

JOSHUA D. SIBBLE

COUNSEL

(201) 287-2497

joshua.sibble@rivkin.com

25 Main Street, Suite 501
Court Plaza North
Hackensack, NJ 07601-7082
T 201.287.2460 F 201.489.0495

September 3, 2020

VIA TEAS

Commissioner for Trademarks

P.O. Box 1451

Alexandria, Virginia 22313-1451

Re: Applicant: A&Z Pharmaceutical Inc.
Mark: MFIT SUPPS
Serial No.: 88/593,926
Examining Attorney: Christopher Hoffman, Esq.
Law Office No.: 128
Rivkin Radler File No.: 499-6

Dear Examiner Hoffman:

We write in response to the March 9, 2020 Suspension Notice (the “Suspension Notice”) in connection with the above-referenced application.

Thank you for withdrawing the likelihood of confusion for three of the four Cited Marks (Reg. Nos. 3,481,740, 4,671,439, and 5,491,512). With respect to Reg. No. 4,473,298, the registration appears to have been abandoned. It has an overdue maintenance filing and fee, and the six-month grace period ended on July 28, 2020. The undersigned Applicant’s counsel contacted the attorney of record for the Cited Mark, and counsel confirmed to the undersigned that the owner of the Cited Mark did not intend to renew the registration and would allow it to be cancelled. The Trademark Status & Document Retrieval page, maintenance tab, for the Cited Mark states that “the registration will be cancelled in due course.” This further weighs against any likelihood of confusion between this Cited Mark and Applicant’s Mark and will completely obviate any confusion upon cancellation.

September 3, 2020

Additionally, pursuant to your recommendation, we will submit a new drawing to include a space between the M and FIT.

For the foregoing reasons, Applicant respectfully submits that Applicant's Mark is registrable over the Cited Marks and is in condition for registration. Timely registration is requested.

Applicant thanks the Examining Attorney for reconsideration. Please do not hesitate to contact us if you require any additional information or documentation to assist in your review.

Respectfully submitted,

RIVKIN RADLER LLP

s/ Joshua D. Sibble
Joshua D. Sibble