

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

Mailed: February 18, 2009

Applicant: Astral Property Pty Ltd  
Serial No.: 78873006  
Filed: 4/30/2006  
Mark: ECORAIN

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**Veronica P. White, Paralegal Specialist:**

The notice of opposition filed on behalf of EcoRain Systems, Inc. on October 9, 2007 is noted.<sup>1</sup>

Inasmuch as the subject application was not published in the Official Gazette, it was not subject to opposition. That is a request for an extension of time or an opposition may be filed only when the application is published for such purpose under Section 12(a) of the Statute.

Accordingly, the notice of opposition will not be instituted. The matter will be referred to the Finance Branch of the Office for consideration of a refund of the opposition fee.

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<sup>1</sup>The Board notes that on August 25, 2008, applicant's application was abandoned.