

Goodman

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

Mailed: August 7, 2012

Opposition No. 91199018

Amylin Pharmaceuticals, Inc.

v.

Amlin Health, LLC

Before Zervas, Wellington and Shaw, Administrative Trademark Judges.

By the Board:

On May 14, 2012, the opposition was sustained, and on July 29, 2012, applicant filed a paper with the Board titled an "ex parte appeal," which paper also includes in its title a "request that the Board re-consider its previous decision."

To the extent that this filing is a request for reconsideration, such a request is untimely inasmuch as a request for reconsideration of a decision on a motion must be filed within one month from the date of the order or decision. TBMP Section 518 (3d ed. rev. 2012).

Accordingly, the request for reconsideration is denied as untimely.

It is unclear from this filing if applicant is attempting to appeal this matter. However, the Board is not the appropriate venue for such an appeal, which notice of

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appeal must be filed with the U.S. Court of Appeals for the Federal Circuit. Trademark Rule 2.145(d)(1). Because the request for reconsideration is untimely, it did not toll the time for filing an appeal in this matter, which is two months from the date of decision. Trademark Rule 2.145(d)(1).

Any request to reopen the time to file an appeal after the expiration of the appeal period should be filed with the Director, through the Office of the Solicitor in the Office of General Counsel, not with the Board. Trademark Rule 2.145(e) and TBMP Section 902.02.