

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

Mailed: March 5, 2008

In re Guitar Center, Inc.

Serial No. 78785088

Filed: 1/4/2006

Mary Vidal Hays
Aronberg Goldgehn Davis & Garmisa
1 IBM Plaza, Suite 3000
Chicago, IL 60611-3586

Denise M. DelGizzi, Supervisory Paralegal Specialist

It has come to the attention of the Board that Registration No. 2476369, the registration that forms the basis for refusal under Section 2(d), was registered on August 7, 2001. Accordingly, a Section 8 affidavit of use was due to be filed by February 7, 2008 (i.e., within the six-month grace period after the due date for filing the affidavit). See Section 8 (c) (1) of the Trademark Act, 15 U.S.C. 1058. Office records do not reflect the filing of such a paper as yet. If the Section 8 affidavit is not filed within the six-month grace period following the due date, the cited registration will automatically be cancelled by this Office three months plus five days after the close of the grace period, in this case, on May 12, 2008.

Accordingly the Board hereby suspends action on this appeal pending a determination as to whether the cited registration has been cancelled. If the cited registration is cancelled, the Board will dismiss the appeal as involving a moot issue. If prior to the Board's taking action in the appeal applicant becomes aware that the cited registration has been cancelled, it may so advise the Board and request that the Board dismiss the appeal as moot.