

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 20, 2002

Applicant: NetScout Systems, Inc.
Serial No.: 76055076
Filed: 05/23/2000
Mark: NGENIUS PROBES

TRADEMARK ADMINISTRATOR
TESTA HURWITZ & THIBEAULT LLP
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Juan M. Porter, Legal Assistant

It is noted that on **June 14, 2002**, **Engenius, Inc.** filed a notice of opposition to registration of the mark shown in the above-identified application.

The record in the application file reveals that the mark was published for opposition purposes on **March 26, 2002**. Thus, the time for filing an opposition or request for extension of time expired **May 25, 2002**.

Since the notice of opposition was not timely filed, it cannot receive any consideration herein. See: Section 13 of the Trademark 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 \$300.00 opposition fee. The opposition papers will be returned under separate cover.