

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

Mailed: July 26, 2003

In re Trevira GmbH

Serial No. 76294340

Filed: 08/02/2001

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Janice D. Hyman, Paralegal:

Applicant's motion to suspend filed July 9, 2003¹ is noted.

Applicant had filed on, January 6, 2003, a request for reconsideration which included a proposed amendment to the identification of goods. The Board on, March 28, 2003, remanded the file to the Examining Attorney for consideration of the proposed amendment; however, the proposed amendment was not addressed in the Examining Attorney's office action of April 18, 2003.

In view thereof, the appeal is suspended and the file remanded to the Examining Attorney for consideration of the proposed amendment.

¹ Certificate of mailing dated July 3, 2003.

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 maintained, the Examining Attorney should issue an Office Action so indicating, amend the Office computer database to reflect entry of the amendment, 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 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. The amendment to the identification should be treated as raising a new issue, such that any refusal to accept the proposed identification cannot be made final until applicant is given an opportunity to respond.