

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

Mailed: March 13, 2015

In re Summit Entertainment, LLC

Serial No. 77921988

Filed: 1/28/2010

JILL M PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS
SUITE 1600
LOS ANGELES, CA 90067

Veronica P. White, Paralegal Specialist:

Applicant filed, on March 3, 2015 (with a certificate of mailing dated February 27, 2015), an amendment and a notice of appeal.

The amendment is an attempt by applicant to resolve the issue on appeal. Accordingly, the appeal is hereby instituted but action on it is suspended and the application is remanded to the Trademark Examining Attorney for consideration of the amendment. If the amendment is accepted, the appeal will be moot and proceedings on the appeal will terminate in due course. If the amendment is found unacceptable, the Examining Attorney should issue an Office Action indicating the reasons why the proposed amendment is unacceptable and notify the Board, which will then allow

applicant time to file its appeal brief.¹ However, if the Examining Attorney believes that the problems with the proposed identification can be resolved, the Examining Attorney is encouraged to contact applicant, either by telephone or written Office Action, in an attempt to do so.

¹ If the Examining Attorney believes that the proposed amendment is unacceptable because it exceeds the scope of the original identification, or the identification as it has subsequently been amended, then the Examining Attorney may not issue a final refusal unless applicant was previously advised that amendments broadening the identification are prohibited under Trademark Rule 2.71(a).