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

Proceeding	86113689
Applicant	Lonnie Trautman
Applied for Mark	SGT. OTTO
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Submission	Applicants Request for Remand and Amendment
Attachments	REQUEST TO REMAND APPLICATION- New Specimen.pdf(131324 bytes ) Newest Spec Class 9 1.pdf(234056 bytes ) Newest Spec Class 9 2.pdf(175067 bytes )
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Date	01/04/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lonnie Trautman

Serial No.: 86113689

Filed: November 8, 2013

Mark: SGT. OTTO

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**REQUEST TO REMAND APPLICATION**

COMES NOW the Applicant, Lonnie Trautman (hereinafter “Applicant”), by counsel, The Trademark Company, PLLC, 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 Applicant may submit new specimens for class 9 which may render the instant appeal moot. In support of the instant motion, Applicant provides as follows:

**ARGUMENT**

“If an applicant that has filed a timely appeal to the Board files an amendment to its application more than six months after the issuance of the final action, or the second refusal on the same ground(s), or the repeated requirement from which the appeal was taken, the Board will treat the amendment as a request for remand.” *See* TBMP § 1209.04.

Applicant seeks to remand the instant application prior to a final determination on the merits to submit new specimens for class 9 in the application. In this regard, when done, Applicant hopes that the basis for the instant appeal will be rendered moot.

Applicant by counsel respectfully requests to submit new specimens for class 9 to reflect the suggestion of the Examining Attorney in the Request For Reconsideration letter.

This request is not being done to delay these proceedings. Rather, the request is being made to obviate the need for the Board's further consideration of this matter in an effort to resolve the same at the examination level.

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 so that the new specimens attached can be reviewed.

#### CONCLUSION

WHEREFORE it is respectfully submitted that good cause exists and/or the TBMP provides that the instant request be granted and the application and evidence remanded to the Examining Attorney to review the specimens attached for International Class 9 and then reconsider whether the refusal should be maintained.

Respectfully submitted this 4<sup>th</sup> day of January, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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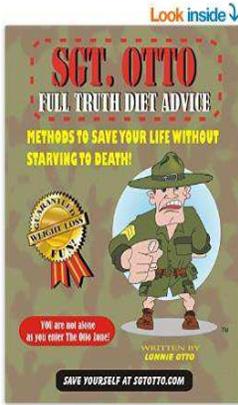
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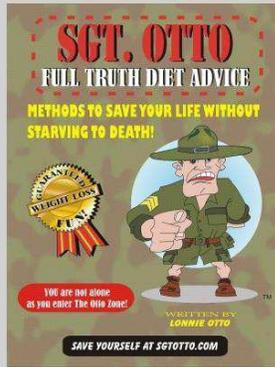
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