

United States Patent and Trademark Office
Trademark Trial and Appeal Board
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TJQ

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In re Michelin North America, Inc.

Serial No. 85077031

Filed: 7/2/2010

FRED W HATHAWAY
DICKINSON WRIGHT PLLC
1875 EYE STREET, NW SUITE 1200
WASHINGTON, DC 20006

Denise M. DelGizzi,
Technical Program Manager:

This case comes up on applicant's April 7, 2014, request to remand the application to the Examining Attorney for the limited purpose of supplementing the record with copies of certain third-party registrations.

By its request, applicant seeks to introduce into the record copies of third-party registrations that, according to applicant, are copies of the third-party registrations which originally were submitted as electronic copies from the USPTO database, and which appeared as a numerical list, at pages 2-3 of applicant's request for reconsideration dated July 30, 2013, and pages 9-11 of applicant's appeal brief. However, applicant states that certain of the registration certificates were inadvertently omitted from the applicant's July

30, 2013 request for reconsideration.¹ To the extent that the copies of the registration certificates are essentially the same as the electronic copies of the registrations, and they also appear to have been considered by the Examining Attorney in his August 20, 2013 Office action, the copies of the third-party registrations are accepted and made of record herein.

With regard to the exhibits submitted with applicant's request for remand as Exhibit B, applicant seeks to supplement the record by submitting two additional third-party registrations, namely, Registrations 4480684, issued on September 3, 2013, and 4394887, issued on February 11, 2014 that were not available until after applicant's request for reconsideration was denied on August 20, 2014, and the appeal brief, which was filed on January 2, 2014. With regard to those two registrations, the Board will accept their introduction as evidence that was not previously available. However, with regard to the copies of Registration Nos. 1897907, 3834939, and 4015292, applicant is advised that the record in an application should be complete prior to filing an appeal, and that after an appeal is filed, making of record evidence that was previously available does not constitute good cause for remand an application.

The application file is forwarded to the examining attorney for preparation of his brief. In the brief, the examining attorney should consider the

¹ Exhibit A of applicant's April 7, 2014 request for remand comprises the copies of the registrations that were inadvertently omitted from the July 30, 2013 request for reconsideration.

additional two registrations as being of record, together with the other third-party registrations previously introduced.

Because of the delay occasioned by applicant's submission, the examining attorney is allowed until June 5, 2014 to file his appeal brief.