

RESPONSE TO OFFICIAL ACTION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
BOX: RESPONSES - NO FEE

Dear Commissioner:

In response to the Official Action mailed May 19, 2020 for which a response is due on or before November 19, 2020 (including PTO non-work days), please consider the following remarks and amendments.

REMARKS

I. 2(d) Refusal

Applicant hereby responds to the requirements set forth in the outstanding office action which consist of responding to the 2(d) refusal for likelihood of confusion due to a conflict with a previously registered trademark. Since issuance of the official action, Applicant has moved to cancel the HAIR BRAIN registration.

On November 18, 2020 counsel for Applicant filed a Petition to Cancel the HAIR BRAIN (Reg. No. 5740668) trademark registration (the "Cancellation"). The Cancellation was accepted by the Trademark Trial and Appeal Board and issued cancellation number 92075751. Therefore, Applicant requests suspension of the HAIRBRAINED application pending the outcome of the Cancellation.

II. CONCLUSION

In view of the foregoing, it is believed that applicant is entitled to suspension of their HAIRBRAINED trademark application pending the outcome of the Cancellation. Counsel for Applicant requests a phone call from the Examiner if there are any additional requirements regarding the application before issuance of the suspension.