

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

January 25, 2024

In re Gabriel Sezanayev

Ex Parte Appeal No. 90641384

**Denise M. DelGizzi,
Chief Clerk of the Board:**

On December 5, 2023, the Board forwarded Appellant's appeal brief to the Trademark Examining Attorney for his brief. 7 TTABVUE. It has come to the Board's attention that embedded in the appeal brief, Appellant requested that it be allowed to transfer the application to the Supplemental Register.¹ In exercising its discretion, the Board construes the request as an embedded request for remand for consideration of an amendment to the Supplemental Register. See *In re Ox Paperboard, LLC*, 2020 USPQ2d 10878, at *1 (TTAB 2020).

At this time, the Board cannot remand the application to the Examining Attorney until Appellant files through TEAS, the Trademark Examining Operations online filing system, an amendment to allege use for the Examining Attorney's consideration.

¹ The better practice is to file a separately captioned written request for remand, prior to filing an appeal brief.

In view of the foregoing proceedings are suspended and Appellant is allowed until **TWENTY DAYS** from the date of this order to file an amendment to allege use concurrently with a separately captioned written request for remand with the Board seeking registration on the Supplemental Register, and noting whether the amendment to the Supplemental Registration is in the alternative or not, failing which Appellant's request for remand will be denied, proceedings will be resumed, and the application will be forwarded to the Examining Attorney for a brief.