

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: October 19, 2016

In re SmartNews, Inc.

Serial No. 86253879

Filed: 4/16/2014

Nicole Thier, Paralegal Specialist:

On August 22, 2016, the Board resumed proceedings and set forth the time for Applicant to file its brief on appeal.

On October 19, 2016, Applicant requested that action on the appeal be suspended pending the disposition of the cited registration.

Registration No. 3854959, the registration that forms the basis for refusal under Section 2(d), was registered on September 28, 2010. Accordingly, a Section 8 affidavit of use is due to be filed by September 28, 2016. 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.

Accordingly action on the appeal is suspended 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.