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

Proceeding	86801521
Applicant	Zaluvida Holdings Pte. Ltd.
Applied for Mark	GESUNDHEIT
Correspondence Address	MARK D SWANSON PAULEY ERICKSON & KOTTIS 2800 WEST HIGGINS RD SUITE 365 HOFFMAN ESTATES, IL 60169 UNITED STATES Email: PTO@pauleyip.com
Submission	Applicants Request for Remand and Amendment
Attachments	Remand Request.pdf(348085 bytes)
Filer's Name	Mark D. Swanson
Filer's email	mswanson@pauleyip.com
Signature	/mark swanson/
Date	06/23/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zaluvida Holdings Pte. Ltd.

Serial No.: 86/801,521

Filing Date: 28 October 2015

Trademark: GESUNDHEIT
(block letter form)

Law Office: 101

Examining Attorney:
Saima Makhdoom

**REQUEST FOR REMAND/AMENDMENT
AND ALTERNATIVE APPEAL BRIEF**

Commissioner for Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

Dear Commissioner:

Appellant files this Request for Remand at the suggestion of the Examining Attorney in view of the appealed Section 2(d) rejection being moot as of 05 May 2017.

Appellant is appealing the Section 2(d) rejection over U.S. Registration 3855216. U.S. Registration 3855216 was cancelled by the U.S. Patent and Trademark Office (USPTO) on 05 May 2017, after the filing of Appellant's Notice of Appeal. As the Section 2(d) rejection is moot, Appellant requests remand to the

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being electronically deposited with the United States Patent and Trademark Office on 23 June 2017.

23 June 2017
Date


Signature

TIPS-8017

Serial No.: 86/801,521

Examining Attorney to allow Appellant to respond to the remaining issues and place the Application in condition for publication.

Appellant filed a first Request for Reconsideration with the Notice of Appeal, based on an anticipated 28 March 2017 cancellation date for U.S. Registration 3855216. As the USPTO had not formally acted on the cancellation at the time of the Request, the Examining Attorney denied the Request and reinstated this appeal.

Appellant discussed the moot appeal with the Examining Attorney by telephone on 01 June 2017, and the Examining Attorney suggested filing this Request for Remand in view of the moot Section 2(d) rejection.

Appellant thus requests remand to the Examining Attorney for entry of the following Amendment, previously filed with the Request for Reconsideration.

Amendment

Upon remand, please delete the Section 1(b) filing basis, as Applicant intends to rely on the Section 44 basis.

Applicant seeks registration of the mark on the Supplemental Register. Please change of the words 'Principal Register' to 'Supplemental Register'.

Please enter the following amended Identification of Goods and Services, as also provided in the Request for Reconsideration.

Class 5

Chemical preparations for medical and pharmaceutical purposes, namely, pharmaceutical preparations for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; dental articles and dental preparations, namely, anti-cavity dental coating preparations

containing fluoride, dental abrasives, dental amalgams, dental cements, dental impression materials, dental lacquer, dental mastics, porcelain for dental prostheses, rubber for dental purposes; dietary supplements for humans; dietary beverages adapted for medical use, namely, dietary supplement beverages for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; dietetic beverages for healthcare purposes, namely, dietary supplement beverages for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; disinfectants; food for babies; health food supplements adapted for human use; herbal medicines, herbal medicines in the nature of herbal supplements; herbal teas for medicinal purposes; medical infusions, namely, herbal tea preparations for medicinal purposes and detox; medicated dental rinses; medicated brush-on gel for oral use; medicated mouth care and treatment preparations for the mouth and as breath, tooth and gum sprays and rinses; medicated mouth washes; medicinal herbs; nutraceutical preparations for use as a dietary supplements; nutritional supplements; pharmaceutical preparations, pharmaceuticals for treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; plant extracts adapted for dietetic use for pharmaceutical purposes; plant extracts adapted for medical use; plant extracts adapted for nutraceutical use for pharmaceutical purposes, namely, plant extracts for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; plant extracts adapted for nutritional use for pharmaceutical purposes, namely, plant extracts for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; plant extracts adapted for pharmaceutical use.

Class 44

Advisory and consulting services relating to beauty treatment, namely, beauty consultation services in the selection and use of cosmetics, fragrances, beauty aids, personal care products, and hair, skin and body care products; advisory and consulting services relating to health care; advisory and consulting services relating to medical problems, namely, providing medical advice in the field of treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; convalescent homes; dentistry; dietetic advisory services; health care, namely, providing health care services; health counseling; health spa services namely providing advisory services for health and/or wellness of the body and/or spirit; hospitals; hygienic and beauty care for human beings; information services relation to health care; medical advisory services; medical assistance; medical equipment rental; medical services; medical services in the nature of nursing; nutritional advisory and consultation services; pharmaceutical advisory services; pharmacists' services; pharmacy advisory services; providing health related information in the form of reports in the field of treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; providing information relating to dietary and nutritional guidance; rental of medical and health care equipment; technical consultancy services relating to health and safety, namely, consulting in the field of treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management; telemedicine services; nutritional, massage, relaxation, stress reduction, insomnia, bodywork, physical, vitamin, cognitive, non-invasive cosmetic and body fitness therapy services for the treatment of obesity, prevention of obesity, anti-infection, anti-inflammatory, treatment and prevention of cardiovascular diseases, immunotherapy, cognitive health, nasal health, oral health, dental health, treatment of gastrointestinal health, joint health and wound care, blood glucose management.

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