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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78443706
Applicant	les boutiques ACE STYLE Limited
Applied for Mark	VOLAGE
Correspondence Address	Bruce S. Londa Norris, McLaughlin & Marcus, P.A. 875 Third Avenue New York, NY 10022 UNITED STATES bslonda@nmmlaw.com
Submission	Applicants Request for Remand and Amendment
Attachments	00088550.pdf (2 pages)(13506 bytes)
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Date	09/13/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Serial No.: 78443706
Mark: VOLAGE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

September 13, 2006

REQUEST FOR FURTHER REMAND TO EXAMINING ATTORNEY

Dear Sir:

This is in response to the Notice of August 2, 2006, in which the Board set a sixty day period in which to file the Appeal Brief. For the reasons set out below, it is requested that the Board further remand the application to the care of the examining attorney, in order to fully consider all of the issues raised in the Request for Reconsideration.

As set forth below, such an action is proper, and will also reduce the number of issues on appeal for consideration by the Board.

In the Request for Reconsideration, applicant addressed two outstanding issues. However, in the examiner's June 20, 2006 denial of the Request, and continuation of the rejection, only one of the two issues appear to have been addressed.

The first issue relates to the 2(d) refusal as to class 25. The examiner does address that point. However, the request for reconsideration also proposed a revised identification of services for class 35. It was submitted that such revision would have been sufficient to overcome the outstanding rejection, and that the removal of the class 35 rejection was warranted, which also would lead to the removal of class 35 as a basis for the appeal. However, it appears that the examiner has not addressed this issue, and therefore the denial of reconsideration is not complete and proper; accordingly, the return of jurisdiction to the Board of Appeal is not timely.

It is therefore requested that the Board:

1. return jurisdiction to the examiner so that the examiner can consider the class 35 revision of services, and
2. vacate the notice of August 2, 2006 setting the two month deadline for filing the Appeal Brief.

These points above were also made in a further Request for Reconsideration filed today with the examining attorney.

Respectfully submitted,

/bsl/
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Attorney for Applicant

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