

ESTTA Tracking number: **ESTTA710162**

Filing date: **11/23/2015**

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

Proceeding	86196858
Applicant	Liebert Corporation
Applied for Mark	SMARTAISLE
Correspondence Address	LISA M DUROSS HARNESS DICKEY & PIERCE PLC 5445 CORPORATE DR STE 200 TROY, MI 48098-2683 UNITED STATES docketingTM@hdp.com, duross@hdp.com, jgant@hdp.com, abrown@hdp.com
Submission	Applicants Request for Remand and Amendment
Attachments	Request for Suspension and Remand 23-Nov-2015.PDF(810808 bytes )
Filer's Name	Lisa M. DuRoss
Filer's e-mail	docket- in- gTM@hdp.com,duross@hdp.com,tcomparoni@hdp.com,bmarkham@hdp.com,jgant@hdp.com
Signature	/LMD/
Date	11/23/2015

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

Applicant: Liebert Corporation  
Serial No.: 86/196,858  
Filing Date: February 14, 2014  
Mark: SMARTAISLE  
Docket: 6499-200096-US-01  
Examiner: Alison R. Keeley  
Law Office: 113

**REQUEST FOR SUSPENSION  
AND REMAND**

Pursuant to TBMP Section 1206.01, Applicant Liebert Corporation, by and through its undersigned counsel, respectfully requests that the Trademark Trial and Appeal Board suspend action in the captioned *ex parte* appeal and remand the application to the Examining Attorney for consideration of the Amendment to Allege Use filed contemporaneously herewith.

In support of this Request, Applicant states the following:

1. Applicant's mark has been refused registration on the Principal Register under Trademark Act § 2(e).
2. Applicant has today filed an Amendment to Allege Use through the Office's TEAS online filing system, upon the acceptance of which Applicant intends to amend its application to seek registration on the Supplemental Register.
3. An amendment to the Supplemental Register would obviate the descriptiveness refusal and the need for pursuing this *ex parte* appeal.

**Request for Suspension and Remand**

*In re Liebert Corporation*

Serial No. 86/196,858

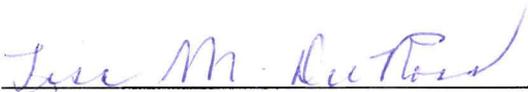
Page 2 of 2

4. The foregoing constitutes good cause for the requested suspension and remand.

WHEREFORE, Applicant respectfully requests that the Board suspend proceedings with respect to the *ex parte* appeal and remand the application to the Examining Attorney for consideration of the Amendment to Allege Use.

Respectfully submitted,

Dated: 11/23/2015

By:   
Lisa M. DuRoss  
HARNES, DICKEY & PIERCE, P.L.C.  
5445 Corporate Drive  
Troy, Michigan 48098  
Telephone: 248-641-1600  
Facsimile: 248-641-0270

*Attorney for Applicant  
Liebert Corporation*