

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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General Contact Number: 571-272-8500

Mailed: October 5, 2016

In re Core Nutrition LLC

Serial No. 86318835

Filed: 6/24/2014

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By the Board

Applicant's combined notice of appeal embodied and a request for reconsideration, and its response to Office Action, all filed on August 2, 2016, are noted.¹

On September 2, 2016, the above-entitled Application was deemed abandoned because Applicant failed to file a complete response to the final Office Action dated February 2, 2016. A review of the record reveals that Applicant filed a timely notice of appeal, a request for reconsideration, and a response to Office Action on August 2, 2016. The record further shows that the reinstatement of application was granted on September 30, 2016.

¹ A request for reconsideration and notice of appeal should have been made by a separate submission. *See* TBMP 1204 (June 016).

In view of the foregoing, the appeal is hereby instituted. However, Applicant's request for reconsideration and its response to Office Action require consideration by the Trademark Examining Attorney. Accordingly, action on the appeal is suspended and the electronic record of the application file is remanded to the Trademark Examining Attorney for consideration of Applicant's response to the Office Action and its request for reconsideration.

In the event registrability is found on the basis of request for reconsideration, 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, proceedings will be resumed and Applicant will be allowed time in which to file its brief on appeal.