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

Proceeding	79128458
Applicant	EuropÃ#ische Patentorganisation
Applied for Mark	PATSTAT
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Submission	Applicants Request for Remand and Amendment
Attachments	PATSTAT Request for Remand.pdf(176972 bytes)
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Date	12/29/2015

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

In re *EuropÄische Patentorganisation*
Application Serial No.: 79128458
Filed: 7/24/2012
For the mark: PATSTAT
Law Office: 113
Examining Attorney: N. Gretchen Ulrich

REQUEST TO REMAND APPLICATION FOR FURTHER EXAMINATION

Pursuant to TBMP §1209.04, Applicant EuropÄische Patentorganisation ("Applicant") respectfully requests remand of this application to the Examining Attorney for purposes of a possible amendment to the application, and suspension of this appeal during such consideration.

Applicant's undersigned attorney and the Examining Attorney have communicated on several occasions since the issuance of Office Action dated October 8, 2015, regarding possible limitations to the identification of goods and services in the application. On December 22, 2015, the Examining Attorney provided a proposed limitation to the identification of goods and services that would allow her to withdraw the Section 2(d) refusal. Applicant is located in Germany. Applicant's U. S. attorney has forwarded this proposal to Applicant's German counsel for consideration by Applicant. However, with the intervening holidays, Applicant's employees are unavailable to consider the proposed amendment, and Applicant is unable to respond to the proposal until after the deadline for filing Applicant's appeal brief. Even if Applicant accepts the limitations proposed by the Examining Attorney, the application would need to be remanded in order to allow the Examining Attorney to enter an Examiner's Amendment.

If Applicant and the Examining Attorney are able to agree on a limitation to the description of goods and services that will address the Examining Attorney's remaining concerns, the application will be in condition for publication. Should the Examining Attorney's current proposal be unacceptable to Applicant, and if Applicant and the Examining Attorney are

unable to agree on a limitation to the application that will allow the Examining Attorney to withdraw her remaining objection, Applicant wishes to preserve its rights on appeal. Applicant also believes it may be possible to obtain consent to registration from the owner of the prior cited mark if necessary and would like the opportunity to pursue a consent from the prior registrant if Applicant is unable to address the Examining Attorney's refusal by further amendment to the application.

For these reasons, Applicant believes there is good cause for remand. Good cause further exists because remand is being requested early in the appeal process, before either the Board or the Examining Attorney has had to expend time or effort on the appeal.

Pursuant to TMBP § 1209.04, Applicant understands that it should not file its appeal brief until such time as the Board acts on this Request for Remand, and Applicant therefore respectfully requests that the Board suspend action on the appeal pending the Board's action on this Request.

Respectfully submitted,

OPPENHEIMER WOLFF & DONNELLY LLP

Dated: December 29, 2015

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