

ESTTA Tracking number: **ESTTA155130**

Filing date: **08/06/2007**

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

Proceeding	78534596
Applicant	Overby Farm LLC
Applied for Mark	HIP BONES
Correspondence Address	MICHAEL J. LANG, PH.D. HARNESS, DICKEY & PIERCE, P.L.C. PO BOX 828 BLOOMFIELD HILLS, MI 48303-0828 UNITED STATES docketingtm@hdp.com
Submission	Applicants Request for Remand and Amendment
Attachments	Request for Remand.pdf (10 pages)(4519176 bytes)
Filer's Name	Lisa M. DuRoss
Filer's e-mail	docketingtm@hdp.com
Signature	/lmd/
Date	08/06/2007

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

In re Application of:

Applicant: **Overby Farm, LLC**
Serial No.: 78/534,596
Filing Date: December 17, 2004
Mark: **HIP BONES**
Docket: 5720-200002/US
Examiner: David T. Taylor
Law Office: 112

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**REQUEST FOR REMAND TO AMEND TO ALLEGE USE AND
AMEND TO THE SUPPLEMENTAL REGISTER**

Applicant Overby Farm, LLC, by and through its undersigned counsel, hereby respectfully requests that the Trademark Trial and Appeal Board remand the above-identified application to the Examining Attorney for reconsideration of the final refusal in light of the following amendments and remarks.

Amendments

Applicant requests that the application be amended as follows:

The application is amended to seek registration on the Supplemental Register.

Remarks

Applicant has requested registration of the mark on the Supplemental Register. In addition, Applicant has contemporaneously herewith filed an Amendment to Allege Use in connection with this Application via the Trademark Office's TEAS site.

Request for Remand
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In view of the foregoing, Applicant believes that the application is now in condition for registration and respectfully requests formal notice in that regard. The Examining Attorney is urged to contact the undersigned with any questions or comments.

Wherefore, Applicant respectfully requests the Board suspend the deadlines for filing an Appeal Brief and requesting an oral hearing and remand this Application to the Examiner for consideration of the Amendment to Allege Use and the amendment to the Supplemental Register.

Respectfully submitted:

Date: 8-6-2007

By: 
Lisa M. DuRoss

HARNESS, DICKY & PIERCE, P.L.C.
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*Attorneys for Applicant
Overby Farm, LLC having actual or
implied, written or verbal, power of
attorney from Applicant*

Enclosure
- Amendment to Allege Use

PTO Form 1553 (Rev. 9/2005)

OMB No. 0951-0054 (Exp. 11/30/2008)

Trademark/Service Mark Amendment to Allege Use

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78534596
LAW OFFICE ASSIGNED	LAW OFFICE 112
NOTICE OF ALLOWANCE	NO
EXTENSION OF USE	NO
REQUEST TO DIVIDE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HIP BONES
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Michael J. Lang, Ph.D.
FIRM NAME	HARNESS, DICKEY & PIERCE, P.L.C.
STREET	PO BOX 828
CITY	BLOOMFIELD HILLS
STATE	Michigan
POSTAL CODE	48303-0828
COUNTRY	United States
PHONE	248-641-1600
FAX	248-641-0270
EMAIL	docketingtm@hdp.com
ATTORNEY DOCKET NUMBER	5720-200003
ATTORNEY SECTION (proposed)	

8/6/07

NAME	Lisa M. DuRoss
FIRM NAME	HARNESS, DICKEY & PIERCE, P.L.C.
STREET	PO BOX 828
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COUNTRY	United States
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EMAIL	docketingtm@hdp.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	5720-200003/US
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	animal nutraceuticals, dog food containing a therapeutic ingredient, dog treat containing a therapeutic ingredient, pet food containing an anti-inflammatory agent, pet food containing an antioxidant animal nutraceuticals, dog food containing a therapeutic ingredient, dog treat containing a therapeutic ingredient, pet food containing an anti-inflammatory agent, pet food containing an antioxidant
GOODS AND/OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	04/01/2005
FIRST USE IN COMMERCE DATE	04/01/2005
SPECIMEN FILE NAME(S)	<u>SPN0-208252134148-174046871_.Spec.jpg</u>
SPECIMEN DESCRIPTION	Scanned image of a label as affixed to the goods.
INTERNATIONAL CLASS	031
	animal food, dog biscuits, pet food containing cherries, dog food, dog

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