

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: April 10, 2015

Applicant: Misha Starr

Serial No.: 76716318

Filed: 5/8/2014

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By the Trademark Trial and Appeal Board:

The request for reconsideration filed March 26, 2015, of the Board's letter dated March 18, 2015, is noted.

The granting of its request would require a waiver of a requirement of Trademark Rule 2.102(c). The Board, however, is without authority to waive a requirement of a rule, only the Commissioner may do so.

The Board notes that a thirty day extension of time to oppose (which is what the potential opposer filed) is not allowed after 120 days after an application has been approved for publication. A request filed during this time period can only be granted for sixty days and not any other period of time. 37 CFR Section 2.102(c)(3).

Additionally, potential opposer's extension request filed March 6, 2015 was untimely filed. The time to oppose had previously been extended through and including March 4, 2015 (a Wednesday). Potential opposer's request for a thirty day extension arrived at the USPTO on March 6, 2015. The request did not include a certificate of mailing nor was it delivered by USPS Priority Mail Express. In such cases, the filing date is the date on which the Office receives the paper. TM Rule 2.195(a); *see* TM Rule 2.198 (filings by Priority Mail Express). The Board cannot grant an untimely extension request, even by consent of the parties. TBMP § 202.04.

Finally, it is unfortunate if potential opposer was given incorrect information by the TTAB Help Desk, but counsel cannot rely on such information contrary to the Trademark Rules.

All business with the Office should be transacted in writing. . . . No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

TM Rule 2.191. If applicant needed further interpretation of the rules pertaining to extensions, our policies and practices are extensively explained in TBMP Chapter 200.

Accordingly, potential opposer's request for reconsideration must be denied.