

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 18, 2009

Applicant: Angels Baseball LP
Serial No.: 76692655
Filed: 9/9/08
Mark: THE BIG A

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Karl Kochersperger, Paralegal

It is noted that on April 6, 2009, **The New York Racing Association, Inc.** filed a notice of opposition to registration of the mark shown in the above-identified application.

The record in the application file reveals that the mark was published for opposition purposes on January 27, 2009. A request for extension of time to file a notice of opposition was filed on February 9, 2009 and granted the same day. Thus, the time for filing an opposition or request for extension of time expired March 28, 2009.

Potential opposer notes that it originally sent its notice of opposition to the former address of the Trademark Trial and Appeal Board (TTAB) in Arlington, Virginia. The TTAB has since moved to Alexandria and a petition decision issued by the Commissioner for Trademarks with respect to Serial No. 78396198 on March 31, 2006 regarding a similar situation. This petition was denied as potential opposer failed to establish that this was an extraordinary situation as the Board's new mailing address was clearly communicated with the public when the address changed back in October 2004.

Since the notice of opposition was not timely filed, it cannot receive any consideration herein. See: Section 13 of the Trademark Act of 1946 and Trademark Rule 2.101(c).

The matter will be referred to the Finance Branch of the Office for consideration of the refund of the \$300.00 opposition fee.