

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

Johnson

Mailed: February 11, 2003

In re SYNEX Information
Technologies, Inc.

Serial No. 76007320

Filed: 03/20/2000

JEFFERSON F. SCHER
CARR & FERRELL LLP
2225 EAST BAYSHORE ROAD, SUITE 200
PALO ALTO, CA 94303

LaToya C. Johnson, Paralegal:

Applicant's request for remand and response (filed January 21, 2003) are noted.

In view of the circumstances cited therein, the request for remand is granted; action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the response.

The response contains a proposed amendment to the identification of goods/recitation of services. If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendment is accepted but the refusal to register is

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maintained, the Examining Attorney should issue an Office Action so indicating, and return the file to the Board. The appeal will then be resumed and applicant allowed a sufficient time in which to file its appeal brief. If the Examining Attorney determines that the amendment to the identification/recitation is not acceptable, the Examining Attorney should issue an Office Action to that effect, indicating the reasons why the proposed amendment is unacceptable and, if possible, advising applicant as to how to cure any deficiency in the identification/recitation.

In any event, the amendment to the identification/recitation should be treated as raising a new issue, such that any refusal to accept the proposed identification/recitation cannot be made final until applicant is given an opportunity to respond.