

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

Johnson

Mailed: March 20, 2003

In re Science Applications
International
Corporation

Serial No. 76306423

Filed: 08/29/2001

THOMAS W. WINLAND
FINNEGAN HENDERSON FARABOW ET AL
1300 I ST NW
WASHINGTON, DC 20005-3314

LaToya C. Johnson, Paralegal:

Applicant filed, on February 24, 2003, an amendment and a notice of appeal.

The basis of the final refusal, issued on August 23, 2002, is the unacceptability of the recitation of services, and the amendment is an attempt by applicant to submit an acceptable recitation. Accordingly, the appeal is hereby instituted but, action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the amendment.

If the amendment is accepted, the appeal will be moot. If the amendment is found unacceptable, the Examining

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Attorney should issue an Office Action indicating the reasons why the proposed amendment is unacceptable and return the file to the Board, which will then allow applicant time to file its appeal brief.¹ However, if the Examining Attorney believes that the problems with the proposed recitation can be resolved, the Examining Attorney is encouraged to contact applicant, either by telephone or written Office Action, in an attempt to do so.

¹ If the Examining Attorney believes that the proposed amendment is unacceptable because it exceeds the scope of the original identification, or the identification as it has subsequently been amended, then the Examining Attorney may not issue a final refusal unless application was previously advised that amendments broadening the identification are prohibited under Trademark Rule 2.71(a).