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

Proceeding	79146303
Applicant	Frozenbyte, Inc.
Applied for Mark	DEATH OF MANKIND
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Submission	Applicants Request for Remand and Amendment
Attachments	Death of Mankind Request to Remand for Good Cause 9-3-15.pdf(20689 bytes)
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Date	09/03/2015

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

In re Application of:)	
)	
Frozenbyte, Inc.)	
)	Law Office 104
Serial No. 79/146303)	
)	Attorney: Tamara Bree Hudson
Filed: February 20, 2014)	
)	
Trademark: DEATH OF MANKIND)	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

REQUEST TO REMAND WITH GOOD CAUSE, TBMP § 1209.04

I. INTRODUCTION

On June 17, 2015, Appellant, Frozenbyte, Inc. filed a Notice of Appeal to the Trademark Trial and Appeal Board from the Examiner's decision dated December 17, 2014, finally refusing registration of the above-identified trademark in Classes 28 and 41. On May 29, 2015, Appellant also filed a Request for Reconsideration with the Examining Attorney, which was subsequently denied by the Examiner's Reconsideration Letter of July 13, 2015. Now, Appellant respectfully requests that the application be remanded upon showing of good according to TBMP § 1209.04.

II. AMENDMENT OF APPLICATION

Appellant seeks to amend its application to delete International Classes 28 and 41. The Examiner objected to the aforementioned two classes on the basis of Section 2(d) finding Appellant's goods and services confusingly similar with U.S. Registration Nos. 3848186 and 4304828 and made her refusal final.

Appellant now requests that the International Classes 28 and 41 be deleted from its application in view of the Examiner's denial of its Request for Reconsideration and stresses that its request to remand this application to the Examiner is made with good cause as it will obviate the asserted ground for refusal.

III. PRAYER

WHEREFORE, Appellant prays that this request to remand for good cause be sustained and that the requested amendment of its application be accepted so that the application can proceed to publication and registration in class 9.

/R Peter Spies/

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Dated: September 3, 2015