

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

Mailed: January 10, 2005

In re THE TRUSTEES OF THE
ARBY'S IP HOLDER TRU ST

Serial No. 78262250

Filed: 06/13/2003

L F Gould
DUANE MORRIS LLP
ONE LIBERTY PLACE
PHILADELPHIA, PA 19103

Karl Kochersperger, Paralegal

Applicant's appeal and request for reconsideration filed December 14, 2004 are noted.

The request for reconsideration requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the 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 the Board should be so informed. In the event the refusal of registration is maintained, the file should be returned to the Trademark Trial and Appeal Board, proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.