

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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November 2, 2023

In re Berkley Insurance Company

Ex Parte Appeal No. 90596283

Nicole Thier, Paralegal Specialist:

On November 1, 2023, Appellant filed a request for remand due to the status of the cited registration.

Registration No. 5187418, which forms the basis for refusal under Section 2(d) of the Trademark Act, was registered on April 18, 2017. An affidavit of continued use (or excusable nonuse) under Trademark Act Sections 8 or 71, 15 U.S.C. § 1058 or 15 U.S.C. § 1141k,¹ or for an application for renewal under Trademark Act Sections 9 or 70, 15 U.S.C. § 1059 or 15 U.S.C. § 1141j² due by April 18, 2023, or may be filed within the six-month grace period that ends October 23, 2023. Office records do not reflect

¹ A Trademark Act Section 66(a), 15 U.S.C. § 1141f(a), registration is subject to the Trademark Act Section 71 requirements for affidavits of continued use (or excusable nonuse). A Trademark Act Section 71 affidavit is filed with the USPTO.

² A renewal under Trademark Act Section 70, 15 U.S.C. § 1141j refers to a renewal of the international registration underlying a Trademark Act Section 66(a), 15 U.S.C. § 1141f(a) registration. A Trademark Act Section 66(a) registration will be cancelled under Trademark Act Section 70 for failure to renew the international registration on which it is based. Renewals of international registrations are filed directly with the International Bureau, not the USPTO. If the underlying international registration is not renewed, the International Bureau will notify the USPTO that the international registration has expired. The corresponding extension of protection to the United States will expire as of the expiration date of the international registration and the Trademark Act Section 66(a) registration will be cancelled by the USPTO. *See* Trademark Act Section 70, 15 U.S.C. § 1141j.

the filing of such as yet. If the maintenance documents are not filed within the six-month grace period following the due date, the cited registration will be cancelled by the Office after the close of the grace period.

In view thereof, proceedings are herein suspended pending the cancellation of the cited registration, upon which the application will be forwarded to the Trademark Examining Attorney for action. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1213.

If it comes to Appellant's attention either that the cited registration has been renewed or that it has been cancelled, Appellant should notify the Board.