

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of Trademark Serial No. **90012653**
For the Mark **ESKIMO PIE**

Applicant: Retrobrands USA LLC
1771 Blount Raod Suite 203
Fort Lauderdale, Fl. 33339

March 12th 2021

APPLICANT'S RESPONSE TO OFFICE ACTION DATED SEPT 17th 2020

Applicant, Retrobrands USA LLC hereby responds to the Examiners Office Action.

**Prior Pending Application Precedes Applicants Application
Refusal Under Trademark Act Section 2(d) Likelihood of Confusion**

ARGUMENT

APPLICANT REQUESTS SUSPENSION

The Examiner is correct to state that the cited Application under **SN 90012447** for **ESKIMO PIE** precedes Applicant's application and is identical to Applicant's goods.

Subsequently, Applicant respectfully request you **SUSPEND** my application pending final disposition of the earlier-filed referenced application.

Respectfully submitted,

Retrobrands USA LLC
/Jeffrey Kaplan/ President
1771 Blount Raod Suite 203
Ft. Lauderdale, Fl. 33339
(954) 203-3097