

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 26, 2011

In re Technicolor Trademark
Management

Serial No. 77899203

Filed: 12/22/2009

MARY MARGARET L O'DONNELL
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Clara Vela, Paralegal Specialist:

Applicant filed, on May 18, 2011 (with a certificate of mailing dated May 13, 2011), a notice of appeal and a copy of a response (that includes amendments) that was filed with the Trademarks on May 12, 2011.

The basis of the final refusal, issued on November 13, 2010, is the unacceptability of the identification of goods, and the amendment is an attempt by applicant to submit an acceptable identification. Accordingly, the appeal is hereby instituted but action on it is suspended and the application is remanded to the Trademark Examining Attorney for consideration of the amendment. If the amendment is accepted, the appeal will be moot and proceedings on the

appeal will terminate in due course. If the amendment is found unacceptable, the Examining Attorney should issue an Office Action indicating the reasons why the proposed amendment is unacceptable and notify the Board, which will then allow applicant time to file its appeal brief.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).