

United States Patent and Trademark Office
Trademark Trial and Appeal Board
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In re Credit.com, Inc.

Serial No. 78452250

Filed: 7/16/04

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On January 19, 2007 the Board issued an order in which it noted that applicant had not responded to the Board's October 30, 2006 order. In the October order the Board had requested that applicant either pay an additional appeal fee because the application contained two classes, or advise the Board as to which class applicant wished the appeal to go forward in. Because applicant did not respond to that order, the Board stated that the appeal would go forward only in the lowest numbered class, Class 35, and remanded the application to the Examining Attorney to consider applicant's request for reconsideration.

On January 26, 2007, applicant filed in a communication in which it stated that it had never received the Board's October 30, 2006 order, and advised the Board that it wished

the appeal to proceed in both Classes 35 and 45. Applicant also authorized the debiting of its attorney's deposit account for the additional appeal fee.

In these circumstances, the Board's January 19, 2007 order is modified to the extent that the appeal is instituted with respect to both Class 35 and Class 45. Action on the appeal remains suspended pending a decision by the Examining Attorney on the request for reconsideration. If the refusal of registration is maintained with respect to either or both classes, the file should be returned to the Board, and proceedings in the appeal will then be resumed. Accordingly, if the refusal is maintained with respect to the Class 45 application, the application in that class will not be deemed abandoned.

***By the Trademark Trial
and Appeal Board***