

ESTTA Tracking number: **ESTTA253768**

Filing date: **12/08/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91156321
Party	Defendant United States Hispanic Chamber of Commerce Foundation
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Submission	Opposition/Response to Motion
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Date	12/08/2008
Attachments	Oppos. to Mo. to Modify Sched. Order.pdf (2 pages)(50895 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT’S OPPOSITION TO OPPOSER’S MOTION TO MODIFY BOARD’S SCHEDULING ORDER TO PERMIT OPPOSER TO OFFER REBUTTAL TESTIMONY</p>
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Applicant United States Hispanic Chamber of Commerce Foundation (“Applicant”), by and through its counsel, hereby opposes The Chamber of Commerce of the United States of America’s (“Opposer”) Motion To Modify Board’s Scheduling Order to Permit Opposer to Offer Rebuttal Testimony.

First, it appears that Opposer’s motion is effectively a motion for reconsideration of the Board’s August 15, 2008 Order pursuant to 37 C.R.F. § 2.127 (b), and as such, it is untimely. *See* 37 C.F.R. § 2.127 (b) (“Any request for reconsideration or modification of an order or decision issued on a motion must be filed within one month from the date thereof.”). The motion therefore should be denied on that basis alone.

Secondly, Opposer’s motion is unintelligible and does not seek a relief from the Board with particularity. Applicant has reviewed the motion several times and remains unclear why the Board’s August 15, 2008 Order should be modified, as requested by

Opposer. Applicant believes that the Order is sufficiently clear and therefore should not be disturbed.

Respectfully submitted,

Date: December 8, 2008

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a), on this 8th day of December, 2008.

/s/Paulette E. Surjue
Paulette E. Surjue

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served upon the attorney for Applicant by depositing a copy thereof in an envelope addressed to: Erik Kane, Kenyon & Kenyon, 1500 K Street, N.W., Washington, DC 20005-1257, on this 8th day of December, 2008.

/s/ Paulette E. Surjue
Paulette E. Surjue