

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: June 18, 2013

In re Cynthia Badinger Kemp

Serial No. 85009475

Filed: 4/8/2010

GREGORY C. SMITH
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Denise M. DelGizzi,
Technical Program Manager:

In view of the decision by the Trademark Examining Attorney on May 31, 2013, the appeal is resumed; and applicant is allowed until sixty days from the mailing date hereof in which to file its brief herein.¹

It is noted that the refusal under 2(e)(1) was the subject of the first final refusal dated November 6, 2012, that applicant attempted to obviate the refusal by amending to the Supplemental Register, that the amendment to the

¹It should be noted that the Trademark Attorney inadvertently indicated that "A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT" and "APPLICANT MAY RESPOND BY FILING AN APPEAL TO THE TRADEMARK TRIAL AND APPEAL BOARD." These clauses are not applicable under the circumstances of this case.

Exparte Appeal No. 85009475

Supplemental Register was withdrawn and the basis for the application was changed back to Section 1(b), and therefore, with the last final Office action dated May 31, 2013, the issue before the Board is the issue that was the subject of the initial appeal.

A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.