


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK EXAMINING DIVISION**


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|------------|---|---|---|
| APPLICANT | : American-Cigarette Company (Overseas) Limited |) | |
| TRADEMARK: |  |) | Barbara A. Gaynor Trademark Examining Attorney |
| SERIAL NO. | : 90046018 |) | Law Office 115 |
| CLASS | : 34 |) | |

RESPONSE TO OFFICE ACTION


Applicant has reviewed the Examining Attorney’s Office Action and responds as follows:

1. Section 2(d) Refusal



The Examining Attorney has refused registration of Applicant’s  trademark (“Applicant’s Mark”) on the ground that Applicant’s Mark is likely to create confusion with the mark in U.S. Registration No. 5214678 (the Cited Registration). Applicant respectfully disagrees that Applicant’s Mark is not entitled to registration. Applicant is the owner of U.S.



Reg. No. 4686346 for the mark  in Class 34, the application for which was filed on January 27, 2014. The application that matured into the Cited Registration was filed on

September 22, 2015. Accordingly, Applicant has priority in Applicant's Mark. Applicant is investigating whether the Cited Registration is vulnerable to cancellation.

2. Identification of Goods

In response to the Examining Attorney's request for clarification, Applicant amends its description of goods to the following:

Class 34: Cigarettes; tobacco, raw and manufactured; roll your own tobacco; pipe tobacco; tobacco products, namely, smoking tobacco, cut tobacco, leaf tobacco, chewing tobacco, snuff tobacco, snus tobacco, pipe tobacco, and hand rolling tobacco; tobacco substitutes not for medical purposes; cigars; cigarillos; cigarette lighters; cigar lighters; matches; smokers' articles, namely, filter tubes, cigar relighting liquid solution, cigarette lighters not of precious metal, matches, ashtrays not of precious metal, **tobacco** pipes, cigarette holders, humidors, cigar cutters, tobacco pouches, pocket machines for rolling cigarettes; cigarette paper; cigarette tubes; cigarette filters; pocket apparatus for rolling cigarettes; hand-held machines for injecting tobacco into paper **cigarette** tubes; electronic cigarettes; liquids for e-cigarettes, namely, liquid nicotine solutions for use in electronic cigarettes; tobacco products for the purpose of being heated, namely, sticks of tobacco and sticks of tobacco substitutes that are designed to be heated but not burned **for the purpose of inhalation.**

3. Mark Description

Applicant amends the description of its mark to the following:

The mark consists of a gray rectangular background. In the gray rectangular background is a light blue rectangle that contains the black stylized wording "VOGUE" and a green circle to the right of the word "VOGUE".

4. Conclusion

Based on the foregoing, Applicant respectfully requests that the Examining Attorney withdraw the refusal and place Applicant's Mark for registration in position for publication.