

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: September 29, 2003

Cancellation No. 92032030

GALAGEN

v.

BODY FITNESS DEVELOPMENTS,  
INC.

Cheryl Goodman, Interlocutory Attorney:

This case now comes up on petitioner's motion, filed June 9, 2003, to suspend proceedings under Trademark Rule 2.117(c), so as to provide time for the examining attorney to consider the effect of respondent's post registration amendment on the refusal of petitioner's Pro-peptide mark.<sup>1</sup> Petitioner advises that the parties' settlement agreement requires that the examining attorney withdraw the refusal to register against petitioner's application and approve its mark for publication.

In view thereof, and in accordance with Office policy, **proceedings herein are suspended.**

In the event the examining attorney does not withdraw the refusal and approve petitioner's mark for publication,

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<sup>1</sup> Respondent's registration is the blocking registration for petitioner's application Serial No. 75/716,782.

petitioner should so notify the Board, and proceedings will be resumed.