

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

Mailed: June 1, 2012

In re DRHORSEPOWER, INC.

Serial No. 77505597

Filed: 6/23/2008

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**Denise M. DelGizzi,**  
**Technical Program Manager:**

On December 12, 2011, the Board resumed proceeding in the appeal and set the due date for applicant to file its brief. Having received no response, on February 27, 2012, the Board dismissed the appeal for applicant's failure to file a brief and terminated the appeal. It has come to the Board's attention that on February 9, 2012, applicant filed a "Request for Reconsideration after Final Action" via TEAS; the Examining Operation's online filing system.<sup>1</sup>

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<sup>1</sup> Insofar as this application was subject to the Board's jurisdiction at the time applicant filed its February 9, 2012 document via TEAS, applicant should have filed its request to suspend the appeal pending a cancellation proceeding with the Board, via the "ESTTA" online filing system. Instructions for electronic submissions to the Board via "ESTTA" are available at <http://www.uspto.gov>. See TBMP § 106.01 (3d ed. 2011).

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The Board construes applicant's "Request for Reconsideration after Final Action" as a motion to suspend action on the appeal pending final disposition of its petition to cancel Registration No. 3690631, cited by the Trademark Examining Attorney as a Section 2(d) bar to registration of applicant's mark.

In view thereof, the Board's February 27, 2012 order is hereby vacated, the application and the appeal are hereby reinstated, and proceedings are suspended pending a final determination of Cancellation No. 92055154.

Within twenty days after the final determination of the cancellation proceeding, applicant should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for applicant or its attorney.

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