

**This Opinion is Not a  
Precedent of the TTAB**

Mailed:  
December 1, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re Neato Robotics, Inc.*  
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Serial No. 85751546  
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James E. Rosini and Jonathan W. Thomas of Kenyon & Kenyon LLP for Neato Robotics, Inc.

Priscilla Milton, Trademark Examining Attorney, Law Office 110 (Chris A. F. Pedersen, Managing Attorney).

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Before Kuhlke, Shaw and Masiello, Administrative Trademark Judges.

Neato Robotics, Inc. (“Applicant”) sought registration on the Principal Register of the mark NEATO BOTVAC for certain goods in International Class 9. In a final refusal of registration, the Examining Attorney required Applicant to disclaim the exclusive right to use BOT VAC; and on appeal the Board affirmed that requirement by a decision issued October 28, 2015. (The Board’s decision also addressed Applicant’s appeals with respect to three other refused applications.) The Board also stated that the decision would be set aside as to Application Serial No. 85751546 if Applicant submitted the required disclaimer to the Board within thirty days. 37 C.F.R. §2.142(g).

On November 2, 2015, Applicant stated that it had filed a disclaimer with the Examining Attorney; and requested that the Board remand the application to the Examining Attorney for consideration of it. The better practice would have been to submit the disclaimer directly to the Board, as indicated in the Board's order. In any event, Applicant's communication setting forth its disclaimer of the exclusive right to use BOT VAC apart from the mark as shown has been referred to the Board.

The disclaimer is approved and entered.

The Board's October 28, 2015 decision is set aside as to Application Serial No. 85751546; and the application is forwarded for publication of Applicant's mark for opposition.