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

Proceeding	87006021
Applicant	Drone Aviation Holding Corp.
Applied for Mark	TAMING ALTITUDE
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Submission	Applicants Request for Remand and Amendment
Attachments	Drone 87006021RemandRequest.pdf(225896 bytes)
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Date	10/06/2017

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

In the matter of:

Applicant : Drone Aviation Holding Corp.
Mark : TAMING ALTITUDE
Serial No. : 87/006,021
Filed : 08/24/2017
Class : 042
Exam. Atty. : Chiang
Law Office : 113

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, Virginia 22313-1451

REQUEST FOR REMAND

Applicant, Drone Aviation Holding Corp., through its undersigned attorney, requests a suspension of this appeal and a remand of the above-referenced Application back to the examiner so the Applicant may make new evidence of record that is likely to resolve the examiner's section 2(d) refusal giving rise to this appeal. This is discussed below.

This appeal arises from the examiner's section 2(d) refusal to register the above-referenced mark in view of registration number 4,020,970 (the "Registration"). The Registration issued on September 6, 2011. According to the USPTO's Trademark Status & Document Retrieval (TSDR) system, as of the date of this filing the registrant did not file a section 8

affidavit or section 15 renewal application for its Registration on or before the six-year renewal deadline of September 6, 2017.

The registrant's failure to make this filing is consistent with the Applicant's independent investigation that found the registrant has not made use of the registered mark for several years and it is now abandoned. Upon remand, the Applicant will advise the examiner of the Registration's status, which pursuant to TMEP § 716.02(e), would require the suspension of this Application pending a final disposition of the remaining Registration.

For good cause shown, the Board may grant a request to remand an application to make additional evidence of record. *See* TBMP § 1209.04; *In re Luxuria, s.r.o.*, 2011 WL 4871869 (TTAB Sept. 19, 2011). The Applicant respectfully submits it has shown good cause and this request is not made for any improper purposes or delay. This request is timely made before the submission of any briefs. The Registration's renewal deadline lapsed 30 days ago. The Applicant believes the remand will result in a withdrawal of the section 2(d) refusal and resolve this matter without the need for the Applicant, the examiner or the Board to expend any further resources on this appeal.

Wherefore, for the reasons set forth above, the Applicant respectfully requests the Board suspend this appeal and remand the Application so the examiner may reconsider the section 2(d) refusal in view of the new evidence.

Respectfully submitted,

Dated: October 6, 2017

/thomas c saitta/

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