

ESTTA Tracking number: **ESTTA319484**

Filing date: **11/30/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Applicant:                 | <b>SMW Swiss Military; Watch Company AG</b> |
| Application Serial Number: | <b>79059932</b>                             |
| Application Filing Date:   | <b>09/03/2008</b>                           |
| Mark:                      | <b>TAWATEC</b>                              |
| Date of Publication        | <b>08/11/2009</b>                           |

## **60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances**

Pursuant to 37 C.F.R. Section 2.102, Montres Charmex S.A., Galmstrasse 2, 4410 Liestal, , SWITZERLAND respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Applicant herein seeks to extend protection of its international registration to the United States, pursuant to the Madrid Protocol. Because this is a Section 66(a) application, Potential Opposer would not be allowed to later amend a notice of opposition to add a new ground, and absent an amendment, given the circumstances below, an extension would be Potential Opposer's only remedy. Applicant has brought suit in Germany, seeking (inter alia) a temporary restraining order against Potential Opposer, in connection with the mark. The relevant paperwork is in the German language. Additional time is necessary for the undersigned to have the paperwork translated and to study it, as it may provide additional grounds for opposition. In oppositions to Madrid-based application, all grounds must be listed in the first notice of opposition, and amendments to add a new ground would not be possible. Potential Opposer suggests that these extraordinary circumstances, resulting from the foreign litigation between the parties over the mark, involving a temporary restraining order, coupled with the bar on adding a new ground for cancellation, taken together, warrant an extension to file a notice of opposition, and respectfully requests the same.

The time within which to file a notice of opposition is set to expire on 12/09/2009. Montres Charmex S.A. respectfully requests that the time period within which to file an opposition be extended until 02/07/2010.

Respectfully submitted,  
/h i jacobs/  
11/30/2009

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