

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ey/dmd

Mailed: January 15, 2016

Opposition No. 91225307

*Mary's Gone Crackers, Inc.*

*v.*

*LUV Ice Cream*

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

On December 10, 2015, Opposer, Mary's Gone Crackers, Inc., filed a notice of opposition against the above-identified application. The opposition proceeding was electronically instituted by the Board's Electronic System for Trademark Trials and Appeals ("ESTTA") the same day.

On December 16, 2015, Applicant filed a motion to amend the above-identified application with the consent of Opposer.

A review of the record in this case reveals that on September 10, 2015, Mary's Gone Crackers, Inc. was granted an extension of time until December 9, 2015 in which to file an opposition.

On December 7, 2015, Mary's Gone Crackers, Inc. filed a request for a further 60-day extension of time to oppose from December 9, 2015 to February 7, 2016. The request was denied on December 10, 2015.

Since the notice of opposition was filed on December 10, 2015, 1 day outside the previously extended period, the notice of opposition is untimely. *See* Section 13 of the Trademark Act of 1946 and Trademark Rule 2.101(c).

In view thereof, the opposition is dismissed as a nullity and Applicant's December 16, 2015 motion to amend its application will not be given consideration.

The matter will be referred to the Finance Branch of the Office for consideration of the refund of the opposition fee.