

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

Mailed: August 1, 2005

In re LE GROUPE FRUITS &
PASSION INC./ THE FRU ITS &
PASSION GROUP INC.

Serial No. 76554751

Filed: 10/28/2003

STEWART J. BELLUS
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Karl Kochersperger, Paralegal

Applicant filed, on June 30, 2005, a notice of appeal and a request for reconsideration. Applicant's response filed July 21, 2005, explaining which class it wishes to appeal is noted. The appeal will go forward in Class 4 only.

Action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the request for reconsideration. The request contains a proposed amendment to the identification of goods. 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, 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.