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

Mailed: July 9, 2007

In re Gordon Brothers Group, LLC

Serial No. 78748543

Filed: 11/7/2005

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Applicant filed, on July 2, 2007, a notice of appeal, a request for reconsideration, a response and an amendment.

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

One basis of the final refusal was the unacceptability of the identification of services, 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 these papers, the appeal will be moot and proceedings on the appeal will terminate in due course. If

the amendment is accepted but the refusal to register is maintained, the Examining Attorney should issue an Office Action so indicating, and notify 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 notify 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.

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[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).