

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

Johnson

Mailed: April 1, 2003

In re Old World  
Industries, Inc.

Serial No. 76256523

Filed: 05/14/2001

SANJIV SARWATE  
PATTISHALL, MCAULIFFE, NEWBURY,  
HILLIARD AND GERALDSON  
WACKER 311 S WACKER DR STE 5000  
CHICAGO, IL 60606-6631

***LaToya C. Johnson, Paralegal:***

Applicant's request for remand, amendment to allege use and amendment to the Supplemental Register (filed January 21, 2003) are noted.

Because Registration No. 722,709 was cancelled on July 20, 2002 and the refusal pursuant to Section 2(e)(1) is the only remaining issue on appeal in which the amendment to the Supplemental Register may avoid the refusal of registration, the application is remanded to the Trademark Examining Attorney for consideration of the amendment to the Supplemental Register and the amendment to allege use. Accordingly, action on the appeal is suspended.

The Examining Attorney should continue examination until final resolution of all new issues arising in the examination of applicant's amendment to allege use and amendment to the Supplemental Register.

If the Trademark Examining Attorney allows this application, the Board should be so notified.

If any issues are made the subject of a final action,<sup>1</sup> the Trademark Examining Attorney should return this application to the Board for appropriate action in this appeal.

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<sup>1</sup>In this connection, the amendment to the Supplemental Register should be treated as raising a new issue, such that any refusal to accept registration on the Supplemental Register cannot be made final until applicant has been given an opportunity to respond.