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Docket: G2119-906603



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re application of
Automation Consultants, Inc.
Serial No.: 78/002,694
Filed: April 5, 2000
For: THE ACI GROUP



02-06-2003

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #22

McLean, Virginia
February 6, 2003

REQUEST FOR STAY OF PROCEEDINGS

MEX

BOX: RESPONSE NO FEE
To the Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

An Oral Hearing on Appeal has now been scheduled for June 25, 2003, at 1:00 p.m. (pending confirmation).

At issue in this appeal is a Section 2(d) refusal of the mark of the present application, in view of Registration No. 1,702,234, for the mark "ACI". Applicant believes that the mark of the cited registration is no longer used by the Registrant, and that the registration has not been renewed. A Renewal Application was due on or before July 21, 2002, with the six-month grace period ending on January 21, 2003.

Expiration of this registration for failure to renew the registration would have the effect of mootng the present appeal in its entirety. As such, Applicant respectfully requests that the present appeal be stayed or placed in suspension awaiting a

determination that the cited registration has expired. If it is determined that the registration has expired, then this application can be remanded to the Examining Attorney for approval for publication. If, contrary to Applicant's belief, a renewal application was filed, then the appeal may proceed expeditiously once that determination has been made.

A second basis for requesting a stay or suspension is that, according to the TARR status information available online, a Petition to Cancel Registration No. 1,702,234, was filed on January 24, 2003. If the outcome of the cancellation proceeding is that the registration is canceled, then the appeal herein would be mooted. The preservation of judicial resources thus favors a scenario in which the appeal herein is stayed pending the outcome of the cancellation proceeding (unless it is earlier determined that the registration has not been renewed).

Applicant therefore respectfully requests that this appeal be stayed, and that the oral hearing and decision be postponed, pending a determination that the cited registration (Reg. No. 1,702,234) has expired, or, in the alternative, pending the outcome of the cancellation proceeding that has been instituted.

Respectfully,

MILES & STOCKBRIDGE P.C.

By: 

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