

# UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

APPLICATION SERIAL NOS. 77616247  
77844718  
77844736

MARKS: OPENCL and OPENCL design marks



**CORRESPONDENT ADDRESS:**

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**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

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## REQUEST FOR EXTENSION OF TIME TO REQUEST RECONSIDERATION

On August 28, 2012, the Trademark Trial and Appeal Board issued a decision reversing the Trademark Examining Attorney's refusal under Section 2(e)(1) for application serial No. 77616247 and also reversing the disclaimer requirements in the design marks in serial Nos. 77844718 and 77844736 in a consolidated appeal. Under Trademark Rule 37 CFR §2.144, the examining attorney may file a request for reconsideration of a Board decision reversing the Examining Attorney on ex parte appeal. TBMP §1219.01; *In re Ferrero S.p.A.*, 22 USPQ2d 1800 (TTAB 1992), *recon. denied*, 24 USPQ2d 1061 (TTAB 1992). The examining attorney must file the request within one month of the date of the final decision unless the time is extended by the Board upon a showing of sufficient cause. TBMP §1219.01.

The Trademark Examining Attorney respectfully requests 15 days of additional time for consultation within the Office regarding the filing of a request for reconsideration. In addition to the Examining Attorney's responsibilities to his dockets for the end of the USPTO's fiscal year, the Examining Attorney has had the highly unusual circumstance of having to file appeal briefs on three other applications within a two week period near the end of September<sup>1</sup>. Consequently, the Examining Attorney has been unable to completely discuss the issue of a Request for Reconsideration with the Office for Trademark Policy and Procedure. The additional period of time is also needed for such discussion due to the large amount of evidence in the record. As the Request for Reconsideration must be approved by the Administrator for Trademark Policy based on an informed decision, the instant request for an extension of time is respectfully submitted.

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<sup>1</sup> The Examining Attorney will provide serial Nos. for the appeals if requested.

Respectfully submitted,

/Michael Webster/

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