

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

Mailed: January 16, 2004

In re Ferton Holding S.A.

Serial No. **76405002**

Filed: 05/08/2002

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R. Ricks for Eric McWilliams, Paralegal Specialist:

Applicant's notice of appeal and motion to suspend and remand filed on December 19, 2003 and amendment to allege use filed December 15, 2003 are noted.

The appeal is suspended and the file is herewith **REMANDED** to the Trademark Examining Attorney for examination of the amendment to allege use. After the Examining Attorney's issuance of either an acceptance and/or ultimate denial¹ of the amendment, the file should be returned to the Board, the appeal will be resumed and the Board will take appropriate action.

¹ In this connection, the amendment to allege use should be treated as a new issue, such that any refusal to allow registration cannot be made final until applicant has been given an opportunity to respond.

A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.