

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

Mailed: **September 10, 2004**

In re SmartGate L.C.

Serial No. 76321534

Filed: 10/04/2001

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Applicant appealed from the decision of the Trademark Examining Attorney refusing registration, but did not file a brief within the time set therefor in the Office action of May 10, 2004. The appeal in the above-entitled application is therefore dismissed. See: Trademark Rule 2.142(b).

***By the Trademark Trial
and Appeal Board***