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Subject: U.S. Trademark Application Serial No. 88291479 - AHWA - N/A - REMAND REQUEST TO TTAB

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United States Patent and Trademark Office (USPTO)

U.S. Application Serial No. 88291479

Mark: AHWA

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Applicant: AHWA IP, LLC

Reference/Docket No. N/A

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MOTION TO REMAND

**MOTION TO REQUEST SUSPENSION OF THE INTER PARTES PROCEEDING AND
REMAND OF THE APPLICATION FOR FURTHER EX PARTE EXAMINATION**

Before the Trademark Trial and Appeal Board on Appeal

The trademark examining attorney requests that the Trademark Trial and Appeal Board suspend the inter parties proceeding and remand the application to the trademark examining attorney under 37

C.F.R. §2.130 because certain facts have come to the attention of the trademark examining attorney that render the mark in the application unregistrable.

Statement and Explanation of Action Upon Remand

The examining attorney has been made aware of an issue with the registerability of the applied-for mark as it pertains to its potential similarity with the American National Red Cross emblem. The examining attorney previously approved the application for publication on May 14, 2019. A letter of protest was submitted by the plaintiff in the above inter party proceeding on May 21, 2019, which the examining attorney declined.

However, after further consideration, the examining attorney requests remand of the application for further ex-parte examination to address issues which may render the mark in the application unregistrable. Remand is necessary to issue a refusal of registration because the applied-for mark, as shown on the specimen of record, utilizes the American National Red Cross emblem. The use of this emblem is protected by statute and limited only to the American National Red Cross and those persons and entities associated with it. *See* 18 U.S.C. §706. Because the record does not indicate that the applicant is affiliated with the American National Red Cross, its use of the emblem is unlawful and registration therefore must be refused.

On remand, the trademark examining attorney intends to issue the following refusals: (1) the applied for mark is not in lawful use in commerce under 15 U.S.C. §§1051, 1127; and (2) the applied-for mark falsely suggests a connection with the American National Red Cross under 18 U.S.C. §706.

Respectfully submitted,

/Joseph Greene/

Joe Greene

Trademark Examining Attorney

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