

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

Mailed: February 24, 2004

In re Ela Medical

Serial No. **76269892**

Filed: 06/11/2001

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Rochelle Ricks, Paralegal Specialist:

Applicant's request filed on January 8, 2004 (with a certificate of mailing dated January 6, 2004) is noted. The request contains a consent agreement between it and the owner of Registration No. 1,192,406 (the registration cited by the Trademark Examining Attorney as a Section 2(d) bar to the registration of applicant's mark).

The request for reconsideration requires consideration by the Trademark Examining Attorney. Accordingly, since the 2(d) bar is the only issue on appeal proceedings herein are suspended and the file is herewith **REMANDED** to the Trademark Examining Attorney for consideration of the consent agreement.

In the event registrability is found on the basis of this paper, the appeal will be moot. 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 applicant will be allowed sufficient time in which to file its brief on appeal.
