

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

dmd

Mailed: March 6, 2014

Opposition No. 91211906

MD Barber Supply, LLC

v.

Kamal Nuru dba Antique Barber

By the Trademark Trial and Appeal Board:

The Board's order, dated March 5, 2014, is hereby vacated and substituted herewith.

On August 7, 2013, the Board instituted the instant opposition and suspended proceedings pending a final determination with respect to underlying application Serial No. 85793247 by the Trademark Examining Attorney.

A review of the application reveals that, during examination, on December 4, 2013, applicant sought registration on the

Supplemental Register in order to overcome the Trademark Examining Attorney's June 6, 2013, refusal under Section 2(e)(1) of the Trademark Act. On January 14, 2014, the application was registered on the Supplemental Register.¹

Although the mark in an application for registration on the Principal Register is published for, and subject to opposition, the mark in an application for registration on the Supplemental Register is not.

In view thereof, the opposition is dismissed as moot. Opposer's remedy lies in the filing of a petition to cancel the registration. *See* TBMP §205 .

¹ If it appears after examination of an application to register a mark on the Supplemental Register, that applicant is entitled to the registration; a certificate of registration is issued without publication for opposition.