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Subject: U.S. TRADEMARK APPLICATION NO. 86151111 - HAHT SAHS - TRCE 4581 - REMAND REQUEST TO TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 86151111

MARK: HAHT SAHS



CORRESPONDENT ADDRESS:

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APPLICANT: Haht Sahs, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

TRCE 4581

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MOTION TO REMAND

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD ON APPEAL

TRADEMARK EXAMINING ATTORNEY'S REQUEST FOR REMAND

The trademark examining attorney requests that the Trademark Trial and Appeal Board remand this case to the trademark examining attorney under 37 C.F.R. §2.142(d) for the reason(s) that follow.

The refusal of registration under Section 23 has not been made final.

On May 19, 2014, the examining attorney refused registration under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), on the ground that the mark was merely descriptive of the nature of Applicant's goods. Applicant was also advised that, in addition to being merely descriptive, the applied-for mark appeared to be generic in connection with the identified goods and, therefore, incapable of functioning as a source-identifier for Applicant's goods, should the Applicant amend to the Supplemental register.

On June 19, 2014, Applicant responded, amending to the Supplemental register, and arguing that the mark was not generic.

On August 13, 2014, the Examining Attorney, in what was erroneously captioned a FINAL¹ refusal, refused registration on the Supplemental Register on the ground that the applied-for mark was generic under Trademark Act Section 23(c), 15 U.S.C. §1091(c).

On August 19, 2014, the Examining Attorney issued a **superseding** action, referencing the action of August 13, 2014, in which she refused registration on the Supplemental Register on the ground that the applied-for mark was generic under Trademark Act Section 23(c), 15 U.S.C. §1091(c) and maintained the refusal under Trademark Act Section 2(e)(1).

On March 19, 2015, the application was abandoned for failure to respond.

On May 13, 2015, the Applicant was granted a petition to revive. The petition was filed with a notice of appeal.

The Applicant did not respond directly to the erroneously captioned action of August 13, 2015, or the superseding action of August 19, 2015. Applicant instead filed the notice of appeal with the petition to revive. Consequently, the examining attorney has not had the opportunity to issue a final refusal under Section 23. Therefore, a remand is requested so that a final office action and proper record in support of that final may be issued.

¹ Prosecution history of the Office actions issued 8/13/2014 and 8/19/2014 notes both actions as "NON-FINAL ACTION WRITTEN."

Respectfully submitted,

/jlbm/

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