

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

Mailed: March 18, 2003

In re Kabushiki Kaisha NTT
DoCoMo

Serial No. 76306842

Filed: 08/27/2001

JEFFREY H. KAUFMAN
OBLON SPIVAK MCELLEND MAIER NEUSTADT
1940 DUKE ST
ALEXANDRIA, VA 22314-3454

Janice D. Hyman, Paralegal:

Applicant filed, on January 31, 2003, a request for reconsideration, which included an amendment and a notice of appeal.

The basis of the final refusal, issued on July 31, 2002, is the unacceptability of the identification of goods, and the amendment is an attempt by applicant to submit an acceptable identification. Accordingly, 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 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 identification 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 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). See Examination Guide No. 4-00