

ESTTA Tracking number: **ESTTA736804**

Filing date: **03/30/2016**

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

Proceeding	86256536
Applicant	HostGator.com, LLC
Applied for Mark	HOSTGATOR
Correspondence Address	ROBERT J ENGLISH COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES trademark@cll.com, rje@cll.com, mlk@cll.com, las@cll.com
Submission	Applicants Request for Remand and Amendment
Attachments	HOSTGATOR - Request for Remand.pdf(99193 bytes) HOSTGATOR - Request for Reconsideration.pdf(81365 bytes)
Filer's Name	Robert J. English
Filer's e-mail	rje@cll.com, mlk@cll.com, las@cll.com, trademark@cll.com
Signature	/Robert J. English/
Date	03/30/2016

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

In re Application of HostGator.com, LLC

Serial No. 86/256,536

Filed: April 18, 2014

For Mark: HOSTGATOR

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

REQUEST FOR SUSPENSION AND REMAND OF APPLICATION

HostGator.com, LLC (“Applicant”), pursuant to Trademark Rule § 2.142(d), hereby requests that action on this appeal be suspended and that the above-referenced application be remanded to the Examining Attorney for consideration of Applicant’s Request for Reconsideration in response to the Final Office Action dated August 20, 2015. The Examining Attorney’s final refusal was based upon a likelihood of confusion with U.S. Registration No. 4,101,505 (the “Cited Registration”) for the mark GEEK GATOR and design (the “Cited Mark”) under Trademark Act § 2(d). Since the appeal was filed, the Cited Registration has been cancelled pursuant to the cancellation order issued in cancellation proceeding no. 9206284, attached hereto as **Exhibit A**. Good cause exists because cancellation of the Cited Registration satisfies the sole remaining issue on appeal, thereby rendering the appeal moot.

Accordingly, it is respectfully requested that the proceeding be suspended and that the application be remanded for consideration of Applicant’s Request for Reconsideration filed simultaneously with this request for suspension and remand (copy attached). In the event that

this request is denied, Applicant respectfully requests that its deadline to submit its appeal brief be reset.

Dated: New York, New York
March 30, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant

By: /Robert J. English/

Mary L. Kevlin

Robert J. English

114 West 47th Street

New York, New York 10036-1525

(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 30, 2016, I caused a true copy of the foregoing REQUEST FOR SUSPENSION AND REMAND OF APPLICATION to be sent via First Class Mail, postage paid, to the Examining Attorney, Keri H. Cantone, Esq., Law Office 104, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Dated: New York, New York
March 30, 2016

/Robert J. English/
Robert J. English

EXHIBIT A

RA

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

HostGator.com, LLC

v.

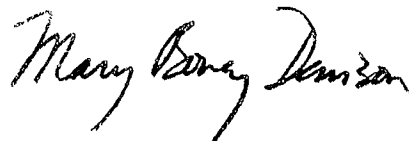
Geek Gator LLC

Cancellation No. 92062843

Lindsay M. Rodman of Cowan Liebowitz & Latman PC for HostGator.com, LLC.
Geek Gator LLC, pro se registrant.

The petition of HostGator.com, LLC having been granted on March 25, 2016,
Registration No. 4101505 is hereby cancelled.

MAR 29 2016



Mary Boney Denison
Commissioner for Trademarks

Attorney Ref. No. 30615.007

TRADEMARK LAW OFFICE 104
Serial No. 86/256,536
Mark: HOSTGATOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
HostGator.com, LLC	:	REQUEST FOR
Serial No. 86/256,536	:	RECONSIDERATION IN RESPONSE
Filed: April 18, 2014	:	TO OFFICE ACTION DATED
For Mark: HOSTGATOR	:	AUGUST 20, 2015

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

Attention: Keri H. Cantone, Examining Attorney
Law Office 104

HostGator.com, LLC (“Applicant”) hereby requests reconsideration of the Final Office Action dated August 20, 2015 (the “Office action”) in connection with the above-identified trademark application (the “Application”) for the mark HOSTGATOR (“Applicant’s Mark”) covering services in Classes 42 and 45. Simultaneously with this response, Applicant has also filed a Request for Suspension and Remand in the pending appeal to refusal of the Application (copy attached).

REMARKS

The Examining Attorney has continued and made final the refusal to register Applicant’s Mark based upon a likelihood of confusion with U.S. Registration No. 4,101,505 (the “Cited Registration”) for the mark GEEK GATOR and design (the “Cited Mark”) under Trademark Act

§ 2(d). Applicant respectfully requests reconsideration of the final refusal on the basis that the Cited Registration has been cancelled pursuant to the cancellation order issued in cancellation proceeding no. 9206284, attached hereto as **Exhibit A**. Therefore, the reason for the 2(d) refusal is now moot. Accordingly, Applicant requests that its request for reconsideration be granted and the 2(d) refusal withdrawn.

Dated: March 30, 2016
New York, New York

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant

By: /Robert J. English/
Mary L. Kevlin
Robert J. English
114 West 47th Street
New York, New York 10036-1525
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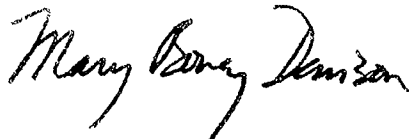
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