

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

November 15, 2024

In re Pacific Pharmaceuticals

Ex Parte Appeal No. 88092444

Expungement or Reexamination No. 2023-100842R

Registration No. 5904721

Appeal received: **11/15/2024**

Brief due: **N/A**

ESTTA1396045

Appellant filed a notice of appeal, with the required fee, on the date indicated above. The appeal was filed under the provisions of Trademark Rule 2.141(b) from a final action in an expungement or reexamination proceeding in the above-identified registration and is hereby instituted.

Appellant checked the box on the ESTTA form indicating that it has filed a request for reconsideration which is still pending before the Examining Attorney, or it is filing a request for reconsideration today. Appellant should notify the Board immediately if it has not filed a timely request for reconsideration and does not intend to do so.

In view of the filing of the request for reconsideration, the appeal is suspended and the file is remanded to the Examining Attorney to consider the request for reconsideration.

If, upon review of the request for reconsideration, the Office finds that Appellant has rebutted the prima facie case of nonuse and complied with all outstanding requirements, then the expungement/reexamination proceeding will terminate, a notice of termination shall be issued under Trademark Rule 2.94, and the appeal will be moot. *See* Trademark Rule 2.93(c)(3)(i); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1204.

In the event the request for reconsideration is denied in whole or in part, then the file will be returned to the Board and the appeal will be resumed as to the appealed goods and/or services for which the request for reconsideration was denied.

Upon resumption of the appeal, Appellant will be allowed time to file an appeal brief. Failure to file the brief may result in dismissal of the appeal. Trademark Rules 2.142(b)(1) and 2.6(a)(18).

The Trademark Rules of Practice provide that the Examining Attorney shall file a written brief answering Appellant's brief and shall send a copy of the brief to Appellant within sixty days after Appellant's brief is sent to the Examining Attorney. Appellant may file a reply brief within twenty days from the mailing date of the Examining Attorney's brief. If an oral hearing is desired, Appellant must file a separate request accompanied by the required fee not later than ten days after the

due date for Appellant's reply brief. Trademark Rules 2.142, 2.6(a)(18) and 2.6(a)(24).

Briefs must meet each of the requirements prescribed in Trademark Rule 2.126, which states that submissions must be made to the Board via ESTTA. *See* Trademark Rule 2.142(b)(2). ESTTA forms for electronic filings are available at <https://estta.uspto.gov>. Board proceeding files can be viewed using TTABVUE at <https://ttabvue.uspto.gov>.