

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

Baez

Mailed: January 7, 2004

In re APPLE COMPUTER, INC.

Serial No. 75865080

Filed: 12/16/1999

THOMAS R. LA PERLE
Intellectual Property Counsel
Apple Computer, Inc.
1 INFINITE LOOP, MS: 3 TM
CUPERTINO, CA 95014

Vionette M. Baez, Paralegal

Applicant's request for reconsideration and an amended amendment to allege use filed November 19, 2003 are noted.

The appeal is suspended and the file is herewith remanded to the Trademark Examining Attorney for examination of the amended amendment to allege use and a request for reconsideration. After the Examining Attorney's issuance of either an acceptance and/or ultimate denial¹ of the amendment, the file should be returned to the Board, the

¹ In this connection, the amendment to allege use should be treated as a new issue, such that any refusal to allow registration cannot be made final until applicant has been given an opportunity to respond.

appeal will be resumed and the Board will take appropriate action.

A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.
