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Filing date: **06/16/2014**

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

Proceeding	85773334
Applicant	Popeyes Louisiana Kitchen, Inc.
Applied for Mark	CHICKEN WAFFLE TENDERS
Correspondence Address	CHRISTIANE S CAMPBELL DUANE MORRIS LLP 1075 PEACHTREE ST, STE 2000 ATLANTA, GA 30309 UNITED STATES ccampbell@duanemorris.com
Submission	Applicants Request for Remand and Amendment
Attachments	CHICKEN WAFFLE TENDERS Request for Remand.pdf(171186 bytes )
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Signature	/Christiane S. Campbell/
Date	06/16/2014

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

In re application of: Popeyes Louisiana Kitchen, Inc.

Serial No.: 85/773,334

Filed: November 7, 2012

Attorney: Marc J. Leipzig

Law Office: 115

Mark: CHICKEN WAFFLE TENDERS

**REQUEST OF APPLICANT FOR REMAND OF THE APPLICATION FOR THE  
AMENDMENT OF REGISTRY AND FURTHER EXAMINATION**

Applicant respectfully requests suspension of the *ex parte* appeal of the final refusal to register its CHICKEN WAFFLE TENDERS trademark, the subject of the above-captioned application (“Subject Application”). Applicant further requests remand of the Subject Application to the Examining Attorney for entry of a request for amendment to the Supplemental Register. The remand is made with good cause, as the application was originally filed seeking registration on the Principal Register, and Applicant is now willing to amend to the Supplemental Register to obviate the 2(e)(1) ground for refusal. TBMP §1205.

A final Office action was issued against the Subject Application on September 28, 2013, based on Section 2(e)(1) of the Trademark Act. To overcome this action, Applicant on March 26, 2014 amended the Subject Application to allege use and on March 28, 2014 filed a Request for Reconsideration concurrently with a Notice of Appeal. The Request for Reconsideration was denied on April 28, 2014 and the Appeal proceedings resumed on May 12, 2014.

In his April 28 denial of Applicant’s Request for Reconsideration, the Examining Attorney maintained his refusal based on alleged descriptiveness of the Applicant’s CHICKEN WAFFLE TENDERS mark, and denied Applicant’s claims of acquired distinctiveness under Trademark Act Section 2(f). Applicant now respectfully requests the opportunity to amend the Subject Application to seek registration on the Supplemental Register.

Applicant requests that upon remand, the Examining Attorney consider Applicant’s Amendment to Allege Use and amendment to the Supplemental Register in support of the

registrability of the Applicant's CHICKEN WAFFLE TENDERS mark, or alternatively, that these amendments be made of record in the appeal before the Board. Favorable action is requested.

Respectfully submitted,

DUANE MORRIS LLP

Date: June 16, 2014



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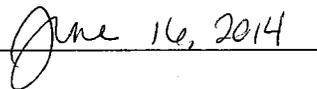
By:



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Christiane Schuman Campbell

Date:



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