

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

Mailed: July 13, 2015

In re Nordic Naturals, Inc.

Serial No. 77752741

Filed: 6/5/2009

By the Trademark Trial and Appeal Board:

On August 10, 2012, after the appeal was fully briefed, the application was remanded at the Examining Attorney's request so that he could issue a further refusal. The Examining Attorney did so, and a final Office action issued on December 13, 2013. On June 3, 2014, the Examining Attorney suspended proceedings in view of an appeal pending at the United States Court of Appeals for the Federal Circuit (hereinafter "Federal Circuit") involving Applicant's co-pending application, Serial No. 77131419, for CHILDREN'S DHA in standard characters. The Federal Circuit issued a decision on that appeal on June 23, 2014, and therefore proceedings in the present appeal are resumed.

In view of the additional grounds for refusal that were raised after the original briefing of the appeal in this application, and the decision of the Federal Circuit in Applicant's companion application, supplemental briefing is appropriate. Further, because of the potential impact of the Federal Circuit's decision on the issues

already briefed, we think it would be more helpful if Applicant and the Examining Attorney submitted new briefs in their entirety, rather than having a combination of briefs addressing the different issues. Accordingly, Applicant is allowed **sixty (60) days** from the mailing date of this order to file its appeal brief. The Board will then issue an order allowing the Examining Attorney to file his brief, and Applicant will have 20 days from the filing of the Examining Attorney's brief, as provided by Trademark Rule 2.142(b), to file a reply brief if it wishes. A request for oral hearing, if desired, should be made by a separate notice filed not later than ten days after the due date for the reply brief. See Trademark Rule 2.142(e)(1).

If Applicant fails to file the appeal brief, the appeal will be dismissed and the application deemed abandoned.