4). Applicant hereby submits amendments to its identification of goods and seeks registration of the mark on the Supplemental Register.

I. Section 2(e)(4)

The Examining Attorney refused to register Applicant's Mark on the basis that the mark is primarily merely a surname under Section 2(e)(4). Applicant respectfully disagrees with the Examining Attorney's refusal and submits that the mark is not primarily merely a surname. Nevertheless, in an effort to move this mark toward registration, Applicant requests that the Application be amended to seek registration on the Supplemental Register, rather than the Principal Register. An Amendment to Allege Use is being filed concurrently with this Response. Accordingly, once the Statement of Use is accepted, the application will be eligible for registration on the Supplemental Register. 37 C.F.R. §§2.47(d), 2.75(b); TMEP §§815.02, 1102.03.

II. Amendment to Identification of Goods

In accordance with the Examining Attorney's request for further clarification, Applicant amends its identification of goods to read as follows:

[Class 14]: "Jewelry; costume jewelry; necklaces; earrings; bracelets; rings; jewelry brooches; watches; hat jewelry; jewelry pins for use on hats; pins being jewelry; precious metals, unwrought or semi-wrought; jewelry accessories, namely, jewelry

clips for adapting pierced earrings to clip-on earrings; jewelry findings; jewelry boxes, jewelry charms, alarm clocks, split rings of precious metal for keys.”

III. Conclusion

In view of the arguments set forth, Applicant respectfully seeks registration of Application Serial No. 88/776,666, for the **SHEIN** mark on the Supplemental Register.

Should anything further be required, a telephone call to the undersigned at (949) 732 – 6810 is respectfully solicited.