

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: January 23, 2003

In re RATH, DR. MATTHIAS

Serial No. 75753445

Filed: 07/19/1999

ROY S. GORDET
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SAN FRANCISCO, CA 94108

Janice D. Hyman, Paralegal:

Applicant filed on, April 29, 2002, a notice of appeal and a request for reconsideration. Applicant also filed on, July 1, 2002¹, an appeal brief.

The request for reconsideration requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the file is herewith remanded to the Examining Attorney.

In the event registrability is found on the basis of this paper, the appeal will be moot and the Board should be so informed. In the event the refusal of registration is maintained, the file should be returned to the Trademark Trial and Appeal Board, proceedings will be resumed and

¹ Certificate of mailing dated June 27, 2002.

applicant will be allowed time in which to file a supplemental brief, if it so chooses.²

² Applicant's communication filed October 21, 2002 is noted.