

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

Mailed: December 11, 2008

In re Davenport, Gerald

Serial No. 76679062

Filed: 7/3/07

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Applicant's "supplemental response "C" to office action" and amendment to allege use filed November 28, 2008 is noted and will be construed as a request for remand.

Applicant seeks remand in order for the Examining Attorney to consider the proposed amendments. 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 amendments.

If the amendments are accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendments are 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.