

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In re: Trademark application of
Westlake Plastics Company, Inc.

TTAB

Serial No: 76/392,812

Filed: April 8, 2002

Mark: 4910

Charles N. Quinn
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**REQUEST FOR REINSTATEMENT OF APPEAL
ERRONEOUSLY DEEMED ABANDONED**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

10-11-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #11

Sir:

Applicant, through its undersigned counsel, hereby moves the Board to reinstate the appeal, which has erroneously been deemed abandoned by the Board through no fault of the applicant, from the examining attorney's rejection of the above-identified trademark application, for reasons set forth below.

Statement of Facts

In a paper mailed July 19, 2006, the Trademark Trial and Appeal Board set an August 28, 2006 deadline for filing an appeal brief. A copy of that paper is attached hereto as Exhibit 1.

On August 21, 2006, applicant filed, via U.S. Postal Service Express Mail, a Motion for Extension of Time in which to File Appeal Brief or Take Other Action and Declaration of Charles N. Quinn. A copy of that motion is attached hereto as Exhibit 2.

That motion and supporting declaration requested an extension of time for filing the appeal brief up to and including October 28, 2006.

A copy of the U.S. Postal Service Express Mail receipt, stamped by the U.S. Postal Service with a date of August 21, 2006, is attached hereto as Exhibit 3.

The motion and Mr. Quinn's declaration were received by the U.S. Patent and Trademark Office on August 21, 2006, as evidenced by the receipt date of August 21 2006 stamped on applicant's return postcard by the U.S. Patent and Trademark Office. A copy of this stamped return postcard, evidencing the receipt of motion and supporting declaration by the U.S. Patent and Trademark Office on August 21, 2006, is attached as Exhibit 4.

In a paper mailed September 28, 2006, the Trademark Trial and Appeal Board erroneously asserted that no appeal brief has been filed by the deadline and therefore the appeal was dismissed. A copy of this communication is attached hereto as Exhibit 5.

Since applicant requested an extension of time for filing an appeal brief, and since that motion was timely filed by applicant, applicant submits that it was administrative error for this Board to dismiss the appeal on the grounds that nothing had been timely filed by the August 28, 2006 limiting date.

Requested Relief

Accordingly, applicant requests that:

1. The appeal for this application be reinstated;
2. The deadline for filing an appeal brief or take other action be set for October 28, 2006.

Notification of the reinstatement of this appeal is respectfully solicited.

Respectfully submitted,

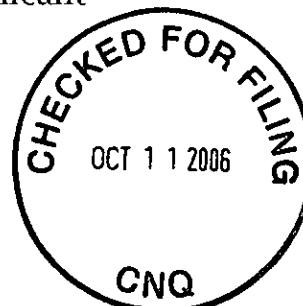
Date:


11 October 2006



CHARLES N. QUINN
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Certificate of Mailing Under 37 C.F.R. 1.10	
EXPRESS MAIL NO.:	EV592208095US
I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated below, and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.	
<u>October 11, 2006</u> Date of Deposit	 Signature
	<u>Sherry Barag</u> Type or print name of person

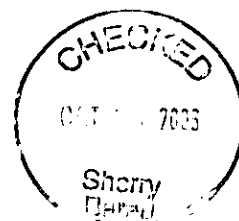


EXHIBIT 1

92169.67201

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
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RECEIVED
IP GROUP
JUL 24 2006
FOX ROTHSCHILD LLP

Mailed: July 18, 2006

In re Westlake Plastics
Company, Inc.

Serial No. 76392812

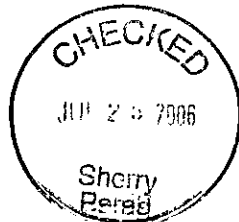
Filed: 04/08/2002

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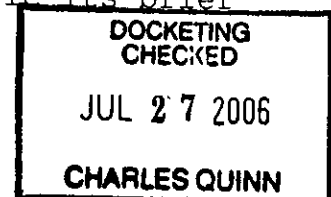


On July 8, 2006, the Board dismissed the appeal in the above-identified application because no brief had been filed. Unfortunately, applicant's request to extend filed June 20, 2006, was not matched with the file until after the Office action dismissing the appeal was mailed.

In view thereof, the Office action dismissing the appeal is hereby vacated. Additionally, applicant's request to extend filed June 20, 2006 is now granted and applicant is allowed until August 28, 2006 in which to file its brief herein.



By the Trademark Trial
and Appeal Board



Redocketed
for 10/28/06

DOCKETED

AUG 21 2006

JUL 24 2006



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