

ESTTA Tracking number: **ESTTA726750**

Filing date: **02/12/2016**

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

Proceeding	86373714
Applicant	Sinclair Pharmaceuticals Limited
Applied for Mark	SILHOUETTE INSTALIFT
Correspondence Address	GREGORY N. OWEN OWEN, WICKERSHAM & ERICKSON, P.C. 455 MARKET ST STE 1910 SAN FRANCISCO, CA 94105-5408 UNITED STATES tmparalegal3@owe.com
Submission	Applicant's Motion to Suspend
Attachments	Request For Suspension of Appeal and Remand.pdf(319390 bytes )
Filer's Name	Gregory N. Owen
Filer's e-mail	gowen@owe.com, tbigelow@owe.com, bdunne@owe.com
Signature	/Gregory N. Owen/
Date	02/12/2016

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

Applicant: Sinclair Pharmaceuticals Limited  
Serial No.: 86/373714  
Mark: **SILHOUETTE INSTALIFT**

Trademark Attorney: Sui Q. Duong  
Law Office 116

**REQUEST FOR SUSPENSION OF APPEAL AND  
REMAND FOR FURTHER EXAMINATION**

Applicant requests suspension of the appeal and remand of Application Serial No. 86/373714 to the examining attorney for further examination with respect to evidence that was not available prior to the filing of the appeal. 37 C.F.R. § 2.142(d) This request is made for good cause. Applicant's request is to permit the examining attorney to consider the assignment to Applicant of the registrations cited in the examining attorney's office action refusing registration based upon Section 2(d) of the Trademark Act. This appeal was filed December 22, 2015 and no briefs have been filed.

The issue that is the subject of this *ex parte* appeal is the Section 2(d) citation to Registration Nos. 3179140, SILHOUETTE SUTURE and 3416606, SILHOUETTE LIFT. The owner of record of Registration Nos. 3179140 and 3416606, Silhouette Lift Societad Limitada, is an affiliate of Applicant Sinclair Pharmaceuticals Limited. The parties have consolidated ownership of the "Silhouette" marks in the United States under Sinclair Pharmaceuticals Limited. An assignment of the cited registrations from Silhouette Lift Societad Limitada to Sinclair Pharmaceuticals Limited was executed on January 20, 2016 and recorded in the Trademark Office on January 21, 2016 at Reel/Frame 5713/0551. Attached as Exhibit A is a copy of the Notice of Recordation and Assignment of Registration Nos. 3179140 and 3416606 from Silhouette Lift Societad Limitada to Sinclair Pharmaceuticals Limited.

Applicant submits that the assignment resulting in the consolidation of the ownership of the cited registrations and pending application in the Applicant eliminates the Section 2(d) basis for refusing registration to the SILHOUETTE INSTALIFT trademark. There can be no likelihood of confusion where the marks at issue are all

owned and controlled by the same party.

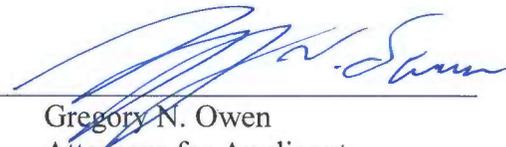
The Board will grant a request to suspend and remand for the purpose of submitting additional evidence where the evidence was not previously available and such evidence may have a bearing on the bases for appeal. TBMP § 1207.02 Here the evidence was not previously available because the requisite internal business processes and considerations leading up to the assignment of the blocking registrations were not finalized until January 20, after the deadline for filing the appeal. The assignment of the blocking registrations to the Applicant has a direct bearing on the appeal as it removes the Section 2(d) basis for the refusal to register, the only issue on appeal.

In view of the foregoing, Applicant respectfully submits that good cause is shown for the suspension of the appeal and remand of the application to the examining attorney for favorable action and withdrawal of the Section 2(d) refusal.

Respectfully submitted,

Owen, Wickersham & Erickson, P.C.

By



Gregory N. Owen  
Attorneys for Applicant  
455 Market Street, 19th Floor  
San Francisco, CA 94105  
(415) 882-3200  
[gowen@owe.com](mailto:gowen@owe.com)

Date: February 12, 2016

**EXHIBIT A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 28, 2016

PTAS

GREGORY N. OWEN  
OWEN, WICKERSHAM & ERICKSON, P.C.  
455 MARKET STREET, SUITE 1910  
SAN FRANCISCO, CA 94105

**900351229**

### UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT RECORDATION BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE ASSIGNMENT RECORDATION BRANCH AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT RECORDATION BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/21/2016

REEL/FRAME: 5713/0551  
NUMBER OF PAGES: 2

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: GILSI 90001

ASSIGNOR:

SILHOUETTE LIFT SOCIETAD LIMITADA

DOC DATE: 01/20/2016  
CITIZENSHIP: SPAIN  
ENTITY: CORPORATION

ASSIGNEE:

SINCLAIR PHARMACEUTICALS LIMITED

CITIZENSHIP: ENGLAND  
ENTITY: COMPANY

OFFICE VILLAGE, CHESTER BUSINESS  
PARK  
CHESTER, UNITED KINGDOM CH4 9QZ

SERIAL NUMBER: 76654334

REGISTRATION NUMBER: 3179140

MARK: SILHOUETTE SUTURE

DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 01/31/2006

REGISTRATION DATE: 12/05/2006

SERIAL NUMBER: 76680016

REGISTRATION NUMBER: 3416606

MARK: SILHOUETTE LIFT

DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 07/30/2007

REGISTRATION DATE: 04/29/2008

ASSIGNMENT RECORDATION BRANCH  
PUBLIC RECORDS DIVISION

ASSIGNMENT OF UNITED STATES TRADEMARK REGISTRATIONS

Whereas, Silhouette Lift Sociedad Limitada, a Spain corporation (Assignor), owns the following marks which are registered in the U.S. Patent and Trademark Office:

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
<b>SILHOUETTE SUTURE</b>	<b>3,179,140</b>	<b>December 5, 2006</b>
<b>SILHOUETTE LIFT</b>	<b>3,416,606</b>	<b>April 29, 2008</b>

Whereas, Sinclair Pharmaceuticals Limited, an England company (Assignee), with its principal place of business at Office Village, Chester Business Park, Chester, United Kingdom CH4 9QZ, is desirous of acquiring said marks and the registrations thereof;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said Assignor does hereby assign unto said Assignee, all right, title and interest in and to the said marks, together with the goodwill of the business symbolized by the marks in the United States and the above identified registrations thereof.

Silhouette Lift Sociedad Limitada

Date: 20/1/2016

By: 

Name: ALAN OLBY

Title: Director