

TTAB

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April 3, 2006

United States Patent & Trademark Office
Trademark Trial and Appeal Board
PO Box 1451
Alexandria, VA 22313-1451

Opposition # 91152940
Sinclair Oil Corporation

76212011

v.

Sumatra Kendrick

Andrew P. Baxley,
Interlocutory Attorney:

Dear Mr. Baxley, I am writing this letter to your office for a Request for an extension of time to File an amendment to the FRAUD allegations. I am just now in receipt of the letter sent by your office. Due to the Post office withholding mail, returning and simply not forwarding my mail to me.

I find Sinclair Oil Corporation a corporation who is deliberately trying to Frustrate, Confuse and Delay this case to which they have no merit. After 5 years of filing frivolous motions and even fraud allegations, they have yet to prove that my logo is infringing on their logo.

Needless to say please see the attached notices from the Post Office to which they have admitted after an investigation that they have delayed my mail, sent it back to sender, or simply did not forward my mail to me. Which is a clear violation of Federal Laws?

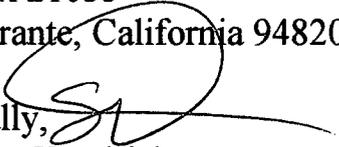
Please forward any correspondence to my new PO Box directly.



04-04-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #34

Sumatra Kendrick
PO Box 21055
El Sobrante, California 94820

Cordially, 
Sumatra Kendrick



August 22, 2005

Sumatra Kendrick
PO Box 434
Berkeley CA 94701-0434

Dear Ms. Kendrick:

Thank you for alerting us to the problems you experienced with the delivery of your mail.

You notified the Consumer Affairs Office on July 20, 2005, that you had been having a problem getting your mail. You have had your PO Box for 3 years; however you have had significant delivery problems this last year. Some of your mail was being returned to sender, endorsed, "Return to Sender, No Such Number"; and some of your mail just went missing. You knew it was sent to you but you never received it nor was it returned to sender as some mail had been.

Our investigation revealed that there was a problem with the Post Office Box delivery person delivering your mail correctly. Subsequently, on August 11, 2005, you found out that you had letters dating back to the first of May 2005 that were being held at the Post Office. We have straightened out the problems with the Postal Box delivery person. You should receive all of your mail in a timely manner.

I apologize for any inconvenience this has caused. Please use this letter as verification that you contacted our office to report this problem. I would appreciate any consideration that can be extended to you in view of the circumstances. If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Elma I Ramirez".

 Elma I Ramirez
Manager

Ref:bp

POSTMASTER
BERKELEY



January 12, 2006

Ms. Sumatara Kendrick
12 Moraine Ct.
Hercules CA 94547-1405

Dear Customer:

Please allow me to introduce myself. My name is Ray Davis and I have recently been assigned as Officer In Charge of the Berkeley, California Post Office. Mr. Ralph Cherry has accepted another assignment and is no longer Postmaster of Berkeley.

I am in receipt of your letter of October 23, 2005 and in which you describe the problems you have encountered with our services. Please accept my sincere apology for our failure to deliver your mail in a timely manner and for any inconvenience we may have caused.

Unfortunately, postal regulations do not allow for reimbursement for losses you may have incurred due to untimely receipt of mail. However, I have decided to refund the \$35.00 in Post Office Box Fees you paid on June 2, 2005 for service not rendered.

Please complete the enclosed **PS Form 3533, Application and Voucher for Refund, Fees, and Services** and return it in the enclosed envelope. Please contact Customer Relations Coordinator Mercer Jones at 649-3172 if you have any additional questions or for assistance with the form.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray L. Davis", written over a circular postmark.

Ray L. Davis
Officer In Charge
U. S. Postal Service
Berkeley CA 94704-9998

The Inspection Service helps train postal employees to recognize bogus postal money orders.

Destruction, Obstruction & Delay of Mail (18 USC 1700, 1701, 1702 & 1703)

The Postal Inspection Service upholds federal statutes aimed at securing customers' mail, including those related to the desertion, obstruction, delay or destruction of mail. Postal Inspectors demonstrate their resolve by implementing mail security processes to ensure that customers receive their mail intact and free from outside interference.

Electronic Crimes (18 USC 1029, 1030, 1343 & 2701)

Inspectors protect postal customers from fraud schemes and other crimes that may occur online and involve the misuse of the mail or of the Postal Service. This includes using or selling stolen or counterfeit access devices, such as credit card numbers; using protected computers without proper authority or exceeding authorized access; using computer communications in a scheme to defraud; and unauthorized access to communications that are stored electronically via a communications service.

Embezzlement (18 USC 1709 & 1711)

Postal Inspectors investigate employees and contractors suspected of embezzling postal funds and review the Postal Service's internal financial controls to protect postal revenue and assets from internal theft or misuse.

Extortion (18 USC 873, 876 & 877)

Postal Inspectors investigate extortion and blackmail when demands for ransoms or rewards are sent through the U.S. Mail. Inspectors also strictly enforce laws prohibiting mail that contains threats of kidnapping, physical injury, or injury to the property or reputations of others.

Forfeiture (18 USC 981 & 982)

Postal Inspectors use criminal and civil forfeiture statutes, when appropriate, to seize assets associated with criminal acts.

Identity Fraud (18 USC 1028)

The Postal Inspection Service is a leading federal law enforcement agency in the investigation of identity takeovers, a crime that often begins with the theft of mail or use of the mail to defraud individuals or financial institutions.

Lotteries (18 USC 1301, 1302 & 1303; 39 USC 3005)

Baxley

Mailed: January 31, 2006

Opposition No. 91152940

Sinclair Oil Corporation

v.

Sumatra Kendrick

Andrew P. Baxley, Interlocutory Attorney:

Opposer's motion (filed September 19, 2005) for leave to file an amended notice of opposition is hereby granted as conceded.¹ See Fed. R. Civ. P. 15(a); Trademark Rule 2.127(a); TBMP Section 507.02 (2d ed. rev. 2004). Opposer's concurrently filed amended notice of opposition, captioned "[PROPOSED] AMENDED NOTICE OF OPPOSITION," is the operative complaint herein.

¹ In the amended notice of opposition, opposer adds claims (i) that applicant's involved application Serial No. 76212011 is void *ab initio* because the application was filed based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. Section 1051(a), despite not having used her involved mark in commerce, and (ii) that, by asserting that she had used her involved mark in commerce when she had not, applicant made false, material statements in her application.

An applicant under Trademark Act Section 1(a), who is involved in a Board *inter partes* proceeding, can move to amend its application to substitute Trademark Act Section 1(b), 15 U.S.C. Section 1051(b), as its filing basis and maintain its original filing date. See Trademark Rules 2.34, 2.35 and 2.133(a). If applicant wishes to file a motion to amend its application to substitute Section 1(b) as its filing basis, it should do so promptly.