

**United States Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: July 22, 2008

In re CUMMING, LLC

Serial No. 77009830

Filed: 9/28/2006

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**Tyrone Craven, Paralegal Specialist:**

Applicant's request for suspension filed July 15, 2008 is noted.

On May 27, 2008, the Board acknowledged a notice of appeal filed by applicant and set a date for applicant to file its brief.

At the time the appeal was acknowledged, the Board had not received applicant's petition to revive and request for reconsideration filed May 27, 2008.

A review of the USPTO records by the Board indicates that applicant's petition to revive was granted on May 27, 2008. However, the request for reconsideration requires consideration by the Trademark Examining Attorney.

In view thereof, action on the appeal is suspended retroactively from May 27, 2008 and the file is herewith

remanded to the Examining Attorney for review of the request for reconsideration.

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.