

7/1/02

THIS DECISION IS NOT  
CITABLE AS PRECEDENT  
OF THE TTAB

Paper No. 16  
JQ

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

In re Von Verde Citrus Packing House, Inc.

---

Serial No. 75/558,859

---

Request for Reconsideration

---

Kevin G. Smith and Jody H. Drake of Sughrue, Mion, Zinn,  
Macpeak & Seas, and Anna M. Calderón for applicant.

Dawn J. Feldman, Trademark Examining Attorney, Law Office  
111 (Kevin Peska, Managing Attorney).

---

Before Quinn, Walters and Rogers, Administrative Trademark  
Judges.

Opinion by Quinn, Administrative Trademark Judge:

The Board, in a decision dated May 31, 2002, affirmed  
the Section 2(d) refusal on the basis of Registration No.  
2,054,861.

Applicant has filed a timely request for  
reconsideration, indicating that it filed, on April 16,  
2002, a consent agreement and a request to suspend the

**Serial No. 75/558,859**

appeal. Copies of the relevant papers, included a date-stamped return receipt card, have been submitted.

A further review of the application file shows that the original papers were never associated with the file.

Accordingly, the request for reconsideration is granted and the final decision dated May 31, 2002 is vacated. Proceedings in the appeal are suspended and the application is remanded to the Examining Attorney for consideration of the consent agreement.

In the event registrability is found on the basis of the consent agreement, the appeal will be moot and the Board should be so informed. In the event the refusal of registration is ultimately maintained, the file should be returned to the Board for appropriate action.