

dmd

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: March 8, 2018

In re ADCO Industries - Technologies, L.P.

Serial No. 87545533

Filed: 7/27/2017

By the Trademark Trial and Appeal Board:

On March 8, 2018, the Examining Attorney requested that the subject application be remanded to her for further examination. Specifically, remand is sought in order to address an issue not involved in the appeal that may render the subject mark unregistrable, and to issue a new non-final Office action with a new ground for refusal under Trademark Act Section 2(a). *See* Trademark Rule 2.142(f)(6), TBMP §1209.02.

Trademark Rule 2.142(f)(6) provides, in pertinent part:

If, during an appeal from a refusal of registration, it appears to the examiner that an issue not involved in the appeal may render the mark of the appellant unregistrable, the examiner may, by written request, ask the Board to suspend the appeal and to remand the application to the examiner for further examination.

TBMP 1209.02 provides, in pertinent part:

“Because the mandate of the USPTO is to register only eligible marks, an examining attorney’s request for remand will generally be granted unless there is no valid basis for the request...”

In view thereof, the Examining Attorney's request for remand is granted, proceedings on the appeal are suspended, and the application is remanded to the Examining Attorney for further appropriate examination. In the event that a new final Office action ultimately issues, the final Office action should also restate the final refusal. The new final Office action should omit the six-month response clause, and the application should be returned to the Board for resumption of the appeal. *See* Trademark Rule 2.142(f)(3). At that point, the Board will resume proceedings on the appeal and allow Applicant time to file a supplemental brief.