

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

Mailed: February 21, 2003

Applicant: Church & Dwight Company
Serial No.: 76398926
Filed: 04/23/2002
Mark: RAINBOW FRESH

DAVID J. SCHUMAN
CHURCH & DWIGHT CO., INC.
469 NORTH HARRISON STREET
PRINCETON, NJ 08543-5297

Duion L. Walker, Legal Assistant

It is noted that on February 3, 2003, **Aldi 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 December 10, 2002. Thus, the time for filing an opposition or request for extension of time expired January 9, 2003.

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.