

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

March 27, 2023

In re American Academy of Dermatology, Inc.

Ex Parte Appeal No. 90660262

Denise M. DelGizzi,
Chief Clerk of the Board
571-272-4265

On July 7, 2022, the Trademark Examining Attorney issued a Final Office action¹ refusing registration of Appellant's because of a likelihood of confusion between Appellant's mark and the mark in U.S. Registration No. 2690733.

U.S. Registration No. 2690733, which forms the basis for refusal under Section 2(d) of the Trademark Act, was renewed for a 10-year period on February 28, 2013. An affidavit of continued use (or excusable nonuse) under Trademark Act Sections 8 or 71, 15 U.S.C. § 1058 or 15 U.S.C. § 1141k,² or for an application for renewal under Trademark Act Sections 9 or 70, 15 U.S.C. § 1059 or 15 U.S.C. § 1141j was due by February 28, 2023, or may be filed within the six-month grace period that ends August 28, 2023. Office records do not reflect the filing of such as yet. If the maintenance documents are not filed within the six-month grace period following the

¹ 1 TSDR dated July 7, 2022.

² A Trademark Act § 66(a), 15 U.S.C. § 1141f(a), registration is subject to the Trademark Act § 71 requirements for affidavits of continued use (or excusable nonuse). A Trademark Act § 71 affidavit is filed with the USPTO.

due date, the cited registration will be cancelled by the Office after the close of the grace period.

Accordingly, the Board hereby suspends action on this appeal pending a determination as to whether the cited registration will continue in existence or will, instead, be cancelled. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1213.

In the event the cited registration is cancelled, the appeal will be moot. In the event the cited registration will continue in existence, the appeal will be resumed and the matter will be forwarded to the Examining Attorney for a brief.