

TTAB

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

Serial No.: 75-817,010  
Mark: EXCELSIOR PARK  
Examining Attorney: Nancy L. Clarke  
Law Office: Law Office 102  
Our File: 21733-63657

11-14-2002  
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #77

Box TTAB - NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

0210020 11-14-02

REQUEST FOR REMAND

This appeal was suspended indefinitely pending a final resolution of Cancellation Proceeding No. 40,274. A copy of the Board's Order of March 27, 2002 is attached. The U.S. Patent and Trademark Office has now ordered cancellation of Registration No. 2,117,157 as to Class 14. See attached copy. Thus, it is requested that the above-referenced application be remanded to the Examining Attorney for reconsideration of the refusal to register in view of this cancellation.

Respectfully submitted,

Rudolf Flume Technik GmbH

Date: Nov. 13, 2002

By:   
Paul E. Fahrenkopf  
BARNES & THORNBURG  
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Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that this Request for Remand for Serial No. **75-817,010** was mailed as first class mail by depositing a copy of the same in the United States mail, postage prepaid and properly addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202 on this 13<sup>th</sup> day of November, 2002.

  
Barbara Frank

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

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MAR 27 2002  
PAT. & TRADEMARK OFFICE

In re Rudolf Flume Technik  
GmbH

Serial No. 75/817,010

Filed: October 7, 1999

Paul E. Fahrenkopf  
Barnes & Thornburg  
1401 Eye Street, NW  
Washington, DC 20005

TU 4/11/02  
DOCKETED  
CNC-SKTS 4/27/02

Applicant's request to suspend filed March 20, 2002 is noted.

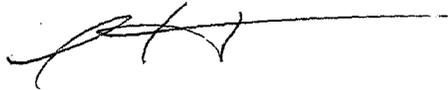
A review of this file reveals that Cancellation proceeding No. **40,274** has been instituted by the Board against Registration No. 2,117,157, cited by the Trademark Examining Attorney as a Section 2(d) bar to registration of applicant's mark. The request to suspend is granted.

The appeal is suspended indefinitely pending a final resolution of the cancellation proceeding.

Applicant should inform the Board within twenty days following a final determination, so that appropriate action may be taken herein.

Ser. No. 75/817,010

If during the suspension period either applicant or applicant's counsel should have a change of address, the Board should be so informed.



S. Hassan  
Paralegal Specialist,  
Trademark Trial and  
Appeal Board  
(703) 308-9330 Ext. 133

38656

KK/mc

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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RUDOLF FLUME TECHNIK GMBH

v.

EXCELSIOR-HENDERSON MOTORCYCLE MANUFACTURING COMPANY

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Cancellation No. 40,274

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Paul E. Fahrenkopf of Barnes & Thornburg for Rudolf Flume  
Technik GmbH.

Excelsior-Henderson Motorcycle Manufacturing Company, pro  
se.

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The petition of Rudolf Flume Technik GmbH having been  
granted on August 7, 2002, Registration No. 2,117,157 is  
hereby cancelled as to class 14 only.



Robert M. Anderson  
Deputy Commissioner for  
Trademark Operations

AUG 22 2002