

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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EJS/kk

Mailed: June 22, 2016

In re *KTM-Sportmotorcycle AG*

Serial No. 79147426

Filed: 9/11/2013

By the Trademark Trial and Appeal Board:

It is noted that the Examining Attorney has issued a new final Office action on March 30, 2016, in which she found the consent submitted by Applicant not acceptable to overcome the refusal of registration. The Office action gives a detailed explanation, including evidence and citation to case law, as to why the consent agreement is not persuasive. In view thereof, and in view of the late stage of the appeal, we think it is unnecessary to allow Applicant or the Examining Attorney time to file supplemental appeal briefs. Instead, Applicant may, with its reply brief, provide its arguments supporting the persuasiveness of the consent agreement, and address the Examining Attorney's arguments and evidence regarding this document.

Exparte Appeal No. 79147426

Accordingly, proceedings herein are resumed and Applicant is allowed until July 12, 2016 in which to file its reply brief herein.