

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

Mailed: May 15, 2009

In re Carmine's Broadway  
Feast Inc.

Serial No. 78934642

Filed: 7/21/2006

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Applicant filed on April 3, 2009 a notice of appeal and on April 6, 2009 a request for reconsideration.<sup>1</sup>

The request for reconsideration requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the electronic record of the application file is herewith remanded to the Examining Attorney.

In the event registrability is found on the basis of these papers, the appeal will be moot and proceedings will be terminated accordingly. In the event the refusal of registration is maintained, the Board shall be so informed,

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<sup>1</sup> The Board notes that the Trademark Examining Attorney in its Office action dated March 7, 2008, noted that the applicant's appeal filed February 8, 2008 was considered premature because no final action was issued in connection with this application.

proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.