

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

Mailed: April 11, 2016

In re *Bald Eagle Health Group, LLC*

Serial No. 86393524

Filed: 9/12/2014

By the Trademark Trial and Appeal Board:

It has come to the Board's attention that on December 7, 2015, Applicant filed a "Request for Consistency Review of a Substantive/Procedural Issue." However, Applicant failed to follow the procedure for filing a request of this nature, see Consistency Initiative, at www.uspto.gov/trademark/trademark-update, in particular, it did not send its request to TMCONSISTENCY@USPTO.GOV. Instead, the request was directed to the Trademark Examining Attorney, who treated it as a request for reconsideration. The Board was unaware of the communication at that time and therefore, on December 7, 2015, the Board instituted the appeal and indicated that Applicant's brief was due on February 5, 2016. Upon receipt of the brief on January 19, 2016, the Board forwarded the application to the Examining Attorney on January 26, 2016 for preparation of her brief. As noted, the Examining Attorney believed that Applicant's Request for Consistency Review was a request for reconsideration, and denied it.

Because the Request for Consistency Review was not properly submitted, it will be given no consideration, even as a request for reconsideration. As a result, the Board will also not consider the denial of the request for reconsideration issued by the Examining Attorney on March 5, 2016. Because even a properly filed Request for Consistency Review is not the basis for suspending an appeal, the appeal will go forward. The Examiner's statement mailed on March 25, 2016 is noted. Applicant must indicate, not later than ten days after the due date for Applicant's reply brief, if an oral hearing is desired.