

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: June 17, 2021

In re SP Plus Corporation

Serial No. 87906630

Filed: 5/3/2018

By the Trademark Trial and Appeal Board:

SP Plus Corporation (Applicant) filed application Serial No. 87906630 seeking registration on the Principal Register of the mark PARKING.COM (in standard characters) for the following services in International Class 39: “Website providing information regarding parking availability.”

The Trademark Examining Attorney has refused registration of Applicant’s mark on the ground that the mark is generic under Section 2(e)(1) of the Trademark Act, 15 U.S.C § 1052(e)(1). The refusal of registration has been appealed, and the appeal has been fully briefed.

In Applicant’s appeal brief, Applicant argues in the alternative that its mark has acquired distinctiveness under Section 2(f), 15 U.S.C. § 1052(f). Proposed amendments embedded in appeal briefs are discouraged. *In re Ox Paperboard, LLC*, 2020 USPQ2d 10878, at *1 (TTAB 2020). *See also* TBMP § 1205.01(b)(2) (2021) (“Preferred Practices for Amending an Application during Appeal”). Nonetheless, the Board has the discretion to construe such proposed amendments

as a request for remand. Upon review, the Board finds good cause for remanding the application to the Trademark Examining Attorney to consider Applicant's amendment in the alternative that Applicant's mark has acquired distinctiveness.

Proceedings in the appeal are suspended. The application is remanded to the Trademark Examining Attorney pursuant to Trademark Rule 2.142(f), 37 C.F.R. § 2.142(f), for further examination. *See* TBMP § 1209.01 (2021). Once further examination is completed, the Trademark Examining Attorney should then return the application file to the Board for resumption of the appeal.