

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

dmd

Mailed: January 19, 2016

In re Gulf Coast Pharmacy, Inc.

Serial No. 86506204

Filed: 1/16/2015

**Linda Kuczma, Administrative Trademark Judge:**

The appeal has now been fully briefed and is ready for decision. Applicant's mark was finally refused on the basis of a likelihood of confusion with the marks in Registration Nos. 1645769, 2982548, 3579986, 3739931 and 3739934. A review of those registrations reveals that, Registration No. 3579986 was cancelled under Section 8 on September 25, 2015 and Registration No. 1645769 was cancelled under Section 8 on January 15, 2016, and therefore, those two registrations no longer pose a bar to registration of Applicant's mark under Section 2(d).

With regard to Registration Nos. 2982548, 3739931 and 3739934, Registration No. 2982548 was registered on August 9, 2005 and was due for renewal by August 9, 2015 or within the six-month grace period following that date (February 9, 2016); and Registration Nos. 3739931 and 3739934 were registered on January 19, 2010 and are due for the filing of a Section 8 affidavit of use by January 19, 2016 or within the six-month grace period following that date (ending on July 19, 2016).

Office records do not reflect the filing of such renewal or affidavits as yet. If the renewal and Section 8 affidavits are not filed within the six-month grace period following the due dates, the cited registrations will be cancelled automatically by this Office approximately one month after the close of the grace period.

Accordingly, the Board hereby suspends action on this appeal pending a determination as to whether the cited registrations have cancelled.

However, if Applicant wishes the Board to render a decision now (in which case the cited active registrations must be treated as existing and valid), Applicant should so advise the Board within **thirty days** of this suspension order.