

ESTTA Tracking number: **ESTTA1090282**

Filing date: **10/21/2020**

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

| | |
|------------------------|---|
| Proceeding | 88395802 |
| Applicant | SharkNinja Operating, LLC |
| Applied for Mark | WANDVAC |
| Correspondence Address | MARY E. INNIS INNIS LAW GROUP LLC 321 NORTH CLARK STREET, SUITE 2465 CHICAGO, IL 60654 UNITED STATES Primary Email: docket@innislaw.com Secondary Email(s): minnis@innislaw.com, lmackey@innislaw.com, cbench@innislaw.com, pgianino@innislaw.com 312-321-9020 |
| Submission | Applicants Request for Remand and Amendment |
| Attachments | Request to Remand with Specimen.pdf(659227 bytes) |
| Filer's Name | Priya M. Gianino |
| Filer's email | pgianino@innislaw.com, cbench@innislaw.com, lmackey@innislaw.com, docket@innislaw.com, minnis@innislaw.com |
| Signature | /Priya M. Gianino/ |
| Date | 10/21/2020 |

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

U.S. Serial No.: 88395802

Mark: WANDVAC

Applicant: SharkNinja Operating LLC

Examining Attorney: Anne M. Farrell
Law Office 118

**APPLICANT'S REQUEST TO REMAND
APPLICATION TO EXAMINING ATTORNEY**

On April 22, 2019, Applicant filed an application to register the mark WANDVAC (U.S. Serial No. 88395802) in connection with the following goods in International Class 07: “Vacuum cleaners and hand-held vacuum cleaners, and parts and accessories therefor, namely, belts, extension hoses in the nature of vacuum cleaner attachments, dust filters, crevice tools in the nature of vacuum cleaner attachments, floor nozzles in the nature of vacuum cleaner attachments, upholstery brushes in the nature of vacuum cleaner attachments, pet hair cleaning tools in the nature of vacuum cleaner attachments and tool holsters, all for residential use; electric sweepers; robotic vacuum cleaners and robotic floor cleaning machines, and structural and replacement parts, fittings and accessories therefor, namely, belts, brushes and dust filters, all for household use”. The application was filed on a 1(b) intent-to-use basis.

During the prosecution of the application, the Examining Attorney rejected the WANDVAC Application as being descriptive citing 15 U.S.C. § 1052(e)(1). Applicant submitted arguments to the Examining Attorney in its Response to Office Action and Request for Reconsideration that the WANDVAC Mark is at least suggestive and not merely descriptive.

Applicant has since placed its WANDVAC mark in commerce. In conjunction with discussions with the Examining Attorney, Applicant has decided to request that the Application be amended to the Supplemental Register. In support of this motion, Applicant has enclosed a specimen showing the WANDVAC Mark used in connection with the goods at their point of sale. Applicant respectfully submits that this request shows good cause under TBMP 1205.01, as the request will allow the Examining Attorney to review the specimen and amend the Application to the Supplemental Register.

Therefore, Applicant respectfully requests that this Request be granted and that the Application be returned to the Examining Attorney for action prior to the October 27, 2020 deadline for Applicant to file its Appeal Brief.

Dated: October 21, 2020

Respectfully submitted,

/s/Mary Innis

Mary Innis

Innis Law Group LLC

321 N Clark Street, Suite 2465

Chicago, Illinois 60654

Telephone: (312) 321-9020

Attorney for Applicant

EARLY HOLIDAY SALE—15% OFF \$100+ | [†Details & exclusions](#) | [Shop now](#)

The SharkNinja Family: **Shark** | **NINJA**

[Give \\$20, Get \\$20](#) [Sign up](#) [Order status](#) [Register product](#) [My account](#)



[Vacuums](#) [Mops & irons](#) [Technologies](#) [Parts & accessories](#) [Support](#) [Shopping cart](#) [Search](#)



Model# WV201

Shark® WANDVAC™ Cordless Handheld Vacuum - Gray

★★★★☆ 4.4 (167)

Model # WV201

\$119⁹⁹

Quantity

Add to cart

[Drop a hint](#)

- Free shipping*
- Free 2-year limited warranty

As low as **\$11/month** with [affirm](#) [Learn more](#)

Great reasons to shop on sharkclean.com

[Feedback](#)