

Thomas F. Walker, Jr., Esq.
Weiss, Berzowski, Brady & Donahue
700 North Water Street
Milwaukee, Wisconsin 53202-4273

Re: Petition to Revive Application Serial No. 74-596136
Applicant: Creative Confection Concepts, Inc.
For: TNT BLACK-CHERRY-BLASTS

Dear Mr. Walker:

1. This will acknowledge receipt of the petition to revive the above-identified application, filed on October 15, 1996.

2. DECISION: The Petition to Revive is hereby DENIED.

3. Explanation:

Petitioner's counsel has explained that the failure to file a timely response to the October 31, 1995 Notice of Allowance was due to a problem with the automated ABACUSX Tickler System. Specifically, for reasons unknown, the relevant information did not appear on the weekly docket reports.

It appears, from counsel's statement, that the tickler sheet prepared for entry into the automated database was not entered. However, the same docket information was entered manually into Petitioner's Trademark Status Report. Counsel acknowledges that in reviewing the Trademark Status Report in April, the expiration date of April 30, 1996 was overlooked. Counsel also indicates that, at least as early as May 6, 1996, it was known by counsel that the April 30, 1996 due date had expired.

In this case, it has not been shown that safeguards were in place that would remind counsel that the statutory deadline was approaching. Since inadequate precautions were taken to avoid the error that occurred, the delay was not unavoidable.

Applicant may wish to consider filing a new application. The Office will not hold the denial of this petition to be prejudicial to the Applicant in the filing of a new application. Currently, the application filing fee is \$245.00 per class.

6. Please feel free to contact the undersigned staff attorney with any questions regarding this letter.

Sincerely,

Eleanor K. Meltzer,
Staff Attorney
Office of the Assistant Commissioner
for Trademarks
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