

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

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Mailed: February 3, 2009

In re Mars Fishcare North
America, Inc.

Serial No. 77262080

Filed: 8/22/2007

CRISTINA A. CARVALHO
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036-5303

Vionette Baez, Paralegal:

Applicant filed, on January 27, 2009, an amendment to allege use and an amendment to the Supplemental Register.

Because the amendment to the Supplemental Register may avoid the refusal of registration, jurisdiction of the application is hereby restored to the Trademark Examining Attorney for consideration of the amendment to the Supplemental Register and the amendment to allege use. Action on the appeal is suspended.

The Examining Attorney should continue examination until final resolution of all new issues arising in the examination of applicant's amendment to allege use and amendment to the Supplemental Register.

If the Examining Attorney allows this application, the appeal will be moot and proceedings on the appeal will terminate in due course.

If, however, any issues are made the subject of a final action,¹ the Board should be so informed so the appeal may be called up for appropriate action.

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