

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

Mailed: May 30, 2012

In re Gen-Probe Incorporated

Serial No. 85129336

Filed: 9/14/10

ANNE M STERBA  
ROTHWELL FIGG ERNST & MANBECK PC  
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WASHINGTON, DC 20005-3673

**Karl Kochersperger, Paralegal Specialist:**

Applicant's request for an extension of time<sup>1</sup> to file an appeal brief and request for remand filed May 25, 2012 are noted.

The request for remand contains a consent agreement and requires consideration by the Trademark Examining Attorney. The appeal is *suspended* and the electronic record of the application 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 proceedings will be terminated accordingly. In the event the refusal of registration is maintained, the Board shall be so informed,

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<sup>1</sup> Applicant's request to extend time to file an appeal brief is moot in light of the fact that this proceeding has been suspended with respect to applicant's request for remand.

proceedings will be resumed and applicant will be allowed time in which to file its brief on appeal.