

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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EJS/kk

Mailed: April 21, 2016

In re *Bald Eagle Health Group, LLC*

Serial No. 86393524

Filed: 9/12/2014

By the Trademark Trial and Appeal Board:

Applicant's response, filed April 11, 2016, to the Board's order of the same date is noted, and in view of that response, our order is modified to acknowledge that Applicant's Request for Consistency Review was properly filed. The Board also notes Applicant's communication, filed April 21, 2016, stating that the Trademark Operation has considered Applicant's request, and determined that no action regarding consistency need be taken. Applicant's comments disagreeing with this determination are also noted, but the Board does not review decisions by the Trademark Operation in connection with the consistency initiative. Applicant's arguments in its brief will be considered only in connection with whether or not the refusal under Section 2(d) should be affirmed or reversed.

As previously noted, the filing of a Request for Consistency Review does not suspend an application or the appeal process, and therefore the Examining Attorney's brief was properly filed. However, in view of any confusion caused by the Board's April

11, 2006 order, Applicant is allowed twenty days from the mailing of the instant order in which to file a reply brief, if it wishes.

It should be noted that the portion of the Board's April 11, 2016 order that the Examining Attorney's March 5, 2016 "denial of the request for reconsideration" will be given no consideration remains in effect. And the Request for Consistency Review, of course, is not part of the record on appeal.