

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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dmd

Mailed: September 7, 2016

In re No Show Productions, LLC

Serial No. 86629630

Filed: 5/14/2015

By the Trademark Trial and Appeal Board:

This appeal has been briefed and is ready for decision. However, it is noted that at the end of Applicant's brief, shortly before the conclusion, Applicant states that if the Board is not persuaded that the mark is not entitled to registration on the Principal Register, "Applicant will accept registration on the Supplemental Register." Applicant is advised that the Board does not examine applications, but only reviews decisions made by the Examining Attorney. Further, once the Board issues a decision on appeal, the application may be reopened only for the entry of a disclaimer or upon order of the Director. See Trademark Rule 2.142(g).

The Examining Attorney also noted Applicant's conditional request for registration on the Supplemental Register, and in his brief he stated that should Applicant file a request to amend the application, he agrees that the mark should be allowed on the Supplemental Register.

In view thereof, and in order to handle this situation most expeditiously, Applicant is allowed **ten days** in which to file a request for remand, accompanied by an amendment of the application *in the alternative* to the Supplemental Register. If the Examining Attorney approves the alternative amendment, and should the Board affirm the refusal of registration on the Principal Register, the application will be approved for registration on the Supplemental Register without the need for Applicant to file a petition to the Director to reopen the application. If Applicant chooses not to file the alternative amendment within the ten days, the Board will decide the appeal solely on the issue raised by the refusal of registration on the Principal Register.