

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 25, 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's request for remand, filed September 21, 2015 is hereby granted. Proceedings in this consolidated appeal are suspended, and the applications are remanded to the Examining Attorney to consider Applicant's proposed amendment to the identification of goods and, in the case of Application Serial No. 79142068, the identification of goods and services. If the amendments are found acceptable and registrability is found on the basis of these amendments, the appeal will be moot. If the amendments are found acceptable but the refusal of registration is maintained, the Examining Attorney should issue an action (omitting the six-month-response clause) explaining why the amendments do not obviate the refusals. The Examining Attorney may submit evidence in support of her position, but any evidence and argument should be limited to why there is a

likelihood of confusion with respect to the marks for the amended identification of goods (and services). If the proposed amendments to the identification of goods (and services) are found to be unacceptable, in view of the stage of the appeal, the Examining Attorney should not treat the amendments as raising a new issue. Rather, the Examining Attorney should issue an Office action (omitting the six-months-response clause) denying the proposed amendment(s), and explaining why they are unacceptable, and return the applications to the Board for resumption of the consolidated appeal. However, if the Examining Attorney believes that any problems with the proposed amendments can be resolved, she is encouraged to contact Applicant in an attempt to do so.

At the point that the applications are returned to the Board for resumption of the appeal, the Board will issue an order setting the date for a consolidated appeal brief to be filed, in which case, the brief will supersede the appeal briefs Applicant filed prior to the consolidation of the appeals.