

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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General Contact Number: 571-272-8500

Mailed: November 4, 2015

In re Gulf Coast Pharmacy, Inc.

Serial No. 86506204

Filed: 1/16/2015

Denise M. DelGizzi,
Chief Clerk of the Board:

Applicant's request for remand, filed September 27, 2015, is noted. Applicant states that it seeks remand in order to submit evidence to rebut the Examining Attorney's arguments with respect to third-party registrations.

A request for remand must include a showing of good cause therefor. Further, the length of the delay in making the request after the reason for the remand becomes known, or the point in the appeal process at which the request for remand is made, is considered in the determination of whether good cause exists. Generally, the later in the appeal proceeding that the request for remand is filed, the stronger the reason that must be given for good cause to be found.

TBMP Section 1207.02.

Applicant has submitted its request after the Examining Attorney submitted her brief, i.e., very late in the appeal, so the reason provided must be a strong Applicant has not given any reason why it could not have previously submitted the evidence it wishes to have considered on remand. The third-party evidence was submitted by the Examining Attorney on April 28, 2015, as part of the *first* Office Action. Moreover, as far as we can tell from the dates shown on some of the evidence, it was created prior to Applicant's filing its notice of appeal; certainly Applicant has not shown that it was not previously available.

Accordingly, Applicant's request for remand is denied. Applicant is allowed **fifteen days** from the mailing date of this order to file a reply brief, if it wishes.

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