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

Mailed: December 18, 2007

In re Rotary International

Serial No. 76657862

Filed: 4/5/06

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Applicant's request for an extension of time to file its appeal brief, request for remand and proposed amendment filed December 17, 2007 are noted.

Applicant seeks remand in order for the Examining Attorney to consider the proposed amendment. Good cause having been shown, the request for remand is granted, action on the appeal is suspended, and the file is remanded to the Trademark Examining Attorney for consideration of the proposed amendment.

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 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 indicate in the Office Action the reasons why the proposed amendment is unacceptable, and return the file to the Board for resumption of proceedings in the appeal.[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.

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[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, this would raise a new issue, and the applicant should be given an opportunity to respond to this issue before the refusal may be made final. In this circumstance, therefore, the Examining Attorney should issue a non-final action, and retain the "six-month response" clause.