

Scott R. Miller, Esq.
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300 South Grand Avenue
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Los Angeles, CA 90071

Re: Petition to Revive Application Serial No. 74/501046
Applicant: Prepared Products Company, Inc.
For: CAL FARMS

Dear Mr. Miller:

This will acknowledge receipt of the petition to revive the above-identified application, filed February 4, 1997. This application was abandoned for failure to file a Statement of Use, or Request for Extension of Time to File a Statement of Use, within 12 months of the Notice of Allowance, i.e., on or before November 14, 1996.

Decision: Petition to Revive is hereby DENIED.

Applicant states that its failure to timely file a second Request for an Extension of Time to File a Statement of Use was due to the fact that it never received the Notice of Approval of the first extension request. Trademark Rule 2.89(g) clearly states, in part:

The applicant will be notified of the grant or denial of a request for an extension of time, and of the reasons for a denial. *Failure to notify the applicant of the grant or denial of the request prior to the expiration of the existing period or requested extension does not relieve the applicant of the responsibility of timely filing a statement of use under §2. 88* (emphasis added).

Since Applicant has not shown that the delay in responding to the Office Action was unavoidable, the petition to revive is denied.

Sincerely,

Carol P. Smith
Paralegal Specialist
Office of the Assistant Commissioner
for Trademarks
(703)308-8900 ext. 49