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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78095659
Applicant	Ivy Silberstein
Applied for Mark	SQRAT
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Submission	Applicants Request for Remand and Amendment
Attachments	SQRAT - MOTION FOR REMAND - Appl No. 78095659.pdf(83767 bytes)
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Date	02/16/2016

UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. APPLICATION SERIAL NO. 78095659

MARK: SQRAT

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MOTION TO REMAND

The applicant hereby moves, pursuant to TBMP § 1209.4, for an order suspending the present appeal and remanding the application to the examining attorney so that applicant may amend the application. In the examining attorney's December 14, 2015 letter denying applicant's request for reconsideration, the examining attorney stated that the specimen provided by the applicant evidenced the mark's use in connection with TV and video clips available for streaming. The examiner also stated that the services "streaming of video material" are in Class 38 and are not considered merchandising services in Class 35 and that applicant's specimen shows use of the mark in connection with streaming of video material. Applicant agrees with the examining attorney's assessment, and accordingly, applicant desires to amend the application to more accurately describe the use of the mark in this specimen in connection with "streaming of video material" in Class 38, rather than "merchandising of movies and television programs" in Class 35. The final refusal was issued on November 4, 2015. Per TBMP § 1209.4, "A request filed by an applicant to remand the application to the examining attorney that is filed within six months of the issuance of a final Office action is treated as a request for reconsideration, whether it is denominated as such, or is captioned as a request for remand. Requests for reconsideration are granted by the Board as a matter of right" (emphasis added).

Accordingly, applicant respectfully requests that the TTAB issue an order suspending the present appeal and remanding the application to enable the examining attorney to issue a new final refusal permitting applicant the opportunity to amend the services description in the application.

This 16th day of February, 2016

Respectfully submitted,

Baker & Hostetler LLP

By:  _____

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