

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

Mailed: December 31, 2005

In re Rock The World, LLC

Serial No. 76554436

Filed: 10/27/2003

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Tina Craven, Paralegal Specialist:

Applicant's request filed December 12, 2005, to remand the application for consideration of (1) amendment to delete goods in Class 25 (2) assertion of a Section 2(f) claim and (3) amendment of the application in the alternative to the supplemental register are noted.

The Appeal is hereby suspended and the file forwarded to the Trademark Examining Attorney for review. In the event the Examining Attorney finds the claim of distinctiveness persuasive and the refusal of registration is withdrawn, this appeal will be moot.

However, if the Examining Attorney is not persuaded by applicant's Section 2(f) claim and ultimately issues a final refusal, the file should be retained for review of applicant's amendment to the supplemental register.

The Examining Attorney is reminded that applicant's 2(f) claim and the amendment to the supplemental register, should be treated as raising a new issue such that any refusal to register cannot be made final until applicant has been given an opportunity to respond.

If after examination of all outstanding issues, the Examining Attorney issues a final refusal the "six-month response" clause should be omitted from the paper in which such action is taken; the file of this case should be returned to the Board; proceedings will be resumed; and applicant will be allowed time in which to file its brief on appeal.