

SERIAL NO: 88392401
APPLICANT: VIVO MOBILE COMMUNICATION CO., LTD.
MARK: APEX
EXAMINING ATTORNEY: Sean O'Tormey
DATE: October 29, 2019

RE: Response to Office Action Dated June 21, 2019
Applicant VIVO MOBILE COMMUNICATION CO., LTD. ("Applicant") timely responds as follows to the Office Action issued on June 21, 2019 for a section 2(d) refusal for the applied-for mark "APEX" ("Applicant's Mark") because of likelihood of confusion with U.S. Registration No. 4547837 for the mark "APEX" ("Registered Mark").

The Examining Attorney has refused registration of Applicant's Mark on the ground that there is a likelihood of confusion between Applicant's Mark and the Registered Mark, given the identical appearance, sound and meaning of the marks create a same commercial impression, and therefore are confusingly similar. Applicant respectfully traverses the refusal of registration based on the likelihood of confusion with the Registered Mark for reasoning below:

On May 02, 2019, the TTAB accepted a petition to cancel the Registered Mark (Proceeding No. 92071195) based on abandonment. On September 25, 2019, the petition to cancel the Registered Mark has been granted and the Registered Mark is cancelled. Without the applicable Registered Mark, the likelihood of confusion is no longer existed. Therefore, Applicant respectfully requests the Examining Attorney to approve the Applicant's Mark for registration.

If you have any questions or comments, please feel free to contact me at your convenience.

Best regards,



Tim Wang
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