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

RFC/Johnson

Mailed: April 1, 2003

In re DAVE SMITH CHEVROLET
OLDSMOBILE PONTIAC
CADILLAC, INC.

Serial No. 76288519

Filed: 07/19/2001

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LaToya C. Johnson, Paralegal:

Applicant's supplemental request for reconsideration (filed January 3, 2003) is noted.

Applicant's attention is directed to Trademark Rule 2.142(d) which provides, in part, that:

> The record in the application should be complete prior to the filing of an appeal. The Trademark Trial and Appeal Board will ordinarily not consider additional evidence filed with the Board by the appellant or by the examiner after the appeal is filed…

Inasmuch as it appears that the supplemental specimens provided with applicants supplemental request for reconsideration was available prior to the filing of its

notice of appeal and applicant did not provide an acceptable showing of good cause as to why this evidence was not previously filed, applicant’s supplemental request for reconsideration is hereby denied as untimely. *See Trademark Rule 2.142(d) and TBMP §1207.*

Accordingly, in view of the decision by the Trademark Examining Attorney on January 30, 2003, the appeal is resumed; and applicant is allowed until sixty days from the date hereof in which to file its brief herein. A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.