

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

01-21-2003  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

In re Application of:	SYNNEX Information Technologies, Inc.	)	
Application Serial No.	76/007,320	)	
Filed:	March 20, 2000	)	Examiner: Andrew J. Benzmiller
Trademark:	MISCELLANEOUS DESIGN	)	Law Office: 113

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

**REQUEST TO REMAND APPLICATION TO  
THE EXAMINING ATTORNEY UNDER 37 CFR §2.142(d)**

To the Trademark Trial and Appeal Board:

Applicant is in receipt of an Office Action dated October 10, 2002, issued by the Examining Attorney for the above-referenced trademark application. The Office Action was issued in response to Applicant's Response to Office Action dated August 22, 2002, for the above-referenced trademark. In the Office Action, the Examining Attorney maintained his objection to the specimens provided by Applicant for International Class 9.

Applicant requests that the Board suspend further proceedings with respect to this appeal, and remand the case to the Examining Attorney, pursuant to

37 CFR §2.142(d), and TBMP § 1207.2(3) for consideration of additional evidence relevant to this proceeding presented by Applicant's amendment to its identification of goods.

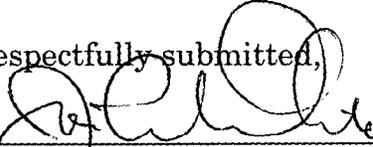
Applicant believes its proposed amendment will resolve the Examining Attorney's objections to the application and will render the appeal moot. The Examining Attorney, Mr. Andrew J. Benzmilller, agreed that this should resolve the only outstanding issue in the application, and agreed to consider Applicant's amendment. This agreement was expressed in a telephone conference with the undersigned counsel for Applicant, Joi A. White, on Wednesday, January 15, 2003. Applicant believes this agreement between the Examining Attorney and Applicant constitutes good cause for remand of the application to the Examining Attorney following the notice of appeal pursuant to TBMP §1207.2(3). Counsel for Applicant, Joi A. White, further confirmed that the amendment and agreement between counsel for Applicant and the Examining Attorney constitute adequate grounds for remand in a telephone conference with Ms. LaToya Johnson, Paralegal, of the Trademark Trial and Appeal Board, on January 15, 2003.

A Response to the October 10, 2002, Office Action is filed with this Request for Remand.

Applicant respectfully draws the Board's attention to the fact that this Request for Remand is timely filed prior to Applicant's January 19, 2003, deadline for filing a Brief in connection with its Appeal and respectfully requests that the January 19, 2003, deadline be suspended pending further action by the Examining Attorney after remand. Applicant believes that no fees are

required to process this request. However, if additional fees are required, please debit our Deposit Account No. 06-0600.

Respectfully submitted,



Dated: January 15, 2003

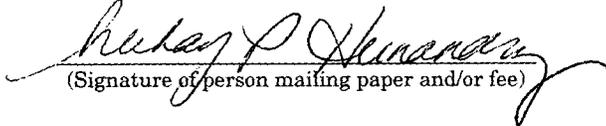
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TEL (650) 812-3400  
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**CERTIFICATE OF MAILING**

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on January 15, 2003.

Deposited by: **Suehay P. Hernandez**



(Signature of person mailing paper and/or fee)

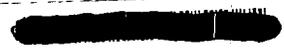
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CARR & FERRELL LLP  
ATTORNEYS AT LAW

January 15, 2003

WRITER'S DIRECT DIAL NUMBER

(650) 812-3461  
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VIA FIRST CLASS MAIL

01-21-2003

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Arlington, Virginia 22202-3513

Re: Request to Remand Application to the Examining Attorney  
Under 37 CFR §2.142(d) –  
Trademark Application Serial No. 76/007,320  
for MISCELLANEOUS DESIGN  
in the Name of SYNEX Information Technologies, Inc.

Dear Sir:

Enclosed with this letter, in response to the Office Action mailed on October 10, 2002, are the following: (1) Request to Remand Application to the Examining Attorney Under 37 CFR §2.142(d); (2) Response to Office Action (under 37 C.F.R. §2.62); and (3) Acknowledgement Card.

Please enter receipt of the Request to Remand Application to the Examining Attorney and forward the Response to Office Action to the Examining Attorney for processing. Applicant requests that all deadlines associated with its Appeal of the refusal to register the above-referenced application be suspended pending the Examining Attorney's review of the Office Action Response filed herewith.

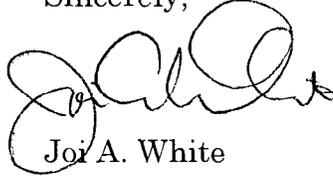
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January 15, 2003  
Page Two

Applicant believes that no fees are due with this Request. However, should any additional fees be required to avoid abandonment of this Application, please charge our Deposit Account No. 06-0600 for such necessary fees.

Sincerely,



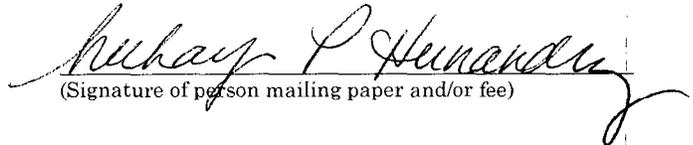
Joi A. White

JAW:sph  
Enclosures: Response to Office Action

#### CERTIFICATE OF MAILING

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Deposited by: Suchay P. Hernandez



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