

10/10/2003 11:09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Trademark Application of Sugaree Baking Co., L.L.C.
 Mark: SUGAREE BAKING COMPANY
 Application No.: 76/456,211
 Filed: October 7, 2002
 Int'l Class(es): 035
 Published: June 24, 2003 (T.M.O.G. 465)
 Att'y Docket No.: A3,061

BOX TTAB - NO FEE
 Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3514

**SECOND REQUEST UNDER 37 C.F.R. § 2.102
 FOR EXTENSION OF TIME FOR FILING AN OPPOSITION**

1 Sir:

2 Mary Jennifer Russell, a United States citizen d/b/a/ Sugaree's Bakery, having a principal
 3 place of business and mailing address of 110 West Bankhead Street, New Albany, Mississippi
 4 38652, requests that the time for filing a Notice of Opposition to the above-captioned application
 5 be extended for an additional thirty (30) days, to and including October 22, 2003 (*i.e.*, until and
 6 including 120 days from the date of the Notice of Publication).

7 A prior sixty (60) day extension of time was previously requested so that a preliminary
 8 investigation could be conducted. Settlement negotiations have been initiated and are presently
 9 underway between the potential opposer and applicant to see if this matter can be settled without
 10 the need for an opposition proceeding, and this additional time is needed for those settlement
 11 negotiations to continue between the potential opposer and applicant.

12 *Two duplicate copies of this request are attached, as required.*

Respectfully submitted,

Mary Jennifer Russell, d/b/a Sugaree's Bakery

Date: 9/17/2003

By: Russell H. Walker

Russell H. Walker
Walker, McKenzie & Walker, P.C.
6363 Poplar Ave., Suite 434
Memphis, Tennessee 38119-4896
Tel. No. (901) 685-7428
U.S.P.T.O. Registration No. 35,401
Attorney for Potential Opposer

11 *Certificate of Mailing under 37 C.F.R. § 2.197* - I hereby certify that the foregoing Second
12 Request under 37 C.F.R. § 2.102 for Extension of Time for Filing an Opposition, together with
13 two duplicate copies thereof, is being deposited as U.S. First Class Mail, postage prepaid, on
14 September 17, 2003, in an envelope addressed to:

Box TTAB - No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

19 Date: 9/17/2003

Russell H. Walker

Russell H. Walker
U.S.P.T.O. Registration No. 35,401

Re: Trademark

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: September 17, 2003 TRANSMITTAL LETTER

File No.: A3,061

In re: Trademark Application of Sugaree Baking Co., L.L.C.
 Mark: SUGAREE BAKING COMPANY
 Appl. No.: 76/456,211
 Filed: October 7, 2002
 Int'l Class: 35
 Published: June 24, 2003 (T.M.O.G. 465)
 Attorney Docket No.: A3,061

TO THE COMMISSIONER FOR TRADEMARKS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing:

SECOND REQUEST UNDER 37 C.F.R. § 2.102 FOR EXTENSION OF TIME FOR FILING
AN OPPOSITION in triplicate (2 pages); and a return postcard.

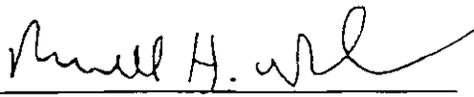
Also enclosed is my check in the sum of \$N/A for the required fee.

Please charge any additional fees or credit any overpayment concerning the filing of the enclosed documents to Deposit Account No. 23-0125.

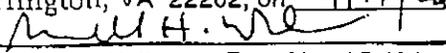
Respectfully submitted,

Mary Jennifer Russell, d/b/a/
Sugaree's Bakery

Date: 9/17/2003

By: 

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: TTAB-No Fee, Commissioner for Trademarks, 2900 Crystal Dr., Arlington, VA 22202, on 9/17/2003


 Russell H. Walker Reg. No. 35,401
 Date: 9/17/2003

Russell H. Walker
 WALKER, MCKENZIE & WALKER, P.C.
 6363 Poplar Ave., Suite 434
 Memphis, TN 38119-4896
 Tel. No. (901) 685-7428
 Registration No. 35,401
 Attorney for Potential Opposer

LAW OFFICES OF
WALKER, MCKENZIE & WALKER, P.C.
6363 Poplar Ave., Suite 434
Memphis, Tennessee 38119-4896
Tel: (901) 685-7428 • Fax: (901) 682-6488

FAX COVER SHEET

To: George Woods
Of: USPTO Trademark Trial and Appeal Board

Transmitted to Fax Number: 703-308-9333

From: Russell H. Walker
Client/Matter: Erroneous Charge to U.S.P.T.O. Deposit Account 23-0125
Missing Second Extension of Time to Oppose filed with TTAB for
Appl. 76/456,211 on 9/17/2003.
Our File No.: A3,061
Date: October 10, 2003

NUMBER OF PAGES INCLUDING THIS PAGE: 11

PLEASE CALL (901) 685-7428 IF YOU DID NOT RECEIVE ALL OF THE PAGES.

