

ESTTA Tracking number: **ESTTA776662**

Filing date: **10/14/2016**

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

Proceeding	86153946
Applicant	IOIP Holdings, LLC
Applied for Mark	OUT
Correspondence Address	GERARD T GALLAGHER BARNES & THORNBURG LLP 100 N MICHIGAN ST, 700 1ST SOURCE BANK CENTER SOUTH BEND, IN 46601-1632 UNITED STATES jerry.gallagher@btlaw.com, michelle.horvath@btlaw.com
Submission	Applicants Request for Remand and Amendment
Attachments	OUT - Motion on Appeal.pdf(139536 bytes) OUT - Specimen of Use.pdf(562102 bytes)
Filer's Name	GERARD T. GALLAGHER
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Signature	/Gerard T. Gallagher/
Date	10/14/2016

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

In Re Application: IOIP Holdings, LLC)	
)	
Mark: OUT)	Ex Parte Appeal
)	
Filed: December 30, 2013)	Application No. 86/153946
)	
)	
)	

MOTION REQUESTING
REMAND OF APPLICATION TO EXAMINER WITH EXAMINER'S CONSENT

Applicant respectfully requests that the Board suspend the appeal of Application No. 86/153946, and remand the application to the Examining Attorney for further review and approval for publication. In support of its Motion, Applicant states as follows:

1. The only issue on appeal in this proceeding is the adequacy of the specimen of use.
2. Applicant submits herewith additional evidence supporting its contention that the term OUT as used by Applicant creates a separate commercial impression. The additional evidence is a print out of a portion of Applicant's webpage. The Examining Attorney for the present application specifically requested submission of this evidence during a phone call with the undersigned counsel on October 13, 2016.
3. During that phone call the Examining Attorney consented to this motion for remand.
4. Applicant respectfully requests that the Board suspend the ex parte appeal of this application and remand the application to Examining Attorney for approval for publication.

Respectfully submitted,

By: 

Gerard T. Gallagher
BARNES & THORNBURG LLP
700 1st Source Bank Center
South Bend, IN 46601
Phone: 574-237-1156
Attorneys for Petitioner
IOIP Holdings, LLC

Dated: October 14, 2016



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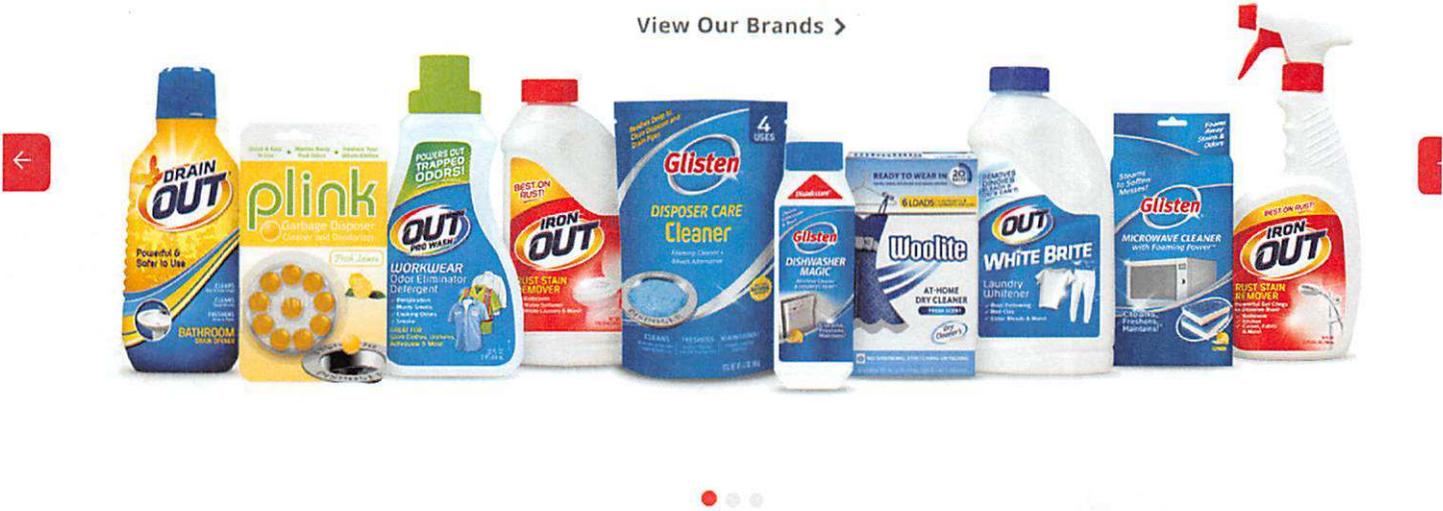
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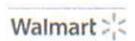


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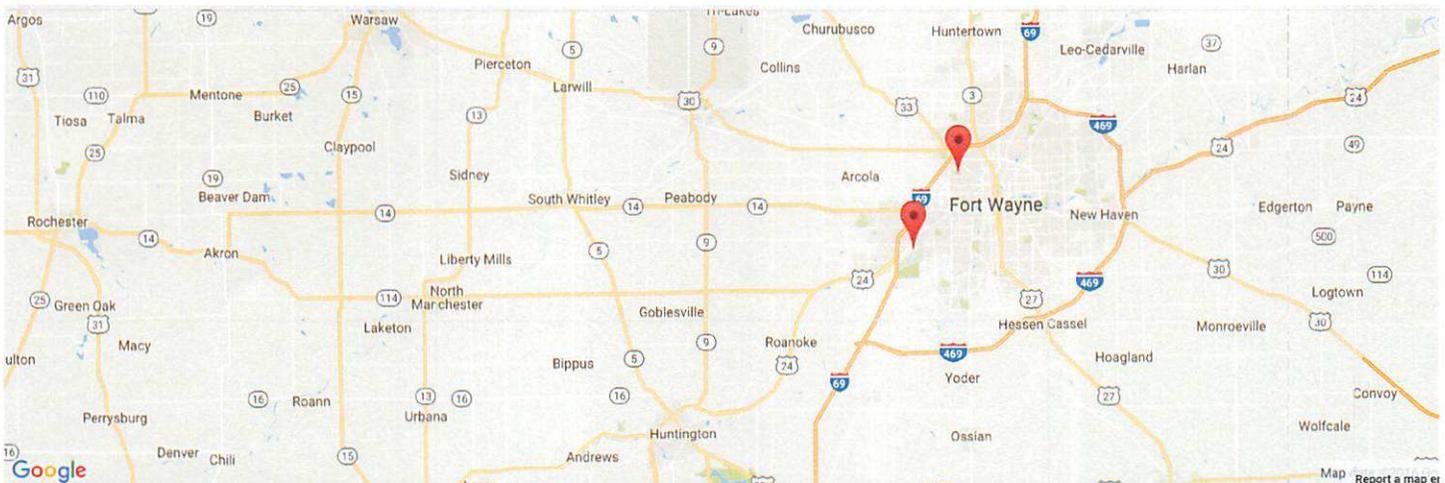
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