

ESTTA Tracking number: **ESTTA1207977**

Filing date: **05/09/2022**

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

Ex parte appeal no.	88701226
Appellant	Ice Clothing Co Ltd
Applied for mark	BLUME
Correspondence address	JOSH A PARTINGTON HARNESS DICKEY & PIERCE PLC 11730 PLAZA AMERICA DR #600 RESTON, VA 20190 UNITED STATES Primary email: dcdocketing@hdp.com 703-668-8000
Submission	Request for remand/amendment
Attachments	Supp Request for Remand and Suspension.pdf(216813 bytes )
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Date	05/09/2022

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

Applicant: Ice Clothing Co Ltd

Law Office: 107

Examiner: Steven W. Jackson

Serial No.: 88/701226

Filed: November 21, 2019

Mark: BLUME

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**SUPPLEMENTAL REQUEST FOR REMAND AND SUSPENSION**

Pursuant to TBMP §1207.02, Applicant Ice Clothing Co Ltd, respectfully offers the following additional grounds for remanding the captioned Application to the Examining Attorney and requests to suspend the Appeal, stating as follows:

1. Applicant's Appeal Brief is presently due May 9, 2022.
2. Applicant's mark has been refused registration on the Principal Register under Trademark Act §2(d). Applicant wishes to make additional evidence of record, specifically that the cited registration is weak because it is a surname. This information is not in the file history of the cited registration but is available on Registrant's website. Evidence supporting this assertion that the cited registration is a surname is attached. Upon information and belief, this information that the cited registration is a surname: (a) was recently discovered by counsel for Applicant and (b) was also not known by the Examining Attorney.
3. It is anticipated that proof that the mark of the cited registration *is a surname* and is thus sufficiently weak and further that it coexists on the Federal Register with the nearly identical BLOOM mark shown in Reg. No. 5304075 for identical goods suggests that Applicant's non-identical BLUME mark is likewise registrable.

4. The foregoing new evidence that was not available to the Examining Attorney (as it was not made of record in the file history of the cited registration) constitutes good cause for remand.

**WHEREFORE**, Applicant respectfully requests the Trademark Trial and Appeal Board to remand Application Serial No. 88/701226 to the Examining Attorney for consideration of the attached evidence and in the meantime to suspend the Appeal.

Respectfully submitted,

Dated: 9 May 2022

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*Attorney(s) for Applicant Ice Clothing Co Ltd*



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