

TTAB

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

on of:)
In re Associates LPA-Broxo S.A.)
Les Pr/878461)
Serial number 22, 1999)
Filed FLABBERGASMIC)
Tra)

Law Office 115

Trademark Attorney:
Yong Oh (Richard) Kim

Commissioner for Trademarks
Crystal Drive
Alexandria, VA 22202-3513


02-28-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #7

REQUEST FOR SUSPENSION OF APPEAL
PENDING CONSIDERATION OF PETITION TO COMMISSIONER OF TRADEMARKS

the Trademark Trial and Appeal Board:

Applicant requests that the Trademark Trial and Appeal Board suspend further proceedings on the subject appeal so that the Commissioner of Trademarks may consider a Petition that has been filed concurrently herewith.

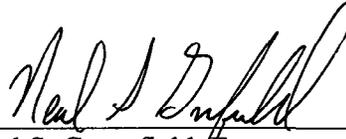
The Petition, a copy of which is attached for the Board's reference, requests the Commissioner to withdraw the application from publication and restore jurisdiction to the Examining Attorney, so that he may consider an amendment to the application amending the basis of registration from use to intent-to-use.

If the Petition and Amendment are accepted, this appeal shall become moot.

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In view of the above, Applicant respectfully requests that its request to suspend the appeal proceedings be granted.

Respectfully submitted,



February 26, 2003

Neal S. Greenfield, Esq.
Pitney, Hardin, Kipp & Szuch LLP
685 Third Avenue
New York, NY 10017
(212) 297-5800

Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that the foregoing Request for Suspension of Appeal is being deposited with the United States Postal Service as First Class Mail addressed to Assistant Commissioner for Trademarks; 2900 Crystal Drive; Arlington, VA 22202-3513 on February 26, 2003.



Neal S. Greenfield

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Les Produits Associes LPA-Broxo S.A.
Mark: FLABBERGASMIC
Serial No.: 75/878,461
Examiner: Yong Oh (Richard) Kim **Law Office:** 115

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**PETITION TO COMMISSIONER TO WITHDRAW
APPLICATION FROM PUBLICATION
AND RESTORE TO JURISDICTION OF
EXAMINING ATTORNEY FOR
CONSIDERATION OF PROPOSED AMENDMENT**

S I R :

Applicant respectfully petitions the Honorable Commissioner of Trademarks to order that this application be withdrawn from publication and restored to the jurisdiction of the Examining Attorney so that the Examining Attorney may consider the attached proposed amendment.

In the subject application the Examining Attorney finally refused registration of the mark on the grounds that the specimens of use submitted with the Statement of Use are not acceptable. Applicant has appealed that refusal to the Trademark Trial and Appeal Board.

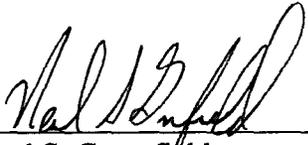
Applicant believes that its proffer of use was proper but will use the mark in other ways if given the opportunity. Applicant therefore proposes to file the attached amendment, amending the basis of the application from use in commerce to a bona fide intention to use the mark in commerce. Applicant will then be able to use the mark in a fashion that will be deemed acceptable by the U.S. Patent and Trademark Office.

In view of the above, it is respectfully requested that this Petition be granted. The \$100.00 petition fee is covered by the attached check.

Neal S. Greenfield declares that he is attorney for the applicant herein and makes this statement on the applicant's behalf; that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that any false statements or the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of this document or any resulting registration.

Respectfully submitted,

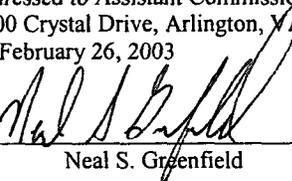
Date: February 26, 2003

By: 
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Pitney, Hardin, Kipp & Szuch LLP
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Attorneys for Applicant

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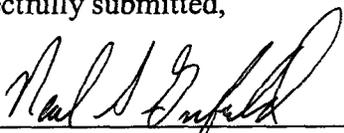
AMENDMENT

S I R :

Applicant requests that the above-identified application be amended by amending the basis for registration from use in commerce to a bona fide intention to use the mark in commerce. Applicant has a bona fide intention to use the mark in commerce with respect to the goods set forth in the application.

Date: February 26, 2003

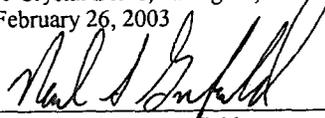
Respectfully submitted,

By: 
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