

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

Mailed: October 19, 2005

In re *Conversive, Inc.*

Serial No. 78240385

Filed: 04/22/2003

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Applicant filed, on September 30, 2005, a notice of appeal, a request to remand and an amendment to the identification of goods.

The appeal is hereby instituted. However, the request and amendment require consideration by the Trademark Examining Attorney. Accordingly, action on the appeal is suspended and the file is remanded to the Examining Attorney for consideration of the amendment.

One basis of the final refusal was the unacceptability of the identification of goods, and the request contains a proposed amendment to the identification. If the amendment

is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendment is accepted but the refusal to register is maintained, the Examining Attorney should issue an Office Action so indicating, and return the file to the Board. The appeal will then be resumed and applicant allowed time in which to file its appeal brief. If the Examining Attorney determines that the amendment to the identification is not acceptable, the Examining Attorney should indicate in the Office Action the reasons why the proposed amendment is unacceptable, and return the file to the Board for resumption of proceedings in the appeal.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 application was previously advised that amendments broadening the identification are prohibited under Trademark Rule 2.71(a).