

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

In re Application Serial No.: 76308975

Mark: DARKSTAR

TTAB

Leo Stoller, d/b/a Central Manufacturing Company)

Opposer,)

v.)

Northern Telepresence Corporation)

Applicant.)

Opposition No. 91162195

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on October 19, 2004 under "EXPRESS MAIL" mailing label number EV 02124 3921 US.

Janet M. Stevens
Janet M. Stevens

COMMENTS ON MR. STOLLER'S RESPONSE SIGNED OCTOBER 13, 2004

Sir:

Mr. Stoller is repeating his pattern of misrepresentations to the U.S. Patent and Trademark Office. Specifically, on page 2 of his Response, Mr. Stoller states that:

"The fact that the Board may not have associated the potential Opposer's **February 25, 2003** extension with the file until **April 3, 2003**, does not establish that the Opposer did not mail its initial extension of time to oppose pursuant to the 37 CFR §1.8 Certificate of mailing on **February 25, 2003**."

Exhibit A attached to Mr. Stoller's Response itself confirms, however, that his Request for a Ninety Day Extension was received in the U.S. Patent and Trademark Office on April 3, 2003. The upper right-hand corner of the document itself bears one April 3, 2003 date stamp from the U.S. Patent and Trademark Office.

10-19-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #21

The evidence of record clearly establishes that Mr. Stoller's ninety day extension was received in the PTO on April 3, 2003. Thus, the burden is now on Mr. Stoller to prove that the ninety day extension was in fact deposited with the U.S. Postal Service on February 25, 2003, as alleged in the unsigned Certificate of Mailing on the Request for Ninety Day Extension. This is especially appropriate in light of Mr. Stoller's history of falsifying certificates of mailing in prior filings with the U.S. PTO.

Respectfully submitted,

BURR & BROWN

Dated: October 19, 2004

By: Steven W. Caldwell
Steven W. Caldwell, Esq.
Attorney for Northern Telepresence Corporation

SWC:jms

BURR & BROWN
P.O. Box 7068
Syracuse, New York 13261

Telephone: (315) 233-8300
Facsimile: (315) 233-8320

CERTIFICATE OF SERVICE

I, Janet M. Stevens, certify that on October 19, 2004, I caused a copy of Applicant's Comments on Mr. Stoller's Response signed October 13, 2004 to be delivered via first class mail to:

Leo Stoller
President
Central Manufacturing Company
P.O. Box 35189
Chicago, IL 60707-0189

by placing the same properly enclosed in a postpaid wrapper, in a post office box regularly maintained by the government of the United States, in the City of Syracuse, Onondaga County, New York, at Federal Station, 100 South Clinton Street 13261.


Janet M. Stevens