

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

Mailed: May 28, 2002

In re Applied Precision, Inc.

Serial No. 76117602

Filed: 08/28/2000

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Applicant's response/request for reconsideration filed March 29, 2002 and notice of appeal filed May 14, 2002, with a certificate of mailing dated May 9, 2002, are noted.

Action on the appeal is suspended and the file is remanded to the Trademark Examining Attorney to consider the response/request for reconsideration. The request contains a proposed amendment to the identification of goods. If the amendment is accepted and the mark is found registrable on the basis of this paper, the appeal will be moot. If the amendment is accepted but the refusal to register is maintained, the Examining Attorney should issue an Office Action so indicating, amend the Office computer database to reflect entry of the amendment, and return the file to the

Board. The appeal will then be resumed and applicant allowed a sufficient time in which to file its appeal brief. If the Examining Attorney determines that the amendment to the identification is not acceptable, the Examining Attorney should issue an Office Action to that effect, indicating the reasons why the proposed amendment is unacceptable and, if possible, advising applicant as to how to cure any deficiency in the identification. The amendment to the identification should be treated as raising a new issue, such that any refusal to accept the proposed identification cannot be made final until applicant is given an opportunity to respond.