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Subject: U.S. TRADEMARK APPLICATION NO. 79109409 - SOL-R - SFS-TM032WO- - REMAND REQUEST TO TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 79109409

MARK: SOL-R



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CORRESPONDENT'S REFERENCE/DOCKET NO:

SFS-TM032WO-

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MOTION TO REMAND

INTERNATIONAL REGISTRATION NO. 1107454

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):

AMENDMENT TO THE IDENTIFICATION OF GOODS OUTSIDE THE SCOPE OF THE ORIGINAL IDENTIFICATION

The applicant submitted a response on September 14, 2012 and a Request for Reconsideration on April 8, 2013 amending the identification of goods as follows:

CLASS 6

The original identification of goods was amended from "Common metals and their alloys; metal supports and fixations for solar panels, fixations for roofs, walls and ground with metal solar panels building materials, screws, rivets, bolts; metal transportable constructions, metallic cables and wires, articles of small ironware, pipes and tubes of metal, metal goods, fixed installations for solar installations of metal, construction materials and roof covering materials incorporating metal frames and retaining systems for solar panels, ground supports with solar panels, metal rods and fixation systems assembled from such elements, uprights," to:

"Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for solar installations; metal construction materials for solar panels, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels, and tiles incorporating metal frames for solar panels; retaining systems comprised of metal cable wires and metal cantilevered brackets for solar panels; ground supports of metal for solar panels; steel rods for use with solar panels" on September 14, 2012 and further amended on April 8, 2013 to:

"Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for roof structures; metal

construction materials, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels.”

CLASS 19

The original identification of goods was amended from “Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal, incorporating solar cells” to:

“Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal, incorporating solar cells” on September 14, 2012 and further amended on April, 8, 2013 to the following:

“Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal.”

Specifically, the applicant deleted reference to solar installations and solar panels which broadens the identification of goods outside the scope of the original identification of goods. The amendments with respect to this wording are unacceptable and the applicant must reinstate the original wording to be within the scope of the original identification of goods.

Respectfully submitted,

/Rebecca Smith/

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