

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

In re Application
Serial No.: 76088622
Filed : 07/13/2000
Applicant : Extol, Inc.
Mark : INFRASTAKE

NOTICE OF UNTIMELY FILING

A statement of use, under Section 1(d) of the Trademark Act, is premature if it is filed in an intent-to-use application prior to the issuance of a notice of allowance under Section 13(b)(2) of the Trademark Act. A premature statement of use will be returned to the applicant. See: Trademark Rule 2.88(a).

Applicant's statement of use was filed on December 2, 2002. A notice of allowance has not yet been issued in applicant's application.¹

The statement of use filed by applicant will be returned after action has been taken to refund to applicant the fee submitted with the statement of use.

Jamila Wong, Legal Assistant

¹ The statement of use cannot be entertained because the Notice of Allowance which issued on this case issued in error and was thereafter cancelled.