

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

Mailed: May 4, 2007

In re Litens Automotive
Partnership

Serial No. 78685718

Filed: 8/4/05

Susan Neuberger Weller, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and
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Janice D. Hyman, Paralegal Specialist:

Applicant filed, on April 25, 2007, a notice of appeal, a request for suspension of the appeal and a request for reconsideration, which included an amendment.

The basis of the final refusal, issued on October 25, 2006, is the unacceptability of the identification of goods, and the amendment is an attempt by applicant to submit an acceptable identification. Accordingly, action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the request for reconsideration and amendment. If the amendment is accepted, the appeal will be moot. If the amendment is found unacceptable, the Examining Attorney should issue an Office Action indicating the reasons why the proposed

amendment is unacceptable and return the file to 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 application was previously advised that amendments broadening the identification are prohibited under Trademark Rule 2.71(a).