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

Proceeding	85720388
Applicant	VAN MCCLAIN
Correspondence Address	MARK E. BEATTY RYLANDER & ASSOCIATES PC PO BOX 250 VANCOUVER, WA 98666-0250 UNITED STATES beatty@rylanderlaw.com
Submission	Applicants Request for Remand and Amendment
Attachments	KARF002-ReqRemand.pdf(9675 bytes)
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Date	12/31/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.:	KARF.002	Law Office No.:	LO111
In re Application Of:	VAN MCCLAIN	Examining Attorney:	Lucy Arant
Serial No.:	85720388		
Application Filed:	9/4/2012	Appeal Filing Date:	November 5, 2013
For:	Gorilla Head Design Mark		

REQUEST FOR REMAND

FOR AMENDMENT TO SECTION 1(b) (INTENT-TO-USE)

**TTAB
2900 Crystal Drive
Arlington, VA 22202-3513**

Applicant respectfully requests remand for purpose of amendment. Applicant submits herewith an amendment under to change the filing basis from Section 1(a) to Section 1(b) (intent-to-use), in order to submit specimens which came into use after the effective filing date of the application. Applicant maintains traversal of Examiner's refusal, but submits that the additional specimen (with later use-in-commerce dates) will clearly moot the substantive basis of Examiner's refusal. *See* 37 C.F.R. §2.35(b)(3); TMEP §806.03(c); TBMP §§ 12.05 & 12.09.

The undersigned hereby represents that he is the duly appointed attorney for the Applicant and asks that all correspondence be sent to the address below.

Amendment is Timely and Effective

This amendment is timely submitted prior to submission of Applicant's and Examiner's appeal briefs, is made in good faith, and moots the basis of Examiner's refusal. Therefore, Applicant respectfully requests the Board exercise its discretion to remand to the Examiner for further prosecution.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services, and Applicant had a bona fide intention to use the mark in commerce on or in connection with the goods/services as of the application filing date.

CONCLUSION

In view of the foregoing, Applicant respectfully requests remand and reconsideration.

Respectfully submitted,

RYLANDER & ASSOCIATES PC

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