

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: December 5, 2017

In re Leica Microsystems IR GmbH

Serial No. 79148490

Filed: 3/21/2014

Veronica P. White, Paralegal Specialist:

Applicant's request for suspension and remand, which includes an amendment, filed November 28, 2017 is noted.

Applicant seeks remand in order for the Trademark Examining Attorney to consider the proposed amendment. Good cause having been shown, the request for remand is granted, action on the appeal is suspended, and the electronic record of the application is herewith remanded to the Trademark Examining Attorney for consideration.

If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot and proceedings on the appeal will terminate in due course. If the amendment is accepted but the refusal to register is ultimately maintained, the Examining Attorney should issue an Office Action so

indicating, and notify the Board. The appeal will then be resumed and Applicant allowed time in which to file its appeal brief. 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 notify 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).