

ESTTA Tracking number: **ESTTA697250**

Filing date: **09/21/2015**

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

Proceeding	79142068
Applicant	The Size Sintered Ceramics, S.L.
Applied for Mark	NEOLITH
Correspondence Address	ARTURO PEREZ-GUERRERO LAW OFFICES OF ARTURO PEREZ-GUERRERO PMB 315, SUITE 67, 35 JUAN CARLOS DE BORBON GUAYNABO, PR 00969-5375 UNITED STATES arturo@perezguerrero.com
Submission	Applicants Request for Remand and Amendment
Attachments	motion requesting remand final.pdf(1351523 bytes)
Filer's Name	Arturo Perez-Guerrero
Filer's e-mail	arturo@perezguerrero.com
Signature	/Arturo Perez-Guerrero/
Date	09/21/2015

In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board

In re Applications of
The Size Sintered Ceramics S.L.

Serial No. 86165219

Filed: January 14, 2014

For: NEOLITH DIVERSO

Serial No. 86115889

Filed: November 11, 2013

For NEOLITH LIVIN'TOP

Serial No. 79142068

Filed: September 30, 2013

For: NEOLITH

**REQUEST FOR REMAND TO THE EXAMINING ATTORNEY SO THAT
AN AMENDMENT TO THE IDENTIFICATION OF THE GOODS AND
SERVICES MAY BE EXAMINED**

Appellant makes reference to the order entered by this Board on September 11, 2015, where by all three appeals were consolidated and hereby files a request for remand that complies with said order.

Applicant proposes to delete goods and submit limited and more specific identifications of goods and services. These amendments should obviate the refusals of registration. This constitutes just cause and applicant respectfully requests that the present requests for remand be granted.

The following proposed amendments apply to all three referenced applications.

The class 19 identification of the goods as it currently stands, reads as follows:

Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards and plates of porcelain prepared with natural and ecological raw materials for coating façades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; nonmetal plates of ceramic, porcelain and marble for building construction; non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; coatings for stairs not of metal, namely, fireproof cement coatings; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, not of metal, for coating walls, floors and roofs; glass panels for building construction, namely, for windows and doors; non-metal moldings and decorative trim for use in building construction; non-metallic transportable buildings

(The language underlined in red is to be deleted)

The proposed amendment to the class 19 identification reads as follows:

Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards and plates, all made of an exclusive type of porcelain prepared with natural and ecological raw materials using an innovative technology that makes them lightweight, resistant to scratches, resistant to high temperatures, waterproof, flex resistant, UV resistant and resistant to high traffic, used in buildings, roofs, walls and floors

The class 20 identification of the goods as it currently stands, reads as follows:

Worktops; worktops of ceramic and porcelain; worktops of marble; kitchen furniture; bathroom furniture; office furniture; and outdoor furniture; mirrors being looking glasses; furniture frames; picture frames

(The language underlined in red is to be deleted)

The proposed amendment to the class 20 identification reads as follows:

worktops made of an exclusive porcelain prepared with natural and ecological raw materials using an innovative technology that makes them lightweight, resistant to scratches, resistant to high temperatures, waterproof, flex resistant, UV resistant and resistant to high traffic; kitchen furniture; bathroom furniture; office furniture; and outdoor furniture; mirrors being looking glasses; furniture frames; picture frames

The following amendment applies only to Serial number 79142068, which was filed in class 35, in addition to classes 19 and 20.

The class 35 identification as it currently stands reads as follows:

Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely, ceramic and porcelain products; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

(The language underlined in red is to be deleted. The language appearing in italics and bold face has been slightly altered.)

The proposed amendment to the class 35 identification reads as follows:

Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain plates for coating all types of constructions and worktops; advertising services, import and export services in the field of building materials, namely, products made of a special porcelain; commercial

business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

Applicant respectfully requests that the three referenced applications be remanded to the examining attorney so that she may address these amendments and hopefully withdraw the entered Section 2(d) refusals.

Respectfully submitted,



Arturo Pérez-Guerrero
Attorney for Applicant

Date: September 21, 2015

Arturo Pérez-Guerrero
P.O. Box 9024163
San Juan, Puerto Rico 00902-4163
Phone: 787 722-3446
Fax: 787 725-3144
Email: arturo@perezguerrero.com