

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 86227093

MARK: DRX

86227093

CORRESPONDENT ADDRESS:

WILLIAM H COX
GORDON HERLANDS RANDOLPH & COX LLP
355 LEXINGTON AVE FL 10
NEW YORK, NY 10017-6603

APPLICANT: ETONIC Holdings, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

5215.01

CORRESPONDENT E-MAIL ADDRESS:

wcox@gordonherlands.com

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.

In the initial examination of the application, registration of the applied-for mark was refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3883054 and 3936551. In the Final Office action dated December 22, 2014, the examining attorney withdrew the refusal as to Registration No. 3936551. Upon further review of the application, the withdrawal of this refusal was in error. Accordingly, the examining attorney requests that the Trademark Trial and Appeal Board suspend the appeal and remand this case so that the examining attorney can reinstate the refusal as to Registration No. 3936551. In this case, the applicant's and registrant's marks are virtually identical and the goods of the parties are so closely related that it is likely a potential consumer would be confused, mistaken or deceived as to the source of the applicant's and registrant's goods.

Respectfully submitted,

/Alice Benmaman/
Trademark Examining Attorney
(Christine Cooper, Managing Attorney)
Law Office 116

571-272-9126