MAILED CONFIRMATION WILL NOT FOLLOW.

I hereby certify that the attached letter to George Woods, USPTO TTAB (1 page, dated October 10, 2003), with its enumerated attachments, namely, copies of the following items:

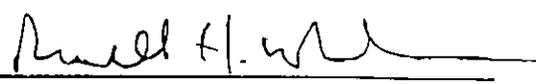
- (1) USPTO Deposit Account 23-0125 Statement Printout for October 2003 (1 page)
- (2) Itemized Return Postcard and USPS Certified Mail Receipt 7002 0860 0004 7275 1517 (1 page), dated 9/17/2003
- (3) USPS Track & Confirm printout showing delivery of item 7002 0860 0004 7275 1517 to USPTO TTAB, Arlington, VA on 9/22/2003 (1 page)
- (4) Transmittal Letter dated 9/17/2003 for Second EOT to Oppose with Certificate of Mailing
- (5) Second Request for EOT to Oppose (2 pages, in triplicate) with Certificate of Mailing.

is being facsimile transmitted to George Woods, USPTO TTAB, at facsimile number 703-308-9333, on October 10, 2003.

Thank you for your courtesy moments ago when we spoke. I understand that the Second EOT to Oppose that I filed on 9/17/2003 has become lost at the TTAB. Enclosed is a complete copy of everything filed on that date plus conclusive proof that the package was dropped off with the USPS on 9/17/2003 and delivered to the Trademark Office on 9/22/2003. I have not yet received the return itemized postcard filed with the Second EOT or the Certified Mail return postcard, but the USPS online tracking system shows proof that the item was delivered to the Trademark Office. I also understand that you agree that our Deposit Account was charged in error for this EOT to Oppose, and I am contacting the Finance Office about a refund. Strangely, the Office of the Commissioner of Trademarks, who transferred me to you, indicated that you, not the Finance Office, were the proper contact to obtain this refund to our Deposit Account. I know that it's not your fault, but I'm getting tired of the enormous effort involved to correct the numerous repeated mistakes made by the clerks at the Patent and Trademark Office.

Please take the necessary steps to enter this timely-filed Second EOT to Oppose.

Date: 10/10/2003



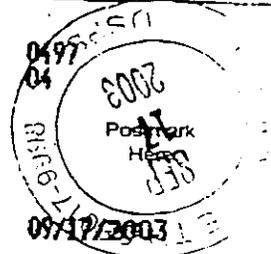
Russell H. Walker
U.S.P.T.O. Registration No. 35,401

7002 0860 0004 7275 1517

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ARLINGTON VA 22202 Sugaree's Bakery

Postage	\$ 40.88
Certified Fee	\$ 2.30
Return Receipt Fee (Endorsement Required)	\$ 1.75
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 44.88



Sent To
 Commissioner for Trademarks
 Box TTAB - No Fee
 2900 Crystal Drive
 Arlington, Virginia 22202-3514

PS Form 3800 See Reverse for Instructions

BOX TTAB - NO FEE
 Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, VA 22202-3514
 Docket No.: A3,061 9/17/03

Dear Sir: Kindly acknowledge receipt of the enclosed **SECOND REQUEST UNDER 37 C.F.R. § 2.102 FOR EXTENSION OF TIME FOR FILING AN OPPOSITION** in triplicate (2 pages); and Transmittal Letter by affixing your date stamp hereon and returning this card to me.

In re: Trademark Application of Sugaree Baking Co., L.L.C.
 Mark: SUGAREE BAKING COMPANY
 Appl. No.: 76/456,211
 Filed: October 7, 2002
 Class: 35
 Published: June 24, 2003 (T.M.O.G. 465)
 Docket No.: A3,061

Yours very truly,

 Russell H. Walker



Home

Track & Confirm

Shipment Details

You entered 7002 0860 0004 7275 1517

Your item was delivered at 11:31 am on September 22, 2003 in ARLINGTON, VA 22202.

Here is what happened earlier:

- ARRIVAL AT UNIT, September 22, 2003, 11:26 am, ARLINGTON, VA 22202
- ACCEPTANCE, September 17, 2003, 6:20 pm, COLLIERVILLE, TN 38017

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Deposit Account Statement

Requested Statement Month: October 2003
 Deposit Account Number: 230125
 Name: WALKER MCKENZIE & WALKER PC
 Attention:
 Address: 6363 POPLAR AVENUE SUITE 434
 City: MEMPHIS
 State: TN
 Zip: 38119-4896

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/08	34	09789034	98,157	2201	-\$462.00	\$3,139.00
10/08	35	09789034	98,157	2201	\$420.00	\$2,719.00
10/10	54	76456211		6004	\$150.00	\$2,589.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$2,677.00	\$570.00	\$462.00	\$2,589.00

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