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Filing date: **09/03/2009**

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

Proceeding	77436903
Applicant	Royal Chain Inc.
Applied for Mark	PHILLIP GABRIEL
Correspondence Address	MAX MOSKOWITZ OSTROLENK FABER LLP 1180 AVENUE OF THE AMERICAS FL 7 NEW YORK, NY 10036-8443 UNITED STATES mmoskowitz@ostrolenk.com, smcmahon@ostrolenk.com, receipts@ostrolenk.com
Submission	Applicants Request for Remand and Amendment
Attachments	T.1782-31 - Request for Remand.PDF (5 pages)(114032 bytes)
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Signature	/SPM/
Date	09/03/2009

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

In re: Royal Chain, Inc. :
Serial No.: 77/436,903 :
Filed: April 1, 2008 :
Trademark: PHILLIP GABRIEL :
OFGS Ref: T/1782-31 :

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attention: Trademark Trial and Appeal Board

**REQUEST FOR SUSPENSION OF APPEAL AND
REMAND TO EXAMINING ATTORNEY**

Applicant, by its undersigned attorneys, pursuant to 37 C.F.R. § 2.142(d) and T.B.M.P. §§ 1205 and 1209.04, hereby respectfully requests that the Board suspend the appeal and remand the application to the Examining Attorney for consideration of the attached Amendment.

In the Office Action mailed on August 21, 2009, the Examining Attorney continued the requirement for Applicant to enter a statement that the mark identifies a living individual and provide a consent. Applicant has obtained the required consent from Mr. Phillip Gabriel Maroof, is entering said consent into the record and amending the application to include the statement "Phillip Gabriel identifies a living individual whose consent is of record."

Applicant submits that there is good cause for remand. Good cause has been found, for example, when the requested amendment is an attempt to comply with a requirement. T.B.M.P. § 1205. In the present case, the Examining Attorney has required that Applicant enter a statement into the record that the mark identifies a living individual and provide a consent. Applicant's requested amendment is clearly an attempt to comply with the Examining Attorney's requirement. Therefore, Applicant submits that good cause has been shown for remanding the application back to the Examining Attorney for

consideration.

Upon entry of the requested Amendment, the sole issue to be resolved on Appeal is whether Applicant's mark PHILLIP GABRIEL should be declined registration under Section 2(d) of the Lanham Act on the basis of the mark GABRIEL, set forth in Registration No. 3,249,102.

As this is an *ex parte* appeal, no other party will be prejudiced by entry of the requested Amendment, suspension of the appeal and remand of the application to the Examining Attorney.

Dated: September 3, 2009
New York, New York

Respectfully submitted,



Max Moskowitz
Sean P. McMahon

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Attorneys for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Royal Chain Inc. :
Serial No.: 77/436,903 : Brian Pino
Filed : April 1, 2008 : Examining Attorney
Trademark: **PHILLIP GABRIEL** : Law Office 114
Our Ref.: T/1782-31 :

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

AMENDMENT

Please enter the following statement into the record:

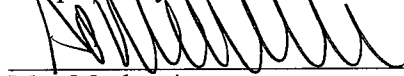
“PHILLIP GABRIEL identifies a living individual whose consent is of record.”

REMARK S

The Examining Attorney required that Applicant enter a statement into the record that the mark identifies a living individual and provide a signed, written consent from that individual authorizing Applicant to register the name as a trademark with the U.S. Patent and Trademark Office. In response, Applicant has entered the required statement into the record and provided a signed, written consent from that individual, which indicates that Phillip Gabriel Maroof has consented to the registration of his first and middle names as a trademark in the U.S. Patent and Trademark Office. The required Consent is attached hereto as Exhibit A.

Dated: September 3, 2009
New York, New York

Respectfully submitted,



Max Moskowitz
Sean P. McMahon

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Exhibit A


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1451

CONSENT

I, Phillip Gabriel Maroof, consent to the registration of my first and middle names as set forth in U.S. Trademark Application Serial No. 77/436,903, in the United States Patent and Trademark Office for the goods set forth Serial No. 77/436,903.

Dated: 24 / 08 / 2009 
Phillip Gabriel Maroof