

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

Mailed: March 24, 2004

In re Walton & Post, Inc.

Serial No. 76461557

Filed: 10/24/2002

DAVID A. GAST
MALLOY & MALLOY, P.A.
2800 S.W. THIRD AVENUE
MIAMI, FL 33129

Amy King, Paralegal Specialist

Applicant's appeal and request for reconsideration filed February 17, 2004 are noted.

The request for reconsideration requires consideration by the Trademark Examining Attorney. The appeal is instituted, but action on it is suspended and the file is herewith remanded to the Examining Attorney.

In the event registrability is found on the basis of this paper, the appeal will be moot and the Board should be so informed. 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 time in which to file its brief on appeal.