

ESTTA Tracking number: **ESTTA405678**

Filing date: **04/26/2011**

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

Application Serial No.	85039101
Applicant	Berry Plastics Corporation

Notice of Appeal

Notice is hereby given that Berry Plastics Corporation appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 85039101.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 017. First Use: 2008/11/25 First Use In Commerce: 2008/11/25
All goods and services in the class are appealed, namely: Composite film tape consisting primarily of plastic for building reinforcement; composite film tape consisting primarily of plastic for blast mitigation

Respectfully submitted,
/jgard/
04/26/2011

JULIA SPOOR GARD
BARNES & THORNBURG LLP
11 S MERIDIAN ST
INDIANAPOLIS, IN 46204-3506
UNITED STATES
jgard@btlaw.com
317-231-1313