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Filing date: **09/15/2015**

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

Proceeding	85877699
Applicant	Santucci, Robert
Applied for Mark	RS ROCKSTAR HOSPITALITY GROUP
Correspondence Address	Matthew H. Swyers, Esq. The Trademark Company 344 Maple Avenue West PMB 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Applicants Request for Remand and Amendment
Attachments	Motion to Remand - Exhibit 1.pdf(452104 bytes ) Motion to Remand.pdf(100711 bytes )
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	09/15/2015

# United States of America

United States Patent and Trademark Office

PARTY LIKE A ROCK  
STAR...SLEEP LIKE A BABY

**Reg. No. 3,733,204** HAMPSHIRE HOTELS & RESORTS, LLC (NEW YORK LIMITED LIABILITY COMPANY)  
Registered Jan. 5, 2010 SUITE 42  
200 WEST 55TH STREET  
NEW YORK, NY 10019

**Int. Cl.: 43**

FOR: HOTEL SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

**SERVICE MARK  
PRINCIPAL REGISTER**

FIRST USE 4-1-2001; IN COMMERCE 4-1-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 6839302, FILED 4-16-2008.

SER. NO. 77-495,978, FILED 6-11-2008.

JASON BLAIR, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert Santucci

Serial No. 85877699

Trademark: The logo for RockStar Hospitality Group, featuring a stylized 'RS' in a circle followed by the text 'RockStar' and 'Hospitality Group' below it.

Filing Date: March 15, 2013

**MOTION TO REMAND APPLICATION**

COMES NOW the Applicant Robert Santucci (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1209.04 respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order remanding the instant Application to the examination level so that the Examining Attorney may consider the additional evidence attached herewith as Exhibit 1 which, in conjunction with Applicant’s prior arguments, may render the refusal at issue moot.

Specifically, Applicant applied to register the trademark at issue only to receive the Section 2(d) refusal at issue with regard to the registration for ROCK STAR SUITES, U.S. Reg. No. 4671990. However, the registration that appears in U.S. Reg. No. 3733204 for the service mark PARTY LIKE A ROCK STAR...SLEEP LIKE A BABY was not cited as an impediment to registration despite also existing in the same class of services as the current cited trademark as well as that of the Applicant’s.

Applicant thus requests that the Board grant the instant motion to remand so that this additional registration may be made of record in the instant proceeding and perhaps to render the refusal moot or, in the alternative, Applicant additional arguments concerning the registration of the instant application.

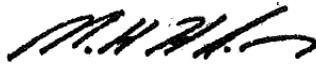
Applicant is not making this motion to delay the proceedings but in good faith so that the Office may consider the amendment to the application brought to light in this matter which may render the instant appeal moot.

Accordingly, pursuant to TBMP § 1209.04 it is respectfully requested that the Board grant the instant motion and remand the matter to the Examining Attorney.

WHEREFORE it is respectfully submitted that good cause exists and/or the TBMP provides that the instant request be granted and the application be remanded to the Examining Attorney for further consideration of the Application with the amendments thereto.

Respectfully submitted this 15<sup>th</sup> day of September, 2015

The Trademark Company, PLLC



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