

**United States Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: October 19, 2009

In re James Kovach

Serial No. **77351685**

Filed: 12/13/07

BRETTON L. CROCKETT  
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***Rochelle Ricks, Paralegal Specialist:***

In view of the Assistant Commissioner's Office decision having granted applicant's petition to revive on October 8, 2009 is noted. Applicant's appeal and response filed on October 8, 2009 are also noted.

The response requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the electronic record of the application file is herewith remanded to the Examining Attorney.

In the event registrability is found on the basis of this paper, the appeal will be moot and proceedings will be terminated accordingly. In the event the refusal of registration is maintained, the Board shall be so informed, proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.