

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

Mailed: August 22, 2007

In re Elekta AB (publ)

Serial No. 79019918

Filed: 12/1/05

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**Janice D. Hyman, Paralegal Specialist:**

Applicant filed, on August 10, 2007, a notice of appeal and a request for reconsideration, which included an amendment.<sup>1</sup>

The basis of the final refusal, issued on February 10, 2007, 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.<sup>2</sup> 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.

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<sup>1</sup> Applicant's request to suspend and remand is noted.

<sup>2</sup> 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).