

This Opinion is Not a
Precedent of the TTAB

Mailed: December 17, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re Solace Cine LLC
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Serial Nos. 98558485, 98558583, and 98558650
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Cameron W. Brumbelow of Brumbelow Morales, P.A.,
for Solace Cine LLC.

Amit Shoor, Trademark Examining Attorney, Law Office 117,
Cynthia Tripi, Managing Attorney.
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Before Dunn, Casagrande, and O'Connor,
Administrative Trademark Judges.

Opinion by Dunn, Administrative Trademark Judge:

Solace Cine LLC (Applicant) seeks registration on the Principal Register of the
three marks summarized below:

<p>App. Serial No. 98558485</p>  <p>(CINE disclaimed)</p>	<p>Over the top (OTT) streaming of audiovisual material; Over the top (OTT) streaming of video material, in International Class 38.</p>
<p>App. Serial No. 98558583</p>  <p>(TV disclaimed)</p>	<p>Film production, other than advertising films, in International Class 41.</p>
<p>App. Serial No. 98558650</p>  <p>(CINE disclaimed)</p>	<p>Film production; Film production, other than advertising films; Film and video film production; Film and video production; Film and video production consulting services; Film and video tape film production; Production of films; Media production services, namely, video and film production; Motion picture film production; Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and films; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Post-production editing services in the field of music, videos and film; Provision of information relating to television, motion picture film, audio and radio production; Video film production, in International Class 41.</p>

The three applications were filed May 20, 2024 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon Applicant's allegation of a bona fide intention to use the mark in commerce, but amended on September 20, 2024 to allege use anywhere and in commerce as of June 26, 2024. The applications were assigned to the same Trademark Examining Attorney and the prosecution histories essentially are the same, with the same requirements (explained below) issuing on the same day, receiving the same response from Applicant, and followed by essentially identical final refusals.

After the Trademark Examining Attorney made each refusal final, Applicant appealed to this Board. The issues the appeals raise are nearly identical, as are the evidentiary records and briefs. Accordingly, although we have not formally consolidated the appeals, we address them together in this opinion, which enters judgment for each separate appeal. *See In re Audemars Piguet Holding SA*, Nos. 90045780 & 90045814, 2025 TTAB LEXIS 1, at *8. A copy of this opinion will be placed in each application file.

For the reasons explained below, we affirm the refusal based on Applicant's failure to provide its domicile address. Because this is a sufficient basis, in itself, for affirming the refusal to register Applicant's mark, we do not reach the refusal based on Applicant's failure to provide the mark description and color statement as required. *See In re DTI P'ship LLP*, No. 76197856, 2004 TTAB LEXIS 158, at *10; TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE § 1218 (November

2025) (“However, in certain circumstances after the Board has affirmed one requirement or refusal it will not reach any further requirement or refusal.”).

I. Chronology

On December 11, 2024 in each application, the Examining Attorney required a disclaimer of CINE (or TV); a corrected domicile address; and a corrected mark description identifying all the colors in the mark and where they appear, with a corrected color claim.

With respect to the domicile address requirement, Applicant, a limited liability company of Florida, was advised that the domicile address of record identifies a U.S. commercial mail receiving agency (CMRA) (a private business that accepts mail from the U.S. Postal Service on behalf of third parties), which is not an acceptable type of domicile address for a juristic applicant. Applicant was required to provide its principal place of business, “the location of applicant’s headquarters where its senior executives or officers ordinarily direct and control applicant’s activities,” and advised that, if an extraordinary situation prevented Applicant providing its domicile address, Applicant could petition the Director to waive the requirement, and, if the petition was filed, to seek suspension of the application pending disposition of the petition.

On December 16, 2024, Applicant filed a response which submitted the required disclaimer; a mark description and color statement which largely, but not completely, adopted the Examining Attorney’s suggestion; and the domicile address:

10261 4th Street North
Saint Petersburg, Florida 33716

The response was signed by Cameron W. Brumbelow at the mailing address:

Cameron W Brumbelow
Brumbelow Morales, P.A.
10261 4th Street North
Saint Petersburg, Florida 33716

On January 23, 2025, the Examining Attorney issued a final refusal stating the disclaimer requirement had been met, but making final the requirements for the mark description and color statement. With respect to the mark description and color statement requirement, the Examining Attorney found Applicant did not provide a complete description specifying where each color appears in the literal and design elements in the mark.

With respect to the domicile requirement, Applicant was advised that the domicile address of record was identical to its attorney's U.S. postal street address and so did not appear to identify Applicant's principal place of business. Applicant again was advised its principal place of business was "the location of applicant's headquarters where its senior executives or officers ordinarily direct and control applicant's activities," and that, if an extraordinary situation prevented Applicant providing its domicile address, Applicant could petition the Director to waive the requirement, and, if the petition was filed, to seek suspension of the application pending disposition of the petition.

Applicant was allowed three months to respond, but instead filed this appeal.

II. Request For Remand Improper

Applicant's brief argues that its domicile address should be accepted, and in addition contends:¹

Alternatively, if the domicile address is not accepted, Appellant would request a remand to the Examiner to allow time for a petition for a waiver to the director to be filed pursuant to 37 C.F.R. §§2.146(a)(5), 2.148; TMEP §1708.01.

