

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Billy Martin's USA, Inc.
Serial No.: 78/189,596
Filed: November 27, 2002
Mark: BILLY MARTIN'S
Our Ref: 105339.144653

06-14-2004

U.S. Patent & TMO/TM Mail RptDt. #22

NOTICE OF APPEAL

DIVISIONAL DONE
SCAN IN FOR
78/975224

Box TTAB
FEE
Director of the United States Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3514

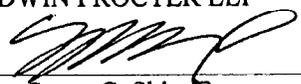
Applicant, by its undersigned attorney, hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Attorney refusing registration. Applicant is simultaneously filing a Request for Reconsideration of that decision, a copy of which is attached. Therefore, Applicant requests that this appeal be stayed while the Trademark Attorney considers that request.

The undersigned attorney authorizes the charge of the \$100 official fee for an appeal of a single class from Deposit Account No. 06-0923, as the Examining Attorney's refusal to register appears to be limited to Class 25 of the application only. In the event the refusal to register applies to other classes in the application, Applicant authorizes a deduction of \$400.00 for the official fee from its Deposit Account accordingly.

Dated: New York, New York
June 10, 2004

Respectfully submitted,

GOODWIN PROCTER LLP

By: 
Susan C. Shin, Esq.

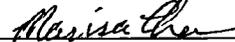
06/16/2004 EPINA1 00000002 060923 78189596
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Attorneys for Applicant
599 Lexington Avenue
New York, New York 10022
(212) 813-8800

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Director of the United States Patent and Trademark Office, 2900 Crystal Drive, Arlington, Virginia, 22202-3514 on:

June 10, 2004
(date of deposit)
Marisa Chan
(Printed name of person mailing paper or fee)


(signature)
June 10, 2004
(date of signature)

LIBNY/4289784.1

GOODWIN PROCTER

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June 10, 2004

06-14-2004

U.S. Patent & TMO/ TM Mail Rcpt Dt. #22

Via First Class Mail

Box TTAB
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Commissioner for Trademarks
United States Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3514

**Re: Billy Martin's Western Wear LA, Inc.--US Trademark Application Serial No.:
78/189596 for BILLY MARTIN'S, Our Reference: (105339.144653)**

Dear Sir or Madam:

We enclose for filing on behalf of our client, Billy Martin's USA, Inc., formerly known as and successor to Billy Martin's Western Wear, LA, Inc.:

1. A Notice of Appeal and
2. One Return Receipt Postcard.

Kindly charge the \$100 official fee to the Goodwin Procter LLP Deposit Account No. 06-0923.

To confirm filing, please date-stamp the enclosed self-addressed stamped Return Receipt Postcard and forward it to this office by return mail.

Very truly yours,

Susan Shin /mc

Susan Shin

Enclosures

LIBNY/4310152.1

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 23, 2004

In re Billy Martin's
Western Wear LA, Inc.

Serial No. ~~78189596~~

Filed: 11/27/2002

Divisional
SEARCH UNDER
78/975264

SUSAN SHIN, ESQ.
GOODWIN PROCTER LLP
599 LEXINGTON AVENUE
NEW YORK, NY 10022

Rochelle Ricks, Paralegal Specialist:

On June 14, 2004, applicant filed a notice of appeal, request to divide and an amendment/request for reconsideration, which includes a revocation and appointment of new attorney, which are hereby noted.

The appeal is hereby instituted. However, proceedings in the appeal are suspended and the application file is forwarded to the Intent to Use Branch of the Office for action on the request to divide.

When processing of the request to divide is completed, the Intent to Use Branch should return the "parent" and the newly created "child" cases to the Board for further appropriate action.