

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

Mailed: August 8, 2007

Cancellation No. 92045238

Rexam Closures and
Containers, Inc.

v.

Berry Plastics Corporation

George C. Pologeorgis, Interlocutory Attorney:

Petitioners' motion (filed May 5, 2007) to suspend these proceedings pending the outcome of the *ex parte* prosecution of petitioners' trademark application serial no. 78571323 is noted.

Following a review of USPTO records, the Board notes that petitioners' application was approved for publication on May 24, 2007.

Accordingly, petitioners' motion to suspend is granted to the extent that petitioners are allowed **thirty days** from the mailing date of this order to inform the Board if they wish to proceed with this proceeding or withdraw the petition in light of the examining attorney's acceptance of the parties' consent agreement and subsequent approval for

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publication of petitioners' trademark application serial
no. 78571323, failing which the Board will issue an order
resuming these proceedings and resetting trial dates.

Proceedings are otherwise suspended.
