

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/533102

APPLICANT: Matrix Operations Company, LLC



CORRESPONDENT ADDRESS:
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BEFORE THE
TRADEMARK TRIAL
AND APPEAL BOARD
ON APPEAL

MARK: MATRIX PLUS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Applicant:	Matrix Operations Company, LLC	:	BEFORE THE
Trademark:	MATRIX PLUS	:	TRADEMARK TRIAL
Serial No:	78/533102	:	AND
Attorney:	JENNIFER L. CERCE	:	APPEAL BOARD
Address:	MAIELLO, BRUNGO & MAIELLO, LLP ONE CHURCHILL PARK 3301 MCCRADY ROAD PITTSBURGH, PA 15221	:	ON APPEAL

EXAMINING ATTORNEY'S MOTION FOR
ACCEPTANCE OF A LATE-FILED BRIEF

On January 5, 2007, the applicant filed a reply brief requesting that the Trademark Trial and Appeal

Board (TTAB) dismiss the examining attorney's brief as tardy in the above matter. The examining attorney requests that the Trademark Trial and Appeal Board accept the Examining attorney's brief. TBMP 1203.02(b). The examining attorney had not filed a brief with the Board in some time, and, while the finished brief was submitted to the Managing Attorney two weeks prior to the due date, the Examining Attorney thought that a paper brief would then be submitted to the TTAB after review by the Managing Attorney, per previous office procedure. However, the examining attorney subsequently learned that briefs are to be electronically submitted after review by the Managing Attorney. The examining attorney immediately e-mailed the brief to the Board. In the past the Board has permitted the examining attorney file a brief made late by a mix-up in office procedure. See the non-citable decision *In re Toymax Inc.*, 2002 TTAB LEXIS 108 (Trademark Trial & App. Bd. Jan. 17, 2002). The delay was unintentional, and, while the examining attorney regrets any inconvenience to the Board and the applicant, he hopes that the rights of the registrant will not be compromised by his error.

Respectfully submitted,

/Brian Neville/
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K. Margaret Le
Managing Attorney
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