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Filing date: **08/05/2015**

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

Proceeding	85544660
Applicant	Vivipharma S.p.A.
Applied for Mark	COCOA SUNCARE
Correspondence Address	KATHLEEN A COSTIGAN HEDMAN & COSTIGAN PC ONE ROCKEFELLER PLAZA, 11TH FLOOR NEW YORK, NY 10020 UNITED STATES ipdocket@hgcpatent.com
Submission	Applicants Request for Remand and Amendment
Attachments	1011-TM-1272 Motion for Remand with Amendment 08052015.pdf(86107 bytes )
Filer's Name	Kathleen A. Costigan
Filer's e-mail	ipdocket@hgcpatent.com
Signature	/Kathleen A. Costigan/
Date	08/05/2015

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

Applicant: VIVIPHARMA S.P.A.  
In the matter of Application Serial No.: 85544660  
Filed: February 16, 2012  
For the Mark: COCOA SUNCARE  
Appeal Brief Due: August 5, 2015

**MOTION TO SUSPEND THE APPEAL AND REMAND APPLICATION  
TO EXAMINER FOR CONSIDERATION OF THE ATTACHED AMENDMENT**

Applicant, VIVIPHARMA S.P.A., through the undersigned counsel, respectfully requests suspension of the Appeal and remand of the application to the Examiner for consideration of the attached amendment.

Application Serial No. 85544660 has been refused registration for the identified goods in Class 003 under Section 2(e)(1) on the ground of deceptive misdescriptiveness and for the identified goods in Class 005 on the ground that the mark contains deceptive matter under Section 2(a). All other issues have been resolved to the satisfaction of the Examiner.

Applicant has authorized the deletion of Class 005 from the application and amendment of the application to the Supplemental Register. Attached hereto is an amendment for the consideration of the Examiner formally amending the application as described. The undersigned has spoken briefly with the Examiner and understands that the Examiner is willing to consider an amendment to the Supplemental Register. As the proposed amendment, if accepted, will obviate the need for an Appeal, Applicant respectfully requests suspension of the Appeal and remand of the application to the Examiner for consideration of the proposed amendment.

In the event the Board denies this motion, it is requested that the deadline for the filing of the Appeal Brief be reset to a date not less than two weeks after the decision of the Board.

Date: August 5, 2015

Respectfully submitted,

/Kathleen A. Costigan/

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Attorneys for Applicant

Docket No.: 1011-TM-1272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE EXAMINER OF TRADEMARKS

**CoCoa**

Mark:

SUNCARE

Serial:

85/544,660

Filed:

February 16, 2012

Classes:

3 and 5

Applicant:

VIVIPHARMA S.p.A.

Law Office:

110

Examiner:

Rebecca A. Smith, Esq.

New York, NY 10020

August 5, 2015

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

**AMENDMENT**

Kindly amend the subject application as follows:

**IN THE IDENTIFICATION OF GOODS:**

Please deleted Class 005 from the application and amend the identification to read as follows:

Laundry detergents; laundry bleaches; fabric softeners; soaps; bleaching preparations; cleaning, polishing, scouring and abrasive preparations; perfumery and cosmetics for body and hair beauty; cosmetics in general, namely, perfumes; solid perfumes; deodorants for personal use; soaps; liquid soaps; bars of soap; bubble bath; dentifrices; shampoos; essential oils; hair lotions; permanent waving lotions and setting preparations for the hair; hair gels; hair dyes; face creams; mascara; eye liner; eye shadow; make-up pencils; face lotions; lipsticks; foundation creams; body creams; nail polish; nail strengtheners; sun-tanning oils and creams; skin cleansers; skin hydrating creams; hair care preparations; deodorants for personal use; soaps for personal use; moisturizing creams for the face and body; cleansing and conditioning preparations for the face, body and hair in International Class 003.

**AMENDMENT TO SUPPLEMENT REGISTER**

Applicant wishes to amend the application to seek registration on the Supplemental Register under Trademark Act Section 23, 15 U.S.C Section 1091.

85/544,660  
Law Office 110  
Rebecca A. Smith, Esq.

**REMARKS**

Although Applicant believes it is entitled to registration on the Principal Register, the application has been amended to seek registration on the Supplemental Register.

Based on the above amendments and these remarks, Applicant requests that the Examiner reconsider the application, withdraw all objections and allow the application to proceed to registration.

It is respectfully requested that the Examiner contact the undersigned with any questions.

Respectfully submitted,  
/Kathleen A. Costigan/  
Kathleen A. Costigan

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