

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

dmd

Mailed: October 24, 2016

In re ArmadaCorp Capital, LLC

Serial No. 86802355

Filed: 10/28/2015

By the Trademark Trial and Appeal Board:

It has come to the Board's attention that the notice of appeal filed August 3, 2016 was premature, and that the appeal should not have been instituted. Trademark Rule 2.141 provides that an Applicant may, upon final refusal by the Trademark Examining Attorney, appeal to the Board, and that a second refusal on the same grounds may be considered as final for purposes of appeal. However, the June 23, 2016 Office action, from which Applicant filed its notice of appeal, raised for the first time an issue regarding the recitation of services. Therefore, the application was not ripe for appeal.¹

¹ If, in response to a final Office action, the applicant files a request for reconsideration that raises a new issue, and does not timely file a notice of appeal, then applicant may not then file an appeal until a final Office action issues with respect to the new issue. *See* § TBMP 1201.03

In view thereof, the appeal cannot go forward at this time, and the Board's August 3, 2016 order instituting the appeal is vacated.² The application is hereby forwarded to the Examining Attorney for appropriate action. The Examining Attorney may wish to treat Applicant's request for reconsideration, filed August 3, 2016, as a response to the June 23, 2016 Office action.

² The matter will be referred to the Finance Division of the Office for consideration of a refund of the fee.