

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

VV

Mailed: February 6, 2015

In Re 5k Car Store, Inc.

Serial No. 86054033

Filed: 9/3/2013

DEBORAH A PEACOCK
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Eric McWilliams, Supervisory Paralegal:

It has come to the Board's attention that on January 7, 2015, applicant filed a notice of appeal using the Board's electronic filing system, but did not indicate at that time that it had also filed a request for reconsideration. However, a review of the application record reveals that applicant filed a request for reconsideration of its application on December 24, 2014.

It is the policy of the Board to suspend an appeal as a matter of course when a request for reconsideration is filed. Accordingly, the appeal is hereby 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).