

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No: 87/268,141  
Mark: **EXP**  
Applicant: Massindo (Hong Kong) Limited  
Attorney's Ref.: 122343-410685

**RESPONSE/REQUEST TO SUSPEND**

In response to the Office Action issued for US Application Serial No. 87/268,141 (“Application”) on March 20, 2017, please note the following:

The Office Action refused registration of the Application, alleging a likelihood of confusion with the Class 14 goods in Registration No. 3,551,264 (“Cited Registration”). The Office Action also requested a copy of the foreign registration to perfect a 44(e) filing basis.

Applicant advises the Examining Attorney that Hong Kong Application No. 303977704 has not yet matured to registration. Further, Applicant filed a Petition to Cancel the Class 14 goods in the Cited Registration with the Trademark Trial and Appeal Board on September 12, 2017. See TMEP Section 716.02(a); see also copy of Petition to Cancel filing receipt attached as Exhibit A. Applicant therefore requests that further action on this Application be suspended pending the outcome of the cancellation action and registration of Hong Kong Application No. 303977704.

# **Exhibit A**

## Markus, Halle B.

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**From:** estta-server@uspto.gov  
**Sent:** Tuesday, September 12, 2017 4:36 PM  
**To:** TM Electronic Filings; Price, Andrew D.; Markus, Halle B.; Wyles, Phyllis J.  
**Subject:** ESTTA. Petition for Cancellation confirmation receipt ID: ESTTA845262

Petition for Cancellation

Tracking No: ESTTA845262

### ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

The Trademark Trial and Appeal Board (Board) has received a filing titled Petition for Cancellation submitted through the Electronic System for Trademark Trials and Appeals (ESTTA). This Notice verifies receipt of the filing and includes an ESTTA Tracking Number.

Unless the filing fails to meet all applicable minimum legal requirements for filing, the Board will not retract the filing or refund any fees paid.

The filing, and any Board proceeding, may be viewed on TTABVUE at <http://ttabvue.uspto.gov/ttabvue/>. Please allow up to two hours for the system to process this filing unless the filing is a new opposition or new petition to cancel that must be processed by a TTAB staff member. Please allow up to one week from the date of filing for manual processing.

If the filer received an error message or experienced a technical issue while using ESTTA, please email [estta@uspto.gov](mailto:estta@uspto.gov) and provide your ESTTA Tracking Number along with a Serial, Registration or Proceeding Number. For further status or information inquiries, please email [ttabinfo@uspto.gov](mailto:ttabinfo@uspto.gov). The TTAB Assistance Center is open Monday through Friday from 8:30 a.m. to 5:00 p.m. Eastern Time (ET) at 571-272-8500.

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ESTTA server at <https://estta.uspto.gov>

ESTTA Tracking number: ESTTA845262

Filing date: 09/12/2017

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

#### Petitioner Information

Name: Massindo (Hong Kong) Limited

Entity:

Citizenship: Hong Kong

Address: Flat 2, 15/F., Vanta Industrial Centre

21-33 Tai Lin Pai Road

Kwai Chung, N.T., 0  
HONG KONG

Attorney information:

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Washington, DC 20043-9998

UNITED STATES

Email: trademarkdocket@venable.com, ADPrice@venable.com, HBMarkus@Venable.com, PJWyles@Venable.com

Phone: 202.344.8156

Registration Subject to Cancellation

Registration No: 3551264

Registration Date: 12/23/2008

Registrant:

EXP613, LLC

1835 NE MIAMI GARDENS DRIVE Suite 250

Miami, FL 33179

UNITED STATES

Goods/Services Subject for Cancellation

Class 014. First Use: 20020100 First Use In Commerce: 20020100

All goods and services in the class are subject to cancellation, namely: Jewelry cases not of precious metal

Ground for Cancellation:

Abandonment

Trademark Act Section 14(3)

Attachments:

EXP - Petition to Cancel.pdf

Halle B. Markus

/Halle B. Markus/

09/12/2017