

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: September 16, 2015

In re KTM-Sportmotorcycle AG

Serial No. 79147141

Filed: 9/11/2013

**Tyrone Craven, Lead Paralegal Specialist:**

Applicant's appeal brief filed August 21, 2015 is noted. The Board notes that Applicant's appeal brief includes a voluntary amendment to the identification of goods in classes 6 and 7 along the lines suggested by the Examining Attorney.<sup>1</sup> Accordingly, the Board will construe Applicant's filing as a request for remand in order for the Examining Attorney to consider the proposed amendment. Since the proposed amendment is an attempt by applicant to resolve the issue on appeal, the request for remand is granted. Action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration of the proposed amendment.

If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendment is accepted but the refusal to

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<sup>1</sup> The Board notes that Applicant has also filed its voluntary amendment via TEAS on August 21, 2015.

register is maintained, the Examining Attorney should issue an Office Action so indicating, and return the file to the Board. The appeal will then be resumed and Applicant allowed time in which to file a supplemental 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 return the file to the Board for resumption of proceedings in the appeal. 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.