

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 75/881819

APPLICANT: LABPORTAL, INC.

FEB 17 2005 c .c

CORRESPONDENT ADDRESS:
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If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: LABPORTAL

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

RE: Serial Number 75/881819

Applicant is requesting reconsideration of a final refusal dated June 12, 2003 based upon an amendment to the Supplemental Register. The applicant's request for registration of the mark on the Supplemental Register cannot be accepted in that **the mark in an application under Trademark Act Section 1(b), 15 U.S.C. §1051(b), is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use under 37 C.F.R. §2.76 or statement of use under 37 C.F.R. §2.88 has been timely filed. 37 C.F.R. §2.47(c); TMEP §815.02, 816.02 and 1102.03.**

Accordingly, the applicant's request for reconsideration is *denied*, and the above-referenced file is being returned to the Trademark Trial and Appeal Board for resumption of proceedings herein.

/Zhaleh Delaney/
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