

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Johnson

Mailed: September 27, 2002

In re CERVECERIA AGUILA, S.A.

Serial No. 74171315

Filed: 05/29/1991

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LaToya C. Johnson, Paralegal:

Proceedings on the appeal were suspended pending the final determination of Cancellation No. 23,652. Office records reveal that the cancellation was dismissed without prejudice on May 30, 2002.

Consequently, on April 24, 2002, applicant filed a request to lift the suspension and remand the application to the Trademark Examining Attorney to consider a settlement agreement between applicant and the owner of Registration No. 1,746,548.¹

¹ This registration was cited by the Trademark Examining Attorney as a Section 2(d) bar to the registration of applicant's mark. This

Serial No. 74/171,315

Accordingly, in view of the circumstances set forth herein, proceedings on the appeal remain suspended and the file is remanded to the Trademark Examining Attorney for consideration of the settlement agreement.

In the event registrability is found on the basis of this paper, the appeal will be moot. In the event the refusal of registration is maintained, the file should be returned to the Trademark Trial and Appeal Board, proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.

registration was also the subject of applicant's petition to cancel. The Board's delay in acting on this matter is regretted.