

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF  
THE TTAB

Mailed: October 5, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Masco Corporation of Indiana

Serial No. 76413647

Request for Reconsideration

Edgar A. Zarins for Masco Corporation of Indiana.

Won T. Oh, Trademark Examining Attorney, Law Office 114  
(Margaret Le, Managing Attorney).

Before Seeherman, Quinn and Hairston, Administrative  
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Masco Corporation of Indiana has requested  
reconsideration of the Board's decision dated September 2,  
2004. In that decision, the Board affirmed the refusal of  
the Trademark Examining Attorney on the ground that  
applicant's mark, if used on its identified goods, is  
likely to cause confusion with the mark THE SAXONY,  
registered under No. 1849845. Applicant requests

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reconsideration because it asserts that the cited registration expired on August 16, 2004.

A review of the Office records shows that the cited registration issued on August 16, 1994, and therefore such registration would be valid for ten years if not renewed. Office records also show that as of this date (and therefore as of the date of the issuance of our decision on September 2, 2004), no application for renewal has been filed. However, Section 9 of the Trademark Act, 15 U.S.C. §1059, provides that an application for renewal may be made within a grace period of six months after the end of the 10-year registration period. Therefore, at this point we cannot treat the cited registration as having expired.

Accordingly, we are suspending proceedings in this appeal until Office records show either that the cited registration has been renewed or that it has expired.

Decision: The request for reconsideration is granted to the extent that proceedings in the appeal are suspended pending a determination as to whether Registration No. 1849845 has been renewed.