

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

Mailed: January 7, 2010

Applicant: Hudson Clothing, LLC
Serial No.: 77732069
Filed: 5/7/2009
Mark:

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UNITED STATES

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Counsel for BVDK Design, Inc., potential opposer herein, has on January 6, 2010 filed a request for a further 60-day extension of time in which to file an opposition to the above-identified application.

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

... (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.

¹ 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.*

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 thereto, the request is denied.

Potential opposer's remedy lies in the filing of a new request for an extension of time with applicant's consent before the expiration date of January 13, 2010 or the filing of a petition for cancellation after applicant's application has matured into registration.