

## **Response to Office Action**

Applicant, Blazing Star BBQ, LLC ("Applicant") respectfully submits this Response to the Office Action issued on May 2, 2021 against Application Serial No. 90254623 for the BLAZING STAR BBQ mark (the "Mark").

### **REFUSAL – LIKELIHOOD OF CONFUSION**

The Examining Attorney has refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between Applicant's Mark and the marks in U.S. Registration No. 5207126 (the "Cited Mark").

Applicant notes that on January 7, 2022, the owner of the Cited Mark surrendered the Cited Mark for cancellation under 15 U.S.C. § 1057(e).

Applicant respectfully submits that with the referenced surrender, the basis for the 2(d) is now absent and the refusal should be withdrawn.

### **Conclusion**

Applicant respectfully requests that the Examining Attorney approve the Application for publication. If a telephone call will assist in the prosecution of this Application, the Examining Attorney is invited to call Applicant's attorney, Andrew Nelson, at (949) 397-2964.