

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 22, 2005

Opposition No. 91167065

**Cellco Partnership dba Verizon
Wireless**

v.

Cingular Wireless II, LLC

Cheryl Butler, Attorney, Trademark Trial and Appeal Board

Application Serial No. 78-443400 was published for opposition on May 11, 2005. Opposer, as potential opposer, filed a timely request to extend its time to oppose on June 2, 2005 and, subsequently, on September 27, 2005, filed a notice of opposition. This opposition was instituted on October 21, 2005, and applicant's answer is due November 30, 2005 in accordance with the institution order.

In the meantime, on July 25, 2005, a letter of protest was accepted; jurisdiction was restored to the Examining Attorney; and a non-final Office Action issued on September 1, 2005.

The filing of a letter of protest does not stay the time for filing a notice of opposition or any request to extend time to oppose. See TBMP 215 (2d ed. rev. 2004). Where a notice of opposition is filed, the Board normally will institute the

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proceeding and then suspend proceedings until the letter of protest is decided. If the Examining Attorney approves the application, and the mark is not republished, the opposition proceeding will be resumed. In this case, all dates, including applicant's time to answer the notice of opposition, will be reset. If the mark is republished, opposer will be given an opportunity to indicate whether it wishes to go forward with the opposition in light of any amendments to the application as republished. *Id.*

Accordingly, as discussed above, proceedings herein are suspended.

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