

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

*Baez*

*October 18, 2001*

In re Alltracel  
Pharmaceuticals PLC

Serial No. 75852881

Filed: 11/18/1999

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Applicant filed, on August 3, 2001, an amendment and on, September 10, 2001, a notice of appeal.

The basis of the final refusal, issued on March 8, 2001, is the unacceptability of the identification of goods, and the amendment is an attempt by applicant to submit an acceptable identification. Accordingly, action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the amendment. If the amendment is accepted, the appeal will be moot. If the amendment is found unacceptable, the Examining Attorney should issue an Office Action indicating the

reasons why the proposed amendment is unacceptable and return the file to the Board, which will then allow applicant time to file its appeal brief.<sup>1</sup> However, if the Examining Attorney believes that the problems with the proposed identification can be resolved, the Examining Attorney is encouraged to contact applicant, either by telephone or written Office Action, in an attempt to do so.

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<sup>1</sup> If the Examining Attorney believes that the proposed amendment is unacceptable because it exceeds the scope of the original identification, or the identification as it has subsequently been amended, this would raise a new issue, and the applicant should be given an opportunity to respond to this issue before the refusal may be made final. In this circumstance, therefore, the Examining Attorney should issue a non-final action, and retain the "six-month response" clause.