

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Mailed: January 7, 2004

In re Hyatt, Lenworth
Alexander

Serial No. 76386380

Filed: 03/22/2002

LENWORTH ALEXANDER HYATT
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Vionette Baez, Paralegal

On November 4, 2003, the Board forwarded this application to the Examining Attorney for her brief. The Examining Attorney noted that applicant is requesting to amend the recitation of goods and to disclaim the word "BEAUTIQUE" apart from the mark on its appeal brief filed October 22, 2003.

Accordingly, action on the appeal is suspended and the file is remanded to the Examining Attorney to consider the amendment.

If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendment is accepted but the refusal to

register is maintained, the Examining Attorney should issue an Office Action so indicating, amend the Office computer database to reflect entry of the amendment, and return the file to the Board. The appeal will then be resumed and applicant allowed time in which to file a supplemental appeal brief, if it so desires. 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 return the file to the Board for resumption of proceedings in the appeal.¹ 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.

¹ 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). See Examination Guide No. 4-00.