

ESTTA Tracking number: **ESTTA853946**

Filing date: **10/23/2017**

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
Correspondence Address	THOMAS C. SAITTA DRIVER MCAFEE PEEK & HAWTHORNE 1 INDEPENDENT DR.SUITE 1200 JACKSONVILLE, FL 32202 UNITED STATES Email: tsaitta@dmphlaw.com, ipdocket@dmphlaw.com
Submission	Appeal Brief
Attachments	Drone87006021AppealBrief.pdf(163551 bytes )
Filer's Name	THOMAS C. SAITTA
Filer's email	tsaitta@dmphlaw.com
Signature	/thomas c saitta/
Date	10/23/2017

**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. Attorney: Chiang  
Law Office: 113

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

**APPEAL BRIEF**

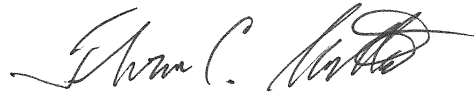
Applicant appeals the refusal to register in this matter, on the basis that the refusal is based on a federal registration (Reg. No. 4,020,970) that has gone abandoned for failure to file a Section 8 Statement of Use on the 6<sup>th</sup> anniversary of the registration date, to wit, September 6, 2017.

Applicant filed a Request for Remand and Suspension of this Appeal on October 6, 2017, which has not been acted on, requesting that the application be transferred back to the Examining Attorney and suspended pending determination of whether the owner of Reg. No. 4,020,970 files a Statement of Use during the six-month grace period that ends on March 6, 2018.

As Reg. No. 4,020,970 is the only basis for the refusal to register Applicant's mark, it is submitted that this is the proper course of action, as if the registered mark has been abandoned, there is no impediment to registration of Applicant's mark. Upon remand, the Examining Attorney may suspend the application until after the grade period ends.

Applicant therefore submits there is no proper ground for the refusal to register Applicant's mark, and request the Board to suspend the proceedings and remand the application to the Examining Attorney.

Respectfully submitted,



Thomas C. Saitta, Reg. No. 32,102  
Attorney for Applicant

Driver McAfee Peek & Hawthorne  
One Independent Dr.  
Suite 1200  
Jacksonville, FL 32202  
(904) 807-8209  
tsaitta@dmphlaw.com