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Filing date: **04/19/2007**

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

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|------------------------|--|
| Proceeding | 78452250 |
| Applicant | Credit.com, Inc. |
| Applied for Mark | SAFECREDIT |
| Correspondence Address | Neil A. Smith Sheppard Mullin Richter & Hampton LLP 4 Embarcadero Center, 17th Floor San Francisco, CA 94111 UNITED STATES |
| Submission | Applicants Request for Remand and Amendment |
| Attachments | Credit.comRemandAmendment.pdf (4 pages)(152817 bytes) |
| Filer's Name | Neil A. Smith |
| Filer's e-mail | mhirth@sheppardmullin.com, aechemy@sheppardmullin.com |
| Signature | /nas/ |
| Date | 04/19/2007 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF THE COMMISSIONER OF TRADEMARKS

In re application of)
)
Credit.com, Inc.)
)
Serial No. 78/452,250)
)
Filed: July 16, 2004)
)
For: SAFECREDIT)
)

MOTION FOR REMAND/AMENDMENT

Hon. Asst. Comm. For Trademarks
Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Applicant Credit.com, Inc. ("Applicant") hereby moves this Board, pursuant to 37 Code of Federal Regulations ("C.F.R.") § 2.142 and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") §§ 1205.01 & 1209.04, to suspend this Appeal and remand this matter to the Examining Attorney for consideration of a request by Applicant to amend its application.

This is an appeal by Applicant of the Examining Attorney's final refusal of registration of Applicant's mark on April 25, 2006 and denial of Applicant's Request for Reconsideration on February 12, 2007. The Examining Attorney's refusal to register Applicant's

mark is based upon her determination that the recitation of services in the application is indefinite.

In her February 12, 2007 denial of Applicant's Request for Reconsideration and continuance of the final requirements set forth in the Final Office Action, the Examining Attorney suggested an acceptable identification of services as follows and indicated Applicant may adopt the suggested identification of services, if accurate:

Class 35: Document preparation, namely, collection, transcription, compilation and systemization of written communications and data in the field of preventing and assisting with repairing and preventing damage caused by loss or compromise of identification information, credit information and damage to credit status; monitoring consumer credit reports and providing an alert as to any changes therein; credit/debit card registration for providing notification and cancellation for lost or stolen cards; providing insurance agent referrals for incidents involving consumer fraud, credit fraud and identity theft; referrals in the field of alternate dispute resolution services; marketing consultation in the field of identity theft.

Class 36: Document preparation, namely, insurance claim administration and processing for identity theft; credit consultation for individuals harmed by identity theft or lost or stolen credit cards, drivers' licenses, passports, airline tickets and other personal identity data or documents; consulting in the field of fraud

protection against Internet and e-mail security breaches, data theft and identity theft.

Class 41: Education services, namely, providing training courses in the field of Internet and e-mail security and fraud prevention.

Class 45: Consultation in the field of data theft and identity theft for preventing and assisting with repairing damage caused by loss or compromise of identification information, credit information and damage to credit status.

The foregoing identification of services suggested by the Examining Attorney is accurate. Applicant wishes to amend its application to adopt the identification of services set forth above in place of the identification of services currently set forth in the application.

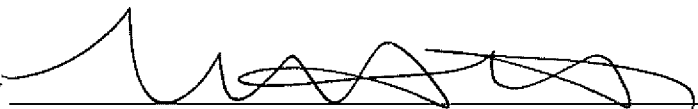
A request for remand should be granted upon a showing of good cause. TBMP § 1205.01. Good cause exists when an applicant seeks to remand the matter for amendment of the application "when the amendment is an attempt to comply with a requirement, such as an amendment to the identification of goods in response to a requirement for an acceptable identification[.]" *Id.* Here, Applicant seeks a remand of this matter for amendment of the identification of services in its application through adoption of the identification of services suggested by the Examining Attorney. Accordingly, good cause exists for this Board to remand this matter to the Examining Attorney for amendment of the application.

Applicant, therefore, hereby requests that the Board suspend this appeal and remand this matter to the Examining Attorney for further consideration and amendment of the identification of services in the application. Applicant further requests, once this matter is remanded, that the Examining Attorney amend the application to adopt the identification of

services set forth above . As the adoption of the identification of services recited above entails the addition of two Classes to the application, the Examining Attorney is hereby authorized to withdraw the fees for the addition of two Classes from Deposit Account 501395 citing Reference Number 09NR-127281. Should the Examining Attorney find that additional fees are warranted, the Examining Attorney is hereby further authorized to withdraw such fees from Deposit Account 501395 citing Reference Number 09NR-127281. A copy of this Motion for Remand/Amendment has been provided to the Examining Attorney by on-line filing with the Trademark Electronic Application System ("TEAS").

Dated: April 19, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By 

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