

TTAB

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
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Mailed: October 26, 2005

In re Gungner, David, J

Serial No. 78134559

Filed: 06/11/2002

David Gungner
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Los Angeles County, CA 90408-3302

On July 26, 2004, the Board sent applicant a notice acknowledging receipt of its notice of appeal, and indicating that applicant's appeal brief was due by September 23, 2004. Applicant filed its appeal brief on March 17, 2005.

On April 7, 2005 the Board allowed applicant time to provide an explanation as to why its appeal brief was late. On April 27, 2005 applicant filed another copy of its appeal brief.

Trademark Rule 2.142(b)(1) provides that the brief on appeal shall be filed within sixty days from the date of the appeal and that if the brief is not filed within the time allowed, the appeal may be dismissed.

In the present case, applicant's appeal brief was due on or before September 23, 2004. Because applicant has failed to provide a satisfactory explanation for why his



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brief was filed more than five months late, the appeal is dismissed.

*By the Trademark Trial
and Appeal Board*

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