

Mailed: March 18, 2015

Applicant: Misha Starr

Serial No.: 76716318

Filed: 5/8/2014

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**Karl Kochersperger, Paralegal Specialist:**

Counsel for Sabrina Friedenfelds, potential opposer herein, has on March 6, 2015 filed a request for a further 30-day extension of time in which to file an opposition to the above-identified application. The requested extension of time is not in accordance with the Trademark Rules.

The additional extension of time requested on behalf of potential opposer, if granted, would result in total extensions of time aggregating 150 days from the date of publication of applicant's mark.

Extensions of time to oppose may be granted only as provided in Trademark Rule 2.102:<sup>1</sup>

... (3) After receiving one or two extensions of time totaling ninety days, a person may file one final request for an extension of time for an additional sixty days.<sup>2</sup> The Board will grant this request only upon written consent or stipulation signed by the applicant or its authorized representative, or a written request by the potential opposer or its authorized representative stating that the applicant or its authorize

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<sup>1</sup> Trademark Rule 2.102 was recently amended. See, Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. Reg. 55,748 (Sept. 26, 2003). The amended rule applies to any potential opposer which filed its first extension of time against a particular application on or after November 2, 2003. *Id.*

<sup>2</sup> The Board notes that a thirty day extension of time is not available at this time, according to the Trademark Rules.

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representative has consented to the request, or a showing of extraordinary circumstances. No further extensions of time to file an opposition will be granted under any circumstances.

Inasmuch as the circumstances recited in the instant request are not deemed to be extraordinary in nature, and since there is no indication that applicant has consented to a sixty day extension, the request is denied. Potential opposer's remedy lies in the filing of a petition for cancellation after applicant's application has matured into registration.

Additionally, it is noted that potential opposer's request is not accompanied by a certificate of mailing as required by Trademark Rule 2.197. In view thereof, the date of receipt in the Patent and Trademark Office must govern. Accordingly, the filing date of the request is the date when it was received in the Patent and Trademark Office, i.e., March 6, 2015. Since the filing date of the request was 2 days outside the previously extended period, the request is untimely and is denied for this reason as well.