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

Proceeding	85813260
Applicant	Echo Therapeutics, Inc.
Applied for Mark	AZONE
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Submission	Applicants Request for Remand and Amendment
Attachments	26481010001.pdf(119128 bytes)
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Date	08/07/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of: Echo Therapeutics, Inc. Application No.: 85/813,260 Filed: December 31, 2012 Mark: AZONE	
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REQUEST FOR SUSPENSION AND REMAND OF APPLICATION

Applicant, pursuant to Sections 1205.01 and 1209.04 of the TBMP, hereby requests that action on this appeal be suspended and that the application be remanded to the Examining Attorney for consideration of the below amendment to the identification of goods in Class 5.

This request is made with good cause because the amendment to the identification of goods is believed to comply with the Examining Attorney's final requirement to clarify the identification of goods. This amendment was not presented earlier because the undersigned only recently obtained instructions from in-house counsel for Applicant. In-house counsel for Applicant was recently appointed interim Chief Executive Officer and General Counsel of Applicant and, due to other pressing legal matters, was not able to devote attention to this application until now. Accordingly, grant of this Request for Suspension and Remand of Application to the Examining Attorney is believed to be proper and is respectfully requested.

Amendment

In the final Office Action mailed October 21, 2013, the Examining Attorney continued and made final the requirement for an acceptable identification of goods in Class 5, because the prior amendment to the Class 5 identification was (1) beyond the scope of the identification as filed and (2) did not specify the specific disease or condition being treated. In order to comply with the Examining Attorney's final requirement, Applicant requests that the identification of goods in Class 5 be amended as shown below:

pharmaceutical preparations, namely, topical creams, gels, lotions, and sprays for the medical and therapeutic purposes ~~treatment of~~ skin disorders.

With the above amendment, the identification of goods in Class 5 would read as:


pharmaceutical preparations, namely, topical creams, gels, lotions, and sprays for the medical and therapeutic treatment of skin disorders.

Applicant submits that the above amendment to the Class 5 identification of goods complies with the Examining Attorney's final requirement because the amended identification is within the scope of the application as filed and is now definite. Accordingly, suspension of the appeal, remand of the application to the Examining Attorney for consideration and entry of the amendment, and withdrawal of the final requirement is respectfully requested. Upon entry of the amendment and withdrawal of the final requirement, the appeal of this application is believed to be moot.

If the requested amendment is not in compliance with the final requirement for a definite identification of goods, the Examining Attorney is encouraged to contact the undersigned to discuss other clarifying amendments to the identification in Class 5 to moot the appeal and to advance the application to allowance.

Respectfully submitted,

Dated: August 7, 2014

By: 
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