

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: May 18, 2005

Cancellation No. 92044254

Theme Food, Inc.

v.

Live Bait, L.L.C.

Andrew P. Baxley, Interlocutory Attorney:

This Office has been unable to effect service of notice of this proceeding on respondent.¹ Accordingly, it will be necessary before proceeding herein to give notice by publication in the Official Gazette, as prescribed by Trademark Rule 2.118.

Pending such publication, proceedings herein are suspended.

¹ Both the notice instituting this proceeding which was sent to respondent at the address set forth in the involved registration and the order resending such notice to respondent at the address provided by petitioner in the petition to cancel were returned by the United States Postal Service as undeliverable.