

**UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE**

In Re the Application of:	)	
	)	
Applicant:	)	The Boring Company
	)	
Mark:	)	THE BORING COMPANY
	)	
Serial No.:	)	88/027,098
	)	Trademark Law Office: 111
Class:	)	39
	)	Examiner: Alexandra Foster
Filed:	)	July 5, 2018
	)	
	)	

---

**RESPONSE TO OFFICE ACTION**

In response to the Office Action issued on October 26, 2018 in connection with the above-captioned application (the “Application”) for the trademark THE BORING COMPANY (stylized) (“Applicant’s Mark”), Applicant, by and through counsel, incorporates by reference its November 15, 2018 response to the Final Office Action issued in connection with Application Serial No. 87/514,563, attached hereto as Exhibits A1-A5. There, as here, the Examining Attorney had concluded that the word mark THE BORING COMPANY is merely descriptive and thus is not entitled to registration on the Principal Register absent a showing of acquired distinctiveness. Here, as there, the descriptiveness refusal and disclaimer request should be withdrawn because Applicant’s Mark is a double entendre and is therefore suggestive. On this basis, Application Serial No. 87/514,563 was approved for publication in December 2018, and without a disclaimer.

With the foregoing response, Applicant believes that it has fully addressed all of the issues raised in the Office Action, and that the Application is in condition for publication. Favorable action is hereby requested.

Date: April 26, 2019

Respectfully submitted,

COOLEY LLP

/Judd D. Lauter/

Brendan J. Hughes

Judd D. Lauter

COOLEY LLP

1299 Pennsylvania Ave., NW, Suite 700

Washington, D.C. 20004

Tel: (202) 842-7800

Email: trademarks@cooley.com

*Counsel for Applicant The Boring Company*