

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

Mailed: September 21, 2011

Applicant: Caribbean Distillers, LLC
Serial No.: 85169624
Filed: 11/4/2010
Mark: DRACO RUM

CRISTINA ARENAS SOLIS
FERRAIUOLI TORRES MARCHAND ROVIRA, PSC
221 PONCE DE LEON AVENUE 221 PLAZA SUITE 403
SAN JUAN PR 00917
UNITED STATES

Tyrone Craven, Paralegal Specialist:

On September 6, 2011, potential opposer herein Vagabundo Company, Inc., filed a notice of opposition against the mark shown in the above-identified application.

A review of the record in this case reveals that on July 1, 2011, potential opposer was granted an extension of time until August 31, 2011, in which to file an opposition, pursuant to a request filed June 30, 2011.

Since the notice of opposition was filed on September 6, 2011, six days outside the previously extended period, the notice of opposition is untimely and must be denied. See: Section 13 of the Act of 1946 and Trademark Rule 2.101(c).

The matter will be referred to the Finance Branch of the Office for consideration of the refund of the opposition fee. The opposition papers will be returned under separate cover.