

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

Mailed: June 4, 2009

In re Vision Wheel, Inc.

Serial No. 77498758

Filed: 6/13/08

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The Board order dated May 28, 2009 indicated an incorrect suspension date and is hereby vacated.

Applicant's motion to suspend proceedings, filed May 27, 2009, is noted. Applicant seeks suspension of the appeal on the ground that the registration which has been cited against the registration of applicant's mark will be cancelled for failure to timely file a Section 8 affidavit.

The cited registration issued on November 18, 2003, and therefore a Section 8 affidavit has to be filed by no later than May 18, 2010 (i.e., within the six-month grace period after the due date for filing the affidavit). See Section 8 (c)(1) of the Trademark Act, 15 U.S.C. 1058. Office records do not indicate that a Section 8 affidavit has been filed,

but it is Office policy to wait for six months after the grace period for filing a Section 8 affidavit before a registration will be cancelled, in this case, until November 18, 2010.

Accordingly, proceedings in the appeal are hereby suspended until November 18, 2010. If the cited registration is cancelled, the Board will dismiss the appeal as involving a moot question. If prior to the Board's taking action in the appeal applicant becomes aware that the cited registration has been cancelled, it may so advise the Board and request that the Board dismiss the appeal as moot.