

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

Mailed: May 11, 2006

In re Jose R. Negron Cruz

Serial No. 78404496

Filed: 04/19/2004

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**Angela Campbell, Paralegal Specialist:**

On April 10, 2006, the Board dismissed the appeal in the above-identified application because no brief had been filed. Applicant, on May 3, 2006, submitted a faxed copy of its appeal brief together with a copy of the Mail Room return receipt card evidencing the filing of its brief on December 9, 2006. Applicant's brief has now been matched with the file.

**In view thereof, the Office action dismissing the appeal is hereby vacated.**

The file is forwarded herewith to the Trademark Examining Attorney for his brief in accordance with Trademark Rule 2.142(b).

***By the Trademark Trial  
and Appeal Board***