

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

September 13, 2019

Robin S. Chosid-Brown
Trademark Examination Attorney
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United States Patent and Trademark Office
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Re: Serial No.: 88267843
Mark: SMARTCORR
Applicant: SMARTCORR SYSTEMS, INC.
Suspension Notice of: April 29, 2019

APPLICANT'S RESPONSE TO SUSPENSION NOTICE

The following is the response of Applicant SMARTCORR SYSTEMS, INC., by Counsel, to the Suspension Notice dated April 29, 2019 by Examining Attorney Robin Chosid-Brown.

In the Office Action dated March 31, 2019 the Examining Attorney referred to a prior-filed pending US trademark application serial No. 86673098 and indicated the present trademark application may be suspended after the applicant submits specimen of actual use as requested by the Examining Attorney. Applicant is invited to present arguments in support of registration.

The filing date of pending U.S. Application Serial No. 86673098 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's

election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues. (emphasis added by Applicant)

Applicant presented arguments in support of registration and preemptively against suspension in the response to the office action dated April 11, 2019. In accordance with the *Procedure for Examining Applications* Section 716.03:

If any applicant argues preemptively against suspension based on a conflicting mark in a prior-filed application, and the examining attorney finds the arguments unpersuasive, the examining attorney must include a statement to that effect in the suspension notice. The recommended practice is to briefly address the merits of the unpersuasive arguments prior to an initial suspension.

Applicant could not find where the merits of the arguments presented in the April 11, 2019 response preemptively against suspension were addressed in the Suspension Notice dated April 29, 2019. Applicant respectfully request that the Examining Attorney address the merits of said arguments.

If any further information or response is required, please contact Applicant's attorney at zzhaophd@gmail.com and zzhaophd@yahoo.com, or by phone at 215 606 8561.

Respectfully submitted,

/Zhiqiang ZHAO/

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Attorney for Applicant