

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
General Email: TTABInfo@uspto.gov

March 23, 2022

In re Marvel Characters, Inc.

Ex Parte Appeal No. 90370502

Appeal received: **March 21, 2022**

Brief due: **N/A**

Ellen Yowell, Lead Paralegal Specialist:

Appellant filed a notice of appeal, with the required fee, on the date indicated above. The appeal was filed under the provisions of Trademark Rule 2.141(a) from a final refusal in the above-identified application and is hereby instituted.

Appellant also filed a request for reconsideration which is still pending before the Trademark Examining Attorney. In view thereof, the appeal is suspended and the application is remanded to the Examining Attorney to consider the request for reconsideration.

If registrability is found on the basis of the request for reconsideration, the appeal will be moot. In the event the refusal of registration is maintained, and assuming that the request for reconsideration does not raise a new issue, the application will be returned to the Board and proceedings in the appeal will be resumed. If the request for reconsideration raises a new issue, the Examining Attorney may not issue a final

refusal until the Appellant has been given an opportunity to respond. Upon issuance of a final refusal, proceedings in the appeal will be resumed.

Appeal Briefs

Upon resumption of the appeal, Appellant will be allowed time to file an appeal brief. Failure to file the brief may result in dismissal of the appeal. Trademark Rules 2.142(b)(1) and 2.6(a)(18).

The Trademark Rules of Practice provide that the Examining Attorney shall file a written brief answering Appellant's brief and shall send a copy of the brief to Appellant within sixty days after Appellant's brief is sent to the Examining Attorney. Appellant may file a reply brief within twenty days from the mailing date of the Examining Attorney's brief. If an oral hearing is desired, Appellant must file a separate request accompanied by the required fee not later than ten days after the due date for Appellant's reply brief. Trademark Rules 2.142, 2.6(a)(18) and 2.6(a)(24).

Briefs must meet each of the requirements prescribed in Trademark Rule 2.126, which states that submissions must be made to the Board via ESTTA. *See* Trademark Rule 2.142(b)(2). ESTTA forms for electronic filings are available at <https://estta.uspto.gov>. Board proceeding files can be viewed using TTABVUE at <https://ttabvue.uspto.gov>.