

**United States Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
P.O. Box 1451  
Alexandria, VA 22313-1451

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Mailed: August 8, 2011

In re Prema Jyothi Light

Serial No. 76293326

Serial No. 76293327

Filed: 7/31/2001

PREMA JYOTHI LIGHT  
12000 E 16TH AVE #301,  
AURORA, CO 80010

**By the Trademark Trial and Appeal Board:**

This order responds to numerous communications filed by applicant in connection with both of these applications/appeals.

First, we address applicant's concern, in communications filed on June 6 and June 8, 2011, that documents in the electronic records of her appeals were removed from TTABVue. Applicant states that at certain times when she attempted to view documents that she had filed, she got the message, "There is no image for this record." Applicant is advised that there is a distinction

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between records not being visible through TTABVue, and records being removed. Without going into the technical details of the Office's system, there are times when the server is overloaded or work is being done on the server, and if one attempts to access records during that time, one will get the message received by applicant for any records that one had not previously downloaded. However, applicant is assured that no records are removed from the electronic file when this occurs.

Second, on March 2, 2011, and after reviewing the application file for Serial No. 76293326, the Board advised applicant that, although her request for reconsideration filed on December 15, 2009 stated that she was attaching "argument text," no such attachment appeared in the file. It further appeared that such "argument text" would have included a claim of registrability under Section 2(f), because applicant had made such a claim in her companion application Serial No. 76293327. Therefore, applicant was given time to submit a copy of the document that she had either previously submitted or intended to submit on December 15, 2009.

Applicant, on June 6, 2011, filed a response to the Board order. It is clear from the response that applicant has not submitted the actual document that she submitted/intended to submit on December 15, 2009, because

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the communication contains various arguments that reflect the file and appeal as it stands today. Nonetheless, we will treat the June 6, 2011 communication as incorporating the gist of what applicant did or intended to submit on December 15, 2009.

Application Serial No. 76293326 is hereby remanded to the trademark examining attorney for consideration of the claim of registrability under Section 2(f), and action in the appeal is suspended.

Third, it is noted that applicant has asserted in the "refiled request for reconsideration" that the final Office action was premature because in her "response to Office action" she had submitted a new drawing, and this raised a new issue. We note that the instant appeal was filed on August 8, 2005; the Office action that applicant complains of issued on June 15, 2009. In view thereof, the appeal was properly instituted. Further, we note that the acceptability of the drawing has been an issue throughout prosecution of the application and, indeed, was an issue in the original appeal. Subsequently filed proposed amendments to the drawing in such a circumstance do not raise a new issue. In any event, as indicated below, applicant will have an opportunity to respond to any outstanding issues or requirements before the examining attorney issues a final Office action and proceedings in the appeal are resumed.

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**ORDER:**

**Serial No. 76293326**

Application Serial No. 76293326 is hereby remanded to the trademark examining attorney for consideration of the claim of registrability under Section 2(f), and action in the appeal is suspended. If registrability is found on the basis of this claim, the refusal will be moot. If the claim is not found persuasive, because of the extensive prosecution history involved, the examining attorney should issue a non-final Office action clearly stating each of the refusals or requirements at issue. The Office action should include the six-months-response clause allowing applicant an opportunity to respond. If applicant does not timely respond to that Office action, the application will be deemed abandoned. If applicant files a timely response, but it is not found persuasive, the examining attorney should issue a final Office action which omits the six-month-response clause, and return the file to the Board, which will then resume proceedings in the appeal.\*

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Because the appeals for application Serial No. 76293326 and 76293327 have been consolidated, application Serial No. 76203327 is also remanded to the examining attorney for issuance of a non-final Office action stating each of the refusals or requirements at issue. The Office action should

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include the six-months-response clause in that non-final action. If applicant does not timely respond to that Office action, the application will be deemed abandoned. If applicant files a timely response, but it is not found persuasive, the examining attorney should issue a final Office action which omits the six-month-response clause, and return the file to the Board, which will then resume proceedings in the consolidated appeal.\*

\* The examining attorney is not required to issue a final Office action after applicant's response if he thinks it would be helpful, to resolve any issues, to engage in further examination, to issue an examiner's amendment, or to contact applicant by telephone.