

United States Patent and Trademark Office
Trademark Trial and Appeal Board
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EJS/kk

Mailed: September 4, 2014

In re Chicago Mercantile
Exchange Inc.

Serial No. 77199918

Filed: 6/7/2007

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Applicant's request for remand filed August 8, 2014 is noted. Because the Examining Attorney has consented to the remand, see attached memo dated August 20, 2014,¹ the request for remand is granted, and the application is remanded to the Examining Attorney for consideration of Applicant's argument and submissions. Further, as a point of clarification, the papers submitted by Applicant with its request for remand filed December 9, 2013 also form part of the record.

If Applicant's submissions persuade the Examining Attorney of the registrability of its mark, the appeal will be moot.

It is noted that the current request for remand was filed at a very late stage of the appeal, at the same time as Applicant filed its reply brief. It is

also noted that Applicant's reply brief treats the evidence submitted with its request for remand as though it were already of record. Therefore, in order to avoid further delay, if the Examining Attorney is not persuaded of the registrability of Applicant's mark, the Examining Attorney should file, within 30 days, a supplemental brief in which she addresses the newly submitted evidence and argument. She may also submit evidence directed to the evidence submitted by Applicant with its requests for remand on December 9, 2013 and August 8, 2014.² Applicant is allowed 20 days to file, if it wishes, a supplemental reply brief directed solely to the evidence and arguments made in the Examining Attorney's supplemental brief; Applicant may not submit any additional evidence.

***By the Trademark Trial
and Appeal Board***

¹ The Examiner's August 20, 2014 memo can be viewed at this link-
<http://ttabvue.uspto.gov/ttabvue/v?pno=77199918&pty=EXA&eno=33>

² The Examining Attorney may contact Applicant or issue a non-final Office action if she believes that this will resolve the problem.