

TTAB

76/357,067
64,803-004

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

In re: 76/357,067
Applicant: Allied Domecq Spirits & Wine Limited
Filed: 01/10/2002
Published: 10/08/2002
Mark: BALLANTINE'S
Goods:

RECEIVED
APPEALS
DIVISION
NOV 13 11 04 2002
U.S. Patent & TMO/TM Mail Rept Dt. #70

Small items of metal hardware, namely key rings, key chains and piggy banks (IC 6); Cameras, digital cameras, moving picture cameras; blank audio tapes and discs, pre-recorded audio tapes featuring music, pre-recorded discs featuring images and music; calculators (IC 9); Furniture, furniture mirrors, hand mirrors and picture frames (IC 20); Bath brushes, hair brushes, clothes brushes, crumb brushes, cosmetic brushes, dusting brushes, floor brushes, shoe brushes; boxes for dispensing paper towels; crumb trays, butler's trays, serving trays, not of precious metals; napkin holders; napkin rings not of precious metals; earthenware namely plates, dishes, cookie jars, saucers and cups; hair combs; sponges for household purposes, sponges for applying body powder; figurines made of china, crystal, earthenware, glass, ceramic and porcelain; non-metal piggy banks; tankards not of precious metals; beer mugs, egg cups, shot glasses and beverage glassware; bowls, buckets, ice buckets, ice pails, whisks, food containers, coasters, coffee cups; portable coolers and portable beverage coolers; toothpicks and toothpick holders; corkscrews; cruet sets, candlesticks, candle holders and candelabras, not of precious metals (IC 21); Board games, card games and action-skill games; toys, namely action figures, stuffed animals, dolls, miniature trucks and cars; decorations for Christmas trees (IC 28); Jellies, jams, fruit sauces; eggs, milk and dairy products excluding ice cream, ice milk and frozen yogurt (IC 29); Coffee, tea, cocoa, sugar, rice, bread, pastry and candy, bakery products, bubble gum, chewing gum, popped and unpopped popcorn, ice cream, flavored ices, puddings, edible and candy cake decorations (IC 30); Restaurant and carry-out food services; hotel services, bed and breakfast services, motel services (IC 43).

Box TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

**FIRST REQUEST FOR EXTENSION OF TIME
TO FILE NOTICE OF OPPOSITION**

CERTIFICATE OF EXPRESS MAIL

Express Mail Label No.: ET931275818US

Date of Deposit: 11/04/2002

I hereby certify that this *First Request for Extension of Time to File Notice of Opposition* is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope address to Box TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Alesia A. Mungons
Alesia A. Mungons

DD

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Sir/Madam:

In accordance with 37 C.F.R. § 2.102, Potential Opposer, Ballantyne Foods, Inc., an Australian company with an address of 39 Ballantyne Street, South Melbourne, Victoria 3205 Australia, by and through its attorneys, hereby requests that the Board grant a 30-day extension of time within which to file a Notice of Opposition to registration of the above-identified mark.

The mark was published for opposition October 8, 2002, the opposition period set to expire on November 7, 2002. Potential Opposer requests a 30-day extension of the opposition period to December 7, 2002.

The extension is necessary in order for Ballantyne Foods, Inc. to investigate the matter further and evaluate the necessity of filing a Notice of Opposition.

In view of the foregoing, Potential Opposer requests that the Request for Extension of Time be approved.

This request is being submitted in triplicate as is required by 37 C.F.R. § 2.102(d) (original plus two copies).

Respectfully submitted,



Renee L. Miller
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Date: November 4, 2002

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