

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ejs/dmd

Mailed: May 1, 2015

In re Masayoshi Takayama

Serial No. 77438476

Filed: 4/2/2008

**By the Board:**

As we stated in the February 17, 2015 order, proceedings in the appeal were suspended pending a determination in Opposition No. 91201540, since the decision in that proceeding might have a bearing on the issues in this appeal. Judgment was subsequently entered against Applicant in the opposition, and the opposition was converted to a Concurrent Use proceeding, which resulted in Applicant's application Serial No. 76685731 for MASA, and Registration Nos. 3380250 and 3855043, which have also been cited against the subject application, were geographically restricted.

In our February 17, 2015 order we gave applicant 60 days to submit any argument or evidence regarding the effect of the decision in the Concurrent Use proceeding on the subject appeal. Applicant did not file any submission. Therefore, in accordance with that order, the application is now remanded to the Examining Attorney to consider what effect, if any, the decision in the Concurrent Use proceeding has on the refusal of registration of this application. The Examining Attorney is allowed 30 days to take appropriate action, which would include issuing

an Office action with argument or evidence regarding the effect of the concurrent use proceeding. If the Examining Attorney believes that a further requirement or refusal should issue, she is reminded that the action should be a “non-final” action, with applicant given six months in which to respond.

If the Examining Attorney believes that the Concurrent Use proceeding has no effect on the current application, she should issue an Office action to that effect, explaining why, and return the application to the Board. Because the appeal had previously been briefed, and because applicant has chosen not to avail itself of the opportunity to address the effect of the Concurrent Use proceeding, the Board will then issue a decision in due course.