

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: January 30, 2016

In re *Aquavit Pharmaceuticals, Inc.*

Serial No. 86186487

Filed: 2/6/2014

STACY L TAYLOR  
DLA PIPER US LLP  
401 B STREET  
SUITE 1700  
SAN DIEGO, CA 92101

**Veronica P. White, Paralegal Specialist:**

Applicant's petition to revive having been granted by the Office of the Assistant Commissioner for Trademarks, the notice of appeal filed by Applicant is hereby instituted.

The Board notes that Applicant filed a request for reconsideration with accompanying proposed amendment together with its petition to revive. Since the proposed amendment may serve to avoid the refusal of registration, jurisdiction of the application is hereby restored to the Trademark Examining Attorney for consideration of the amendment. Action on the appeal is suspended and the electronic record of the application file is herewith remanded to the Examining Attorney.

If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot and proceedings on the appeal will terminate in due course. If the amendment is accepted but the refusal to register is ultimately maintained, the Examining Attorney should issue an Office Action so indicating, and notify the Board. The appeal will then be resumed and Applicant allowed time in which to file its appeal 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 notify the Board for resumption of proceedings in the appeal.<sup>1</sup>

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.

---

<sup>1</sup> If the Examining Attorney believes that the proposed amendment is unacceptable because it exceeds the scope of the original identification, or the identification as it has subsequently been amended, then the Examining Attorney may not issue a final refusal unless Applicant was previously advised that amendments broadening the identification are prohibited under Trademark Rule 2.71(a).