

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

Mailed: June 15, 2011

In re Novation Motorbike
S.P.A.

Serial No. 79050342

Filed: 8/28/07

DOUGLAS R WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE, FEDERAL RESERVE PLAZA
BOSTON, MA 02210

Karl Kochersperger, Paralegal Specialist:

Applicant filed, on June 13, 2011, a request for remand, containing an amendment and a consent agreement.

The request for remand requires consideration by the Trademark Examining Attorney. Accordingly, action on the appeal is *suspended* and the application is *remanded* to the Examining Attorney for consideration of the request for reconsideration.

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 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.

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).