

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

Mailed: March 28, 2012

In re William Tatham

Serial No. 77754249

Serial No. 77754270

Serial No. 77754276

Serial No. 77754286

Serial No. 77754290

Serial No. 77782796

Filed: 6/8/2009

SCOTT W KELLEY
KELLY LOWRY & KELLEY LLP
6320 CANOGA AVENUE, SUITE 1650
WOODLAND HILLS, CA 91367

Denise M. DelGizzi,
Technical Program Manager:

On March 23, 2012, the Examining Attorney filed a motion to consolidate the above-captioned six appeals and to have application Serial Nos. 77754270 and 77754276 restored to appeal status.

The six appeals were suspended on August 5, 2011, pending a final determination in the appeal in application

Serial Nos. 77754249, 77754270, 77754276, 77754286, 77754290, and 77782796

Serial No. 77831521. A final decision issued on September 27, 2011, and proceedings on the appeals were resumed and the applications were forwarded to the Examining Attorney for preparation of his briefs.

The Examining Attorney has advised the Board that the six applications were inadvertently approved for publication. Although four of the applications were able to be withdrawn from being published, applications Serial Nos. 77754270 and 77754276 had already entered the publication cycle, and consequently they were inadvertently published for opposition in the Official Gazette on January 3, 2012.

Between the time an application is published for opposition and an actual opposition is filed, the Board does not have the authority to act on an application. Rather, it is the Director who has the authority over such an application.

In view thereof, application Serial Nos. 77754270 and 77754276 are forwarded to the Director's office to act on the Examining Attorney's request that the inadvertently published applications be restored to appeal status. After the Director has acted on the request, the Board will take action on the Examining Attorney's request for consolidation of the appeals.