A request for remand must include a showing of good cause. *See In re Seminole Tribe of Fla.*, No. 87890892, 2023 TTAB LEXIS 184, at *3 n.5; *In re NextGen Mgmt., LLC*, No. 88098031, 2023 TTAB LEXIS 1, at *5; *In re Ox Paperboard, LLC*, No. 87847482, 2020 TTAB LEXIS 266, at *5-6; *In re Adlon Brand GmbH*, No. 85831682, 2016 TTAB LEXIS 526, at *30. As set forth above, Applicant was twice advised during examination of the petition option and the need to seek suspension. The request for remand in Applicant's brief includes no mention of good cause and no explanation why Applicant did not file a petition when advised. *See NextGen Mgmt.*, 2023 TTAB LEXIS 1, at *5-6. ("Applicant suggests that it 'makes sense' to remand the case ... Even if we construed Applicant's statements as requesting suspension and remand under Trademark Rule 2.142(d)(1); 37 C.F.R. § 2.142(d)(1), the request would be denied. Applicant has not shown good cause for the request."); *In re Luxuria, s.r.o.*, No. 79055664, 2011 TTAB LEXIS 279, at *3 ("in determining whether good cause has been shown, the Board will consider both the reason given and the point in the appeal at which the request for remand is made").

¹ 4 TTABVUE 5. TMEP is the abbreviation for The Trademark Manual of Examining Procedure (TMEP) (November 2025).

In any event, remand would be futile because a petition to the director would be untimely under Trademark Rule 2.146(d)(1). 37 C.F.R. § 2.146 (“Unless a different deadline is specified elsewhere in this chapter, a petition under this section must be filed by not later than: ... (d) (1) Two months after the issue date of the action, or date of receipt of the filing, from which relief is requested.”).

Because Applicant has not demonstrated good cause for remand, Applicant’s request is denied.

III. Failure to Provide Domicile of Applicant

Section 1051 of the Trademark Act authorizes the USPTO Director to “promulgate rules prescribing the requirements for [an] application” and requires applicants to “comply with such rules or regulations as may be prescribed by the Director.” 15 U.S.C. § 1051(a)(4), (b)(4). The failure to comply with a requirement established by the Trademark Rules of Practice (37 C.F.R. Part 2, § 2.1 et. seq.) is itself a proper ground for refusal of registration, even if it is the only outstanding refusal or requirement. *See Holiday Inn v. Holiday Inns, Inc.*, 534 F.2d 312, 318 (CCPA 1976) (“[I]n all cases every applicant to register must comply with all of the procedural requirements of the Patent and Trademark Office as set forth in statute and rules before the Commissioner is compelled to register.”); *In re Wells Fargo & Co.*, No. 73240243, 1986 TTAB LEXIS 122, at *32-33 (“The Trademark Act contains many conditions on registration, other than no likelihood of confusion, which it is the Commissioner’s duty to enforce.”).

Section 1(a)(2) of the Trademark Act provides that “[t]he application shall include specification of the applicant’s domicile ...” 15 U.S.C. § 1051(a)(2). Trademark Rule 2.189 sets forth the requirement that “[a]n applicant or registrant must provide and keep current the address of its domicile, as defined in § 2.2(o).” 37 C.F.R. § 2.189. “The USPTO adopted the domicile address requirement as part of a larger regulatory scheme to require foreign trademark applicants, registrants, or parties to a trademark proceeding to be represented by U.S. counsel.” *In re Chestek PLLC*, 92 F.4th 1105, 1111 (Fed. Cir. 2024). Trademark Rule 2.32(a)(2) lists an applicant’s domicile address among the requirements for a complete application. 37 C.F.R. § 2.32(a)(2). According to the Trademark Rules of Practice, “[t]he term domicile as used in this part means the permanent legal place of residence of a natural person or the principal place of business of a juristic entity,” and “[t]he term principal place of business as used in this part means the location of a juristic entity’s headquarters where the entity’s senior executives or officers ordinarily direct and control the entity’s activities and is usually the center from where other locations are controlled.” 37 C.F.R. § 2.2(o) and (p).

In its appeal brief, Applicant contends that the Examining Attorney should not have rejected the second domicile address.² We disagree. The requirement was plain: Applicant must list its domicile address, the principal place of business for its video streaming and film production services. Despite being given ample opportunity to do so, or to petition for a waiver of the requirement, Applicant did not provide its

² 4 TTABVUE 4.

domicile address or seek such a waiver. Counsel's law firm address, with no statement that the law firm address was Applicant's principal place of business, was insufficient.

Nor did Applicant state that it lacks a fixed physical address. In such cases, Applicant has various response options. TMEP § 606.01(c)(iv)(a). However, none of these options include listing a law firm.

Finally, while we agree with the Examining Attorney that the argument should have been raised before the appeal,³ Applicant's contention in its brief that "attorney Cameron Brumbelow is an executive with the applicant LLC and works in a separate non-legal capacity for the company,"⁴ even if timely raised would not satisfy the domicile address requirement. The requirement is for the address for Applicant's principal place of business, not the address for another business where Applicant's executive works.

We find registration in each application was properly refused for failure to provide the required domicile address.

Because this is a sufficient basis for affirming the refusal to register each of Applicant's marks, we do not reach the refusal based on Applicant's failure to provide the mark description and color statement.

IV. Decision

The refusal to register Applicant's mark in each application is affirmed.

³ 6 TTABVUE 4-5.

⁴ 4 TTABVUE 4.