

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

DelGizzi

Mailed: February 14, 2019

*In re WGVS USA, LLC*

Serial No. 87205484

Filed: 10/17/2016

WILLIAM H QUIRK  
ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP  
755 E MULBERRY SUITE 200,  
SAN ANTONIO, TX 78212

**By the Trademark Trial and Appeal Board:**

It has come to the Board's attention that the Trademark Examining Attorney issued an Office Action on January 30, 2019, while the appeal was suspended pending Applicant's petition to the Director.<sup>1</sup>

In her January 30, 2019 Office Action, the Examining Attorney partially accepted Applicant's Amendment to Allege Use, maintained and continued the Section 2(e)(1) refusal, and allowed Applicant six-months to respond. On February 4, 2019, Applicant filed a response. Because the response may obviate the refusal to register Applicant's mark, jurisdiction is restored to the Examining Attorney for the sole purpose of considering Applicant's response.

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<sup>1</sup> Inasmuch as the Board had jurisdiction over the application during the suspension period, the better practice would have been for the Examining Attorney to request jurisdiction in order to issue her January 30, 2019 Office Action.

In the event that registrability is found on the basis of Applicant's response, the appeal will be moot and proceedings will be terminated accordingly. In the event that the refusal of registration is maintained, the Board shall be so informed, proceedings will be resumed and further appropriate action will be taken.