

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

Mailed: March 26, 2004

Opposition No. 91158582

Central Mfg. Co.

v.

Market America, Inc.

Peter Cataldo, Interlocutory Attorney

It is noted that on November 12, 2003, the notice of opposition filed by Central Mfg. Co. to the registration of the mark shown in application Serial No. 76467277 was instituted. However, it has come to the attention of the Board that the opposer's check which was submitted to cover the filing fee was returned for insufficient funds.¹

If an otherwise timely opposition is submitted on paper, and if the opposition is not accompanied by any fee or a sufficient fee to pay for one person to oppose the registration of a mark in at least one class, the opposition will be rejected. See Trademark Rule 2.101(d)(3)(i). See also TBMP §308.01 (2d ed. June 2003) and the authorities cited therein.

¹ A copy of opposer's returned check is enclosed herewith.

In this case, the notice of opposition was not accompanied by any fee as a result of opposer's check being returned for insufficient funds.

Accordingly, the opposition is hereby vacated and dismissed as a nullity.²

***By the Trademark Trial
and Appeal Board***

² In view thereof, all outstanding motions and matters therein are moot.