

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

Mailed: November 6, 2002

Applicant: Aerosol Laboratori Italia S.R.L.
Serial No.: 76136880
Filed: 09/29/2000
Mark: JULIEN D'IRVY

DAVID A. WEINSTEIN
1600 BROADWAY STE 2600
DENVER, CO 80202

Clara Vela, Legal Assistant

It is noted that on September 6, 2002, **DR.FRESH, 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 July 30, 2002. Thus, the time for filing an opposition or request for extension of time expired August 29, 2002.

While the notice of opposition was accompanied by a certificate of mailing it is dated August 30, 2002, a time subsequent to the expiration of the thirty-day period.

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.