

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: August 4, 2015

In re Kim's Chocolates, naamloze
vennootschap

Serial No. 79141331

Filed: 11/14/2013

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Victoria von Vistauxx, Paralegal Specialist:

Applicant's request for remand of the above-entitled application (filed July 31, 2015), is noted.

Applicant seeks remand so that the Trademark Examining Attorney may review a "Worldwide Trademark Co-Existence Agreement"¹ entered into between Applicant and the owner of the U.S. Registrations, cited by the Trademark Examining Attorney as a bar to the registration of Applicant's mark.²

Inasmuch as good cause has been shown, the request is granted, action on the appeal is suspended, and the file is remanded to the Examining Attorney for her consideration of the above referenced agreement.

¹ Applicant has submitted a copy of the above referenced agreement as an exhibit to the instant request for remand.

² In the Final Office Action (October 2, 2014), registration was refused because there is a likelihood of confusion between Applicant's applied-for mark and the mark in U.S. Reg. Nos. "0372247, 19118218, 1963022, 1744715, 2221414, 2300899, 2993666 and 3510888."

In the event that registrability is found on the basis of the additional evidence, the appeal will be moot and the Board should be so informed. In the event refusal is maintained, a brief office action should be issued, excluding the usual language allowing Applicant six months to respond, the file should be returned to the Board, proceedings will be resumed, and Applicant will be allowed time in which to file its brief on appeal.