

ESTTA Tracking number: **ESTTA753073**

Filing date: **06/17/2016**

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

Proceeding	86096220
Applicant	Sonic Bullet Limited
Applied for Mark	CRACK THE CODE
Correspondence Address	ANDREW LAHSER LAW OFFICE OF ANDREW P LAHSER PLC 16824 E AVENUE OF THE FOUNTAINS STE 14 FOUNTAIN HILLS, AZ 85268-8408 UNITED STATES docket@lahserpatent.com, andrew@lahserpatent.com
Submission	Applicants Request for Remand and Amendment
Attachments	MotionForRemand.pdf(311791 bytes)
Filer's Name	Andrew P. Lahser
Filer's e-mail	docket@lahserpatent.com
Signature	/Andrew P. Lahser/
Date	06/17/2016

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

Ex Parte Appeal of

SONIC BULLET LIMITED

Applicant.

Serial No.: 86/096,220

Filing Date: OCT 20, 2013

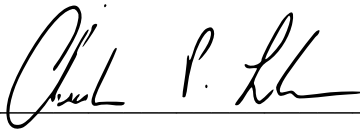
Subject Mark: *CRACK THE CODE*

Motion to Remand for Examiner's Consideration of Amendments

Applicant, by and through counsel, hereby files this Motion to Remand for Examiner's Consideration of Amendments. Concurrently, Applicants have filed amendments through TEAS and paid the appropriate fees. Copies of the filed amendments and supporting exhibits are included with this motion.

TBMP §1209 permits remand of the application to the examining attorney for good cause. Applicants have amended its application to the supplemental register, alleged use of the goods in class 9, and deleted the services in class 41. These amendments likely resolve all of the issues on appeal, thereby, likely rendering this appeal moot.

Therefore, Applicant respectfully requests that, pursuant to TBMP §§ 1209, the Board remand this application to the Examining Attorney to consider the amendments.



ANDREW P. LAHSER
Attorney for Applicant
Arizona Bar No. 56,559
5635 N. Scottsdale Rd, Suite 170
Scottsdale, AZ 85250
andrew@lahserpatent.com
480-816-9383

June 17, 2016

Date

Trademark Electronic Application System (TEAS) filing receipt

We have received your Voluntary Amendment Form Filing form below.

To the Commissioner for Trademarks:

Application serial no. **86096220** CRACK THE CODE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86096220/large>) has been amended as follows:

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

Voluntary Amendment Signature

Signature: /Andrew P. Lahser/ Date: 06/17/2016

Signatory's Name: Andrew P. Lahser

Signatory's Position: Attorney of Record, Arizona bar member

Signatory's Phone Number: 480-816-9383

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Thank you,

The TEAS support team

Fri Jun 17 14:06:51 EDT 2016

STAMP: USPTO/PRA-67.177.128.22-20160617140651411613-86096220-

5509b9d417d58842b5a03c523cf920722dd5357ae1151b9cb6a97f766aaf747-N/A-N/A-

20160617140324419293

Trademark Electronic Application System (TEAS) filing receipt

We have received your Trademark/Service Mark Amendment to Allege Use form below.

To the Commissioner for Trademarks:

MARK: CRACK THE CODE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86096220/large>)

SERIAL NUMBER: 86096220

The applicant, SONIC BULLET LIMITED, having an address of
33 Normandy Way
Ashford, Kent, TN235LN
United Kingdom

is submitting the following allegation of use information:

For International Class 009:

Current identification: Computer game software; Computer software for entering, playing and broadcasting interactive contests via live shows; Downloadable electronic game software for use on cellular phones, mobile devices and handheld computers

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 04/18/2014, and first used in commerce at least as early as 04/18/2014, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) one screenshot of the computer software one screenshot of the iTunes download page.

