

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

EJS/dmd

Mailed: September 11, 2015

In re The Size Sintered Ceramics, S.L.

**Serial No. 79142068**

**Filed: 9/30/2013**

**Serial No. 86115889**

**Filed: 11/11/2013**

**Serial No. 86165219**

**Filed: 1/14/2014**

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

Applicant has filed three applications for trademarks including the term  
NEOLITH:

Serial No. 79142068 for NEOLITH, in Classes 12, 20 and 35

Serial No. 86115889 for NEOLITH LIVIN' TOP, in Classes 19 and 20.

Serial No. 86165219 for NEOLITH DIVERSO, in Classes 19 and 20.

All three applications have been refused registration on the ground of  
likelihood of confusion in view of Registration No. 4188814.

Because these appeals involve common questions of law and fact, we hereby consolidate the appeals.

We note that, although Applicant has filed briefs in all three appeals, the appeals are at somewhat different stages due to requests for remand that have been filed at different times. These requests also show some confusion on the part of Applicant, since some of the requests refer to Board orders that did not issue in the particular appeal. Therefore, to clarify the status of the remand requests, and to put all three appeals at the same stage, we issue this order, which supersedes prior orders relating to any request for remand or forwarding of the application to the Examining Attorney for preparation of her appeal brief.

It is noted that in each of Applicant's appeal briefs (which are identical), Applicant has stated that it amends its identification of goods in Class 19. If Applicant wishes to amend its identification, it must file a formal request for remand. The request for remand must be supported by a showing of good cause. The request must be accompanied by the "Amendment" that Applicant wishes to have the Examining Attorney consider. Such Amendment should list the present identification of goods and services, with any amendment to the goods and services in a red-lined version, and also list a "clean" copy of the proposed amended identification of goods and services.

Proceedings in the consolidated appeal are hereby suspended. Applicant is allowed **ten (10)** days from the mailing of this order to submit a proper request for remand. If Applicant fails to do so, the appeal will go forward with the

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current identification, that is, without the amendment proposed in its appeal briefs. The Board is aware that it had previously issued a similar order in Application Serial Nos. 79142068 and 86165219, and Applicant failed to follow the Board's instructions regarding a proper request for remand. The Board expects that, if Applicant decides to file a request for remand, it will comply exactly with the terms of this order.

Future papers, including requests for remand and briefs, should be captioned with all three serial numbers. All papers should be filed with the Board, either through regular mail or through the Board's ESTTA online filing system.