

EXPRESS MAIL NO. EL984673122US
ATTORNEY DOCKET NO. 2002-1276

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In Re App : Sheldon F. Jacobs Co.
Ser. No. : 76/411,235
Mark : AUNT TILLY LEWIS
Filed : May 20, 2002

TTAB



TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514

07-13-04

U.S. Patent & TMOs/TM Mail Rcpt Dt. #78

APPLICANT'S INDICATION THAT CITED REGISTRATION HAS EXPIRED

Pursuant to the communication received from TTAB Paralegal Specialist Clara Vela dated April 12, 2004, Applicant hereby alerts the Trademark Trial and Appeal Board to the fact that the registration at issue in this Appeal, U.S. Reg. No. 759,315 has expired. The April 12, 2004 communication is attached hereto, as is the latest TARR web server information retrieved off of the Trademark Office web site by the undersigned earlier today. Furthermore, the undersigned phoned the Trademark Office in order to confirm that the '315 registration had not been renewed.

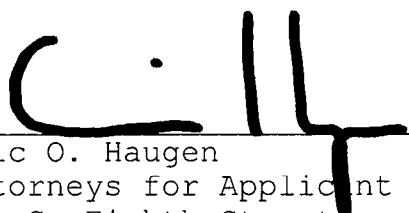
The '315 registration was up for its twenty year renewal on October 10, 2003. Adding in the six-month grace period, the latest date upon which action could have been taken to keep this registration alive would have been April 10, 2004.

Given the fact that the only registration cited against Applicant relevant to this Appeal has expired, no issues regarding registrability of Applicant's mark remain. Applicant respectfully requests that this honorable Board take further appropriate action relevant to this Appeal given the above-cited situation.

Respectfully submitted,

HAUGEN LAW FIRM PLLP

Date: July 13, 2004



Eric O. Haugen
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Phone: (612) 339-8300

EXPRESS MAIL LABEL EL984673122US
TRADEMARK APPLICATION
Attorney Docket No. 2002-1276

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Application of:

Re App : Sheldon F. Jacobs Co. : July 13, 2004
S.N. : 76/411,235 : Class Nos. 029 and 030
Filed : May 20, 2002 : Examiner:
Mark : AUNT TILLY LEWIS : Geoffrey A. Fosdick

CERTIFICATE OF MAILING VIA EXPRESS MAIL

TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, VA 22202-3514



07-13-04

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Sir:

I hereby certify that the attached Applicant's Indication That Cited Registration Has Expired and attachments in the above-identified trademark application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Trademark Trial and Appeal Board, Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3514, under Express Mail Post Office to Addressee Label No. EL984673122US.

Respectfully submitted,

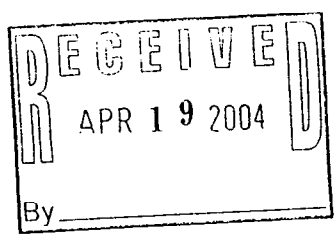
HAUGEN LAW FIRM PLLP

Christie J. Carper
On behalf of Eric O. Haugen
Attorney for Applicant
1130 TCF Tower
121 South Eighth Street
Minneapolis, Minnesota 55402
Phone: (612) 339-8300

Date: July 13, 2004

2002-1274

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



Mailed: April 12, 2004

In re Sheldon F. Jacobs
Company

Serial No. 76411235

Filed: 05/20/2002

ERIC O. HAUGEN
HAUGEN LAW FIRM PLLP
121 SOUTH EIGHTH STREET, SUITE 1130
MINNEAPOLIS, MN 55402

Clara Vela, Paralegal Specialist

On November 10, 2003, applicant filed a notice of appeal and a "communication" responding to the Examining Attorney's final Office action. In that communication, applicant noted that the registration which forms the sole basis for the refusal of its registration (under Section 2(d) of the Trademark Act), was due for renewal, and suggested that the entire matter might be moot. The Board remanded the application to the Examining Attorney on January 14, 2004, and at the same time suspended proceedings in the appeal. Prior to receiving the Board's action, however, applicant filed its appeal brief and a request for suspension of the appeal. These papers did not reach the Board, but instead were transmitted to the Examining

Serial No. 76/411235

Attorney. It appears that the Examining Attorney then prepared his brief, incorporating his comments on the "communication" in that paper, and responding to the information that the cited registration might not have been renewed by saying only that because the registration is currently in force, it is entitled to the same protection afforded any mark on the register. Apparently the Examining Attorney took no action with respect to the request for suspension.

It is the Board policy that requests for suspension be granted in the circumstances of the present proceeding. Accordingly, applicant's request for suspension is granted. When it comes to the attention of the applicant that Office records indicate either that the cited registration has expired, or that it has been renewed, applicant should so inform the Board. The Board will then take appropriate action.

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-07-13 13:30:14 ET

Serial Number: 72148248 Assignment Information

Registration Number: 759315 Assignment Information

Mark

TILLIE LEWIS

(words only): TILLIE LEWIS

Standard Character claim: No

Current Status: Registered.

Date of Status: 1984-01-31

Filing Date: 1962-07-02

Transformed into a National Application: No

Registration Date: 1963-10-29

Register: Principal

Law Office Assigned: Unknown

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 1986-08-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Ogden Food Products Corporation

Address:

Ogden Food Products Corporation
Stockton, CA
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

Dietetic Food Products-Namely, Fruit Jellies, Preserves and Jam; Fruit and Otherwise Flavored Preparations in the Nature of Syrups for Use as Dessert Toppings; Salad Dressing; Canned Fruits; Canned Vegetables; an Artificially Sweetened Maple Flavored Preparation in the Nature of a Syrup for Use on Pancakes and Waffles; Liquid Sweetener; Sugar Substitute

U.S. Class: 046 (International Class 029, 030, 031)

First Use Date: 1954-03-10

First Use in Commerce Date: 1954-03-10

Basis: 1(a)

ADDITIONAL INFORMATION

Name Portrait Consent: "TILLIE LEWIS" IDENTIFIES MRS. MEYER L. LEWIS, WHOSE CONSENT IS OF RECORD.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1983-10-29 - Registration renewed - 20 year

CONTACT INFORMATION

(NOT AVAILABLE)
