

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

Mailed: May 10, 2004

In re SmartGate L.C.

Serial No. 76321534

Filed: 10/04/2001

THOMAS E. ANDERSON  
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**Denise M. DelGizzi, Paralegal Specialist**

In view of the decision by the Trademark Examining Attorney on October 2, 2003, the appeal is resumed; and applicant is allowed until **sixty days** from the date hereof in which to file its brief herein.<sup>1</sup>

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.

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<sup>1</sup>It should be noted that the Trademark Attorney inadvertently indicated that "A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT." This clause is not applicable under the circumstances of this case.