

Mark: YADEA (and design)
Serial No. 90181546

Argument

This application was partially refused in view of Registration No. 4230875. However, that registration is owned by the present applicant, and applicant has submitted a request for recordal of a change of name with respect to the cited registration, so that the application and cited registration will both stand in the same name. The citation should therefore be withdrawn.

With respect to prior pending application Serial No. 88926734, applicant has amended the recitation of Class 35 services to delete “retail services for pharmaceutical, veterinary and sanitary preparations and medical supplies.” The remaining goods and services are clearly different enough from the prior applicant’s Class 10 goods that there is no likelihood of confusion, and the prior application is therefore not a potential basis for refusal under Section 2(d).

Applicant has submitted a statement regarding the significance of the word “YADEA.”

Applicant is amending the identification of goods in Class 9 to address the issues raised in the office action.

In view of the foregoing, applicant submits that this application is now in condition for acceptance.