

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 11, 2016

Opposition No. 86513069

In re: Harvey Carden

**Joi M Wilson, Paralegal Specialist:**

Applicant's motion for remand application filed December 28, 2015 is noted.

Applicant requests remand of the application to the Examining Attorney to consider the request for reconsideration filed after the filing of the notice of appeal.

The Board will construe the request for reconsideration as a request for remand; accordingly, the request for remand is granted. Action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney for consideration.

If registrability is found on the basis of the request for reconsideration, the appeal will be moot. In the event the refusal of registration is maintained, and assuming that the request for reconsideration does not raise a new issue, the application will be returned to the Board, proceedings in the appeal will be resumed, and Applicant will be allowed time in which to file an appeal brief. The

appeal will then be resumed and Applicant allowed time in which to file its appeal brief.

If the request for reconsideration raises a new issue, the examining attorney may not issue a final refusal until the Applicant has been given an opportunity to respond. Upon issuance of a final refusal, proceedings in the appeal will be resumed, and Applicant will be allowed time in which to file an appeal brief.