

ESTTA Tracking number: **ESTTA242057**

Filing date: **10/10/2008**

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

Proceeding	91176744
Party	Plaintiff DC Comics and Marvel Characters, Inc.
Correspondence Address	Jonathan D. Reichman Kenyon & Kenyon, LLP One Broadway New York, NY 10004 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Michelle C. Morris
Filer's e-mail	mmorris@kenyon.com
Signature	/Michelle C. Morris/
Date	10/10/2008
Attachments	Letter to Board 2.pdf ( 2 pages )(116369 bytes )

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

DC COMICS and  
MARVEL CHARACTERS, INC.,

Opposers,

v.

MICHAEL CRAIG SILVER,

Applicant.

Opposition No. 91/176,744  
Application No. 78/823,155  
Mark: SUPER HERO

**OPPOSER'S LETTER TO THE BOARD**

Opposers DC Comics and Marvel Characters, Inc. (collectively, "Opposer") are writing to advise the Board of its mistaken filing in the above proceeding today, October 10, 2008. In filing "Opposer's Motion for an Extension of Time," Opposer mistakenly filed the extension as a motion on consent. Opposer hereby withdraws the "Motion for an Extension of Discovery or Trial Periods With Consent." Opposer immediately took measures to correct the misfiling and properly re-filed "Opposer's Motion for an Extension of Time." Opposer therefore respectfully requests that the Board consider only "Opposer's Motion for an Extension of Time." Opposer apologizes for any inconvenience and regrets the error.

Respectfully,

KENYON & KENYON LLP

Dated: October 10, 2008

By: 

Jonathan D. Reichman  
Michelle C. Morris  
One Broadway  
New York, New York 10004  
(212) 425-7200  
*Attorneys for Opposer*

**PROOF OF SERVICE**

I hereby certify that true and complete copy of OPPOSER'S LETTER TO THE BOARD  
has been served by mailing said copy on October 10, 2008, via first class mail, to:

Michael Craig Silver  
3229 Steiner Street  
San Francisco, California 94123

  
Michelle C. Morris  
Michelle C. Morris