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Filing date: **09/04/2015**

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

Proceeding	86492323
Applicant	HUONG HAI SCIENCE AND TECHNOLOGY INC
Applied for Mark	ZENEK
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Submission	Applicants Request for Remand and Amendment
Attachments	Motion to Remand.pdf(124557 bytes)
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Date	09/04/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of HUONG HAI SCIENCE AND TECHNOLOGY INC

Serial No. 86492323

Trademark: ZENEK

Filing Date: Dec. 30, 2014

MOTION TO REMAND APPLICATION

COMES NOW the Applicant HUONG HAI SCIENCE AND TECHNOLOGY INC (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1209.04 respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order remanding the instant Application to the examination level so that the Examining Attorney may consider the Applicant’s filing of an amendment to the identification of goods which may render the refusal at issue moot.

Applicant applied to register the trademark ZENEK for use in connection with the following services:

“Cell phones; Computers; PC tablets; Wearable digital electronic devices comprised primarily of software and display screens for the use of smart phone capabilities and also featuring a wristwatch; Wireless indoor and outdoor speakers” in International Class 9.

The cited registration lists its goods as:

“Apparatus for recording, transmitting and reproducing sound or images; radios, amplifiers, equalizers, loudspeakers, television apparatus, touchscreen monitors, liquid crystal display monitors, video monitors, video cameras, CD and DVD playing apparatus, all the aforesaid apparatus are also intended for mounting on vehicles; parts for all the above products” in International Class 9.

To this end, Applicant has filed a voluntary amendment to the application amending its identification of goods to:

“Cell phones; Computers; PC tablets; Wearable digital electronic devices comprised primarily of software and display screens for the use of smart phone capabilities and also featuring a wristwatch; Wireless indoor and outdoor speakers; all of the aforementioned not for mounting on vehicles” in International Class 9.

Applicant now requests that the Board grant the instant motion to remand the application so that the Examining Attorney may be permitted to consider this limitation of goods in Applicant’s identification and whether the complete elimination of any direct overlap as between the goods at issue is sufficient to remove the Examining Attorney’s refusal in this matter.

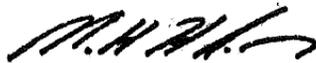
Applicant is not making this motion to delay the proceedings but in good faith so that the Office may consider the amendment to the application brought to light in this matter which may render the instant appeal moot.

Accordingly, pursuant to TBMP § 1209.04 it is respectfully requested that the Board grant the instant motion and remand the matter to the Examining Attorney.

WHEREFORE it is respectfully submitted that good cause exists and/or the TBMP provides that the instant request be granted and the application be remanded to the Examining Attorney for further consideration of the Application with the amendments thereto.

Respectfully submitted this 4th day of September, 2015

The Trademark Company, PLLC



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