1 [SPN0-6717712822-20160617135505586633_._IMG_9072.jpg]

2 [SPN0-6717712822-20160617135505586633_._image1.jpg]

For International Class 041:

Current identification: Entertainment in the nature of chance games; Entertainment services, namely, providing temporary use of non-downloadable computer games; Entertainment, namely, a continuing interactive game show broadcast over radio and television; Providing a website for entertainment purposes featuring games and contests about interactively deducing sequences

All ITU goods/services in this class are to be deleted

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 has been submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Andrew P. Lahser/ Date: 06/17/2016

Signatory's Name: Andrew P. Lahser

Signatory's Position: Attorney of record, Arizona bar member

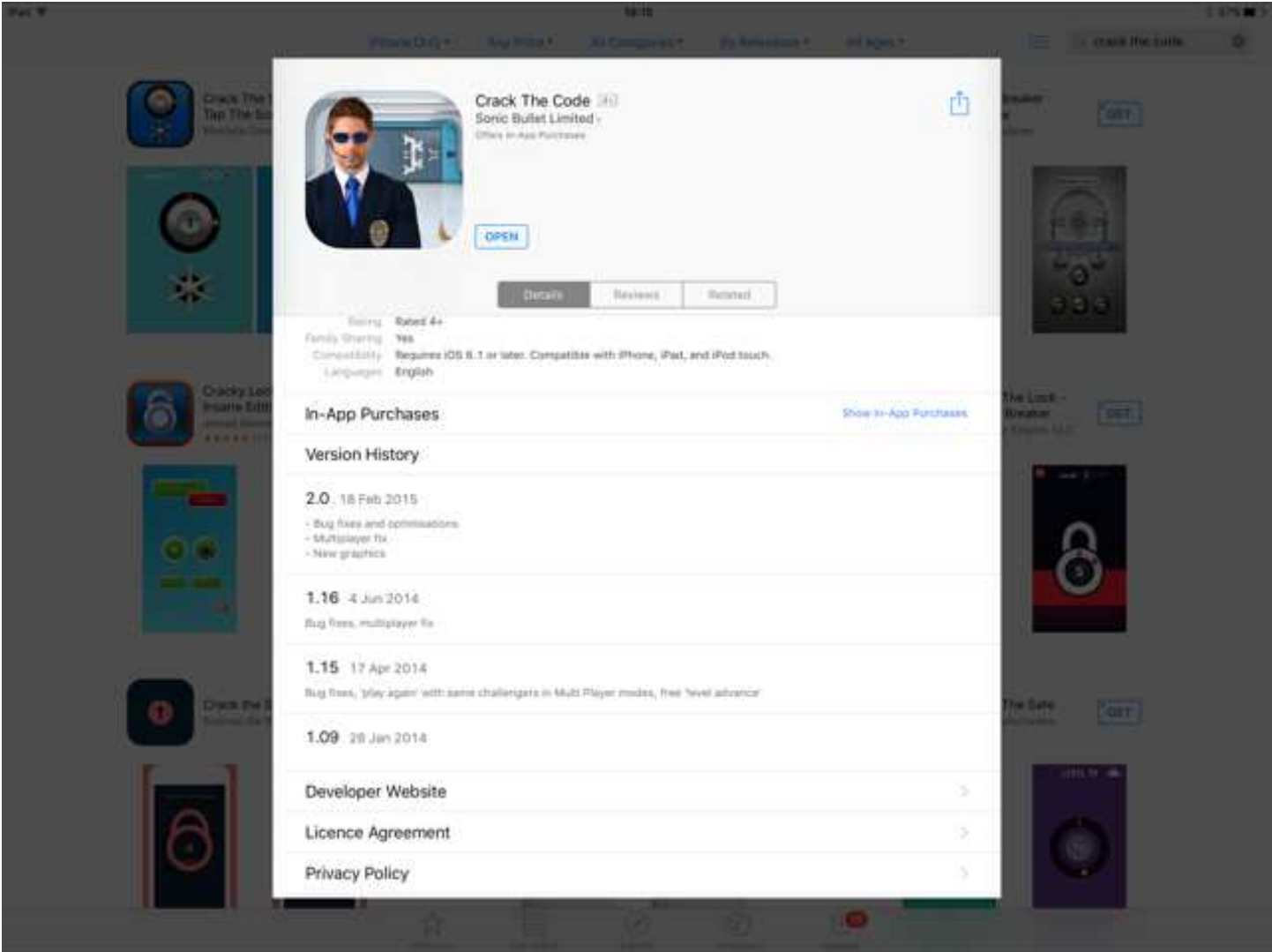
Signatory's Phone: 480-816-9383

Thank you,

The TEAS support team

Fri Jun 17 14:01:53 EDT 2016

STAMP: USPTO/AAU-67.177.128.22-20160617140153453536-86096220-55053e07dbd9abed1f0cb9bfe594ff7e54184aef1d86d1fa1dddfe93a2345ef-CC-265-20160617135505586633



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