

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
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dmd/kk

Mailed: June 20, 2008

In re Sally J. Coxe

Serial No. 78877323

Filed: 5/5/2006

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On June 19, 2008, the Board remanded the file to the Examining Attorney for consideration of the request for reconsideration and applicant's supplemental amendment to the identification of goods. On June 20, 2008, the Examining Attorney entered a note to the file of the application, indicating that he has entered the supplemental amendment into the PTO database and noting that "applicant's amended identification does not affect the Examiner's positions as reflected in the Examiner's Brief." The Examining Attorney concurrently notified the Board by email of his action and further stated that he will "stand pat with the Brief as submitted." In view thereof, we construe the Examining Attorney's note to the file and concurrent email communication as a denial of the request for reconsideration. Further, inasmuch as the Examining Attorney did not submit additional evidence or

argument in his denial of the request for reconsideration and applicant already argued its position in its briefs based on the identification of goods as finally amended, no further briefing is required. The appeal is resumed and a decision will be issued in due course.

***By the Trademark Trial
and Appeal Board***