

Response to Suspension Inquiry or Letter of Suspension

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77921829
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/77921829/large
CIVIL ACTION PROCEEDING(S)	
Civil Action No(s). 11-cv-01846-LHK is/are still pending. The applicant hereby requests that the application be re-suspended.	
COMMENT(S)/REMARK(S)	
<p>In response to the examining attorney's February 23, 2015 suspension inquiry, Applicant Apple Inc. respectfully requests that the application remain suspended. Action was initially stayed pending the resolution of Apple Inc. v. Samsung Electronics Co., Ltd., et al., Case No. 11-cv-01846-LHK (N.D. Cal.), which involves issues related to the protectability of the trade dress of Apple's iPad product. On March 6, 2014, the district court issued a final judgment in that action, from which both parties appealed to the Federal Circuit under docket numbers 2014-1335 and 2014-1368. On May 18, 2015, the Federal Circuit issued decisions modifying the district court verdict and remanding the case for further proceedings. On June 17, 2015, Samsung petitioned the Federal Circuit for rehearing en banc in appeal docket number 2014-1335, but the petition was denied on August 13, 2015. On August 19, 2015, Samsung moved the Federal Circuit for a stay of proceedings for the purpose of petitioning the Supreme Court of the United States for a writ of certiorari. As of the date of this filing, the Federal Circuit has not yet issued a decision on Samsung's motion. Accordingly, pursuant to TMEP Sec. 716.02(d), Applicant respectfully requests that this application remain suspended until proceedings have been fully and finally resolved.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Thomas R. La Perle/
SIGNATORY'S NAME	Thomas R. La Perle
SIGNATORY'S POSITION	Attorney of record, California bar member
DATE SIGNED	08/21/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Aug 21 16:52:04 EDT 2015
TEAS STAMP	USPTO/RSI-XXX.XXX.XXX.XXX -20150821165204474114-779 21829-54031205a5e1eeabe3e 8af571d3b094ac406bb915f4a 277c0c76d2fe2bd88cb6574-N /A-N/A-201508211639392289 58

Response to Suspension Inquiry or Letter of Suspension



To the Commissioner for Trademarks:

Application serial no. **77921829** (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/77921829/large>) has been amended as follows:

CIVIL ACTION PROCEEDING(S)

Civil Action No(s). 11-cv-01846-LHK is/are still pending. The applicant hereby requests that the application be re-suspended.

Comment(s)/Remark(s):

In response to the examining attorney's February 23, 2015 suspension inquiry, Applicant Apple Inc. respectfully requests that the application remain suspended. Action was initially stayed pending the resolution of Apple Inc. v. Samsung Electronics Co., Ltd., et al., Case No. 11-cv-01846-LHK (N.D. Cal.), which involves issues related to the protectability of the trade dress of Apple's iPad product. On March 6, 2014, the district court issued a final judgment in that action, from which both parties appealed to the Federal Circuit under docket numbers 2014-1335 and 2014-1368. On May 18, 2015, the Federal Circuit issued decisions modifying the district court verdict and remanding the case for further proceedings. On June 17, 2015, Samsung petitioned the Federal Circuit for rehearing en banc in appeal docket number 2014-1335, but the petition was denied on August 13, 2015. On August 19, 2015, Samsung moved the Federal Circuit for a stay of proceedings for the purpose of petitioning the Supreme Court of the United States for a writ of certiorari. As of the date of this filing, the Federal Circuit has not yet issued a decision on Samsung's motion. Accordingly, pursuant to TMEP Sec. 716.02(d), Applicant respectfully requests that this application remain suspended until proceedings have been fully and finally resolved.

Response Suspension Inquiry Signature

Signature: /Thomas R. La Perle/ Date: 08/21/2015

Signatory's Name: Thomas R. La Perle

Signatory's Position: Attorney of record, California bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77921829

Internet Transmission Date: Fri Aug 21 16:52:04 EDT 2015

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