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Filing date: **05/19/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85779347
Applicant	Johnson Outdoors Inc.
Applied for Mark	JOHNSON OUTDOORS
Correspondence Address	ANDREW J HEINISCH REINHART BOERNER VAN DEUREN PC 2215 PERRYGREEN WAY ROCKFORD, IL 61107-6811 UNITED STATES rockmail@reinhartlaw.com
Submission	Applicants Request for Remand and Amendment
Attachments	Johnson Outdoors Motion to Remand.pdf(20572 bytes)
Filer's Name	Daniel E. Kattman
Filer's e-mail	tmadmin@reinhartlaw.com
Signature	/dek/
Date	05/19/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re:)
)
Serial No.: 85779347)
)
Applicant: Johnson Outdoors Inc.)
)
Filing Date: November 14, 2012)
)
Mark: JOHNSON OUTDOORS)
)
)

**BRIEF IN SUPPORT OF MOTION TO REMAND AND REQUEST FOR SUSPENSION;
ALTERNATIVE MOTION TO EXTEND APPLICANT'S TIME TO FILE ITS APPEAL
BRIEF AND STRIKE EVIDENCE CONTAINED IN THE EXAMINING ATTORNEY'S
FINAL OFFICE ACTION**

In support of Applicant's Motion, Applicant submits the following facts and arguments:

On June 2, 2014, the Examining Attorney issued a Non-Final Office Action. The June 2, 2014 Office Action states that Applicant had raised new issues with respect to acceptable descriptions of goods and services for International Classes 8, 14 and 25. The Office Action does not indicate that the Examining Attorney's Section 2(d) objections are made final.

Applicant then submitted a response to the June 2, 2014 Office Action on December 2, 2014.

In response to the Applicant's December 2, 2014 response, the Examining Attorney issued a Final Office Action on January 5, 2015.

This Final Office Action indicated that the only remaining issues were as follows:

"For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No(s). 0233698, 0519909, 1277753, 0966416, 3945988, and 3459897."

and

"The requirement for an acceptable identification is now made FINAL for the reasons set forth below."

Along with the Examining Attorney's Final Office Action dated January 5, 2015, the Examining Attorney included NEW evidence and NEW arguments not previously provided in the Examining Attorney's previous Office Actions that pertain to the Examining Attorney's Section 2(d) refusal.

Notwithstanding Applicant's six (6) month deadline to file a response to the Examining Attorney's Final Office Action of January, 5, 2015, on March 20, 2015, the TTAB issued a letter indicating that the appeal is resumed.

Applicant believes that the TTAB's decision to resume the Ex-Parte Appeal is in error because the Examining Attorney has not submitted a denial of Applicant's Request for Reconsideration; and Applicant is entitled to respond to the new arguments and new evidence contained in the Examining Attorney's Final Office Action dated January 5, 2015.

Additionally, Applicant is entitled to respond to the Examining Attorney's final refusal with respect to Applicant's description of goods and services, which were amended in Applicant's December 2, 2014 response.

As further support, Applicant will be prejudiced if it is not able to file a response to the January 5, 2015 Final Office Action because Applicant cannot submit evidence during the Ex-Parte Appeal in response to the Examining Attorney's new arguments and evidence contained in the January 5, 2015 Final Office Action. Additionally, Applicant should be allowed to amend its description of goods and services in response to a final office action, which were only made final in the Examining Attorney's January 5, 2015 Final Office Action.

Therefore, Applicant requests that the Board remand this case back to the Examining Attorney and allow Applicant to file a response to the January 5, 2015 Final Office Action.

Alternatively, if the Board determines that Applicant is not entitled to response to the January 5, 2015 Final Office Action, the Board must strike any evidence and arguments contained in the Examining Attorney's January 5, 2015 Final Office Action because Applicant will not be entitled to refute or provide its own evidence during the Ex-Parte Appeal in response to the Examining Attorney's new arguments and new evidence contained in the January 5, 2015 Final Office Action.

Respectfully submitted,

Date: May 19, 2015

By: /dek/
Daniel E. Kattman
Attorney for Applicant
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1900
Milwaukee, WI 53202
(414) 298-8185