

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

Mailed: June 5, 2009

Applicant: Satterwhite, Kuntu Mali
Serial No.: 77489304
Filed: 6/3/08
Mark: SYNERGY OPTIMIZED

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Eric McWilliams, Supervisory Paralegal:

Applicant's request to vacate the approval of a request to extend time to file an opposition, filed April 8, 2009, is noted and granted.

A review of the file reveals that on April 3, 2009, potential opposer, Larry Fast, filed a 60-day request for extension of time to oppose, stating that he had the consent of applicant. The request was granted by the Board on April 3, 2009.

Applicant's April 8, 2009 objection to the Board's granting of potential opposer's extension of time states that applicant did not consent, at any time to an additional sixty day extension of time.

Potential opposer's attention is directed to Trademark Rule 2.102 which states that extensions of time to oppose may be granted only as provided in:

... (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. 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 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 applicant has stated that it did not consent to an additional extension of time, and the circumstances recited in potential opposer's request were not extraordinary in nature, the Board's April 3, 2009 order granting the extension of time is hereby vacated.

Potential opposer's remedy lies in the filing of a petition for cancellation after applicant's application has matured into registration.

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