

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

Mailed: October 21, 2002

In re Maguire, Paul

Serial No. **76099391**

Filed: 07/28/2000

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***Rochelle Ricks, Paralegal Specialist:***

Applicant's notice of appeal filed September 24, 2002  
(with a certificate of mailing dated September 20, 2002)  
along with amendment to allege use is noted.

The appeal is suspended and the file is herewith  
**remanded** to the Trademark Examining Attorney for examination  
of the amendment to allege use. After the Examining  
Attorney's issuance of either an acceptance and/or ultimate  
denial<sup>1</sup> of the amendment, the file should be returned to the  
Board, the 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.

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<sup>1</sup> 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.