

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

Mailed: September 8, 2004

In re Johnson Outdoors Inc.

Serial No. 78211183

Filed: 02/05/2003

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**Vionette Baez, Paralegal:**

Applicant's notice of appeal and a response, which includes an amendment to allege use filed August 26, 2004 are noted.

The appeal is instituted but action on it is suspended and the file is herewith remanded to the Trademark Examining Attorney for examination of the amendment to allege use. After the Examining Attorney's issuance of either an acceptance and/or ultimate denial<sup>1</sup> of the amendment, the file should be returned to the Board, the appeal will be resumed and the Board will take appropriate action.

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<sup>1</sup> In this connection, the amendment to allege use should be treated as a new issue, such that any refusal to allow registration cannot be made final until applicant has been given an opportunity to respond.

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

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