UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
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July 11, 2024

In re Waldrop, Joshua James

Ex Parte Appeal No. 97691670

Appeal received: **June 1, 2024**

Brief due: **N/A**

Kelly Young, 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 above-identified application. The petition to revive the above-identified application having been granted by the Office of the Assistant Commissioner for Trademarks, the appeal is hereby instituted.

Appellant's petition to revive includes a request for reconsideration. In view thereof, the appeal is suspended and the application is remanded to the Trademark Examining Attorney to consider Appellant's 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, proceedings in the appeal will be resumed, and Appellant will be allowed time in which to file an appeal brief. 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, and Appellant will be allowed time in which to file an appeal brief.[1]

Appeal Briefs

Upon resumption of the appeal, Appellant will be allowed time to file an appeal brief, with the required fee. Failure to file the brief with the required fee 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.

[1] If filed, Appellant's appeal brief must be accompanied by the required fee. See Trademark Rule 2.6(a)(18).