

From: Snyder, Nelson

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Subject: U.S. TRADEMARK APPLICATION NO. 77752741 - CHILDREN'S DHA -
282019999016 - REMAND REQUEST TO TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

APPLICATION SERIAL NO. 77752741

MARK: CHILDREN'S DHA



CORRESPONDENT ADDRESS:

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CORRESPONDENT'S REFERENCE/DOCKET NO:

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MOTION TO REMAND

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD ON APPEAL

TRADEMARK EXAMINING ATTORNEY'S REQUEST FOR REMAND

The trademark examining attorney requests that the Trademark Trial and Appeal Board remand this case to the examining attorney under 37 C.F.R. §2.142(d) for the following reason(s):

The Office recently reassigned this application to the undersigned trademark examining attorney after becoming aware that the instant application (Serial No. 77752741) was being handled inconsistently with companion application Serial No. 77131419 (covering the same mark "CHILDREN'S DHA", but in standard character format). Specifically, the instant application does not include a deceptiveness refusal under Trademark Act Section 2(a) that is present in companion Application Serial No. 77131419.

Accordingly, the undersigned trademark examining attorney requests suspension of the appeal and remand of jurisdiction in the instant application to refuse registration under Trademark Act Section 2(a) because the applied-for mark consists of or includes deceptive matter in relation to the identified goods, and submit appropriate evidence in support of the refusal pursuant to 37 CFR §2.142(f)(6). Trademark Act Section 2(a), 15 U.S.C. §1052(a); see *In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); *In re ALP of S. Beach Inc.*, 79 USPQ2d 1009 (TTAB 2006); TMEP §1203.02. TBMP §1209.02.

Upon remand, and to ensure consistency between the two applications, the undersigned trademark examining attorney would like to suspend action on the Section 2(a) refusal in the instant application until the Trademark Trial and Appeal Board renders its decision in companion Application Serial No. 77131419.

Respectfully submitted,

/Nelson B. Snyder III/
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