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

Proceeding	86381405
Applicant	Aramark Services, Inc.
Applied for Mark	GREENS TO GO
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Submission	Applicants Request for Remand and Amendment
Attachments	Request for Amendment and Remand re 405 application.pdf(99641 bytes)
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Date	03/15/2017

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

In re: Aramark Services, Inc.'s Application)
For GREENS TO GO and Design)

Serial No.: 86/381,405

Mark: GREENS TO GO and Design



**APPLICANT ARAMARK SERVICES, INC.'S REQUEST FOR REMAND TO
CONSIDER AMENDMENT**

Pursuant to TBMP § 1205.01, Applicant Aramark Services, Inc. (“Aramark”) hereby requests that the Trademark Trial and Appeal Board (“Board”) remand the above-referenced application, U.S. Trademark Application No. 86/381,405 for GREENS TO GO and Design, to the Examining Attorney, and requests that the Examining Attorney amend the above-referenced application to delete all of the services identified in International Class 43, namely:

International Class 43: restaurant services, namely, providing food and beverages for consumption on and off the premises, namely, college dining facilities and business dining facilities; contract food services for college dining facilities and business dining facilities.

Aramark’s application can then proceed to publication in connection with the remaining goods, namely, vegetable salads in International Class 29.

As per TBMP § 1205.01, a “request for remand to consider an amendment will be granted upon a showing of good cause,” which will typically be found where the amendment “will obviate a ground for refusal.” Here, the requested amendment will obviate the only ground for refusal at issue in this appeal. Thus, the request for remand is made in good faith.

When issuing its initial office action, the Examining Attorney refused registration of the application at issue on the basis that a disclaimer was required, the mark description and color claim needed to be modified, and issued only a partial refusal as to Class 43 under Section 2(d) of the Trademark Act. *See* December 12, 2014 Office Action. In addition, the Examining Attorney advised Aramark as to a prior-filed application that could present a bar to registration in Class 43 only. *Id.* In its October 4, 2016 Office Action, the Examining Attorney noted that the aforementioned prior-filed application had abandoned, but made final only the refusal to register in International Class 43. *See* October 4, 2016 Office Action. It is from this refusal that Aramark appealed.

By amending its application to delete the services in Class 43, Aramark will obviate this refusal and its application should be allowed to proceed to publication in Class 29. Accordingly, Aramark requests that the Board grant its request to remand and instruct the Examining Attorney to enter into the requested amendment.

Dated: March 15, 2017

/s/ J. Trevor Cloak
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