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October 8, 2013

United States Patent and Trademark Office

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Reference: Cancellation Pending No. 92057484 and Pending No. 92057506

Attention: Ms. Mary Catherine Faint, Attorney and Ms. Cheryl S. Goodman, Attorney

I wish to validate my Requests for Extension and to clarify some accusations made by the Petitioner.

I submitted a copy of my Request for Extension, pending Cancellation No. 92957484 to the Plaintiff on August 12, 2013 by USPS First Class mail service exactly the same date I submitted the request to the USPTO electronically. I also spoke with Veronica White for the first time on August 13, 2013 who returned my call that day from the prior week's daily calls, August 5th-9th. I informed her that I had submitted the Extension Request to the USPTO as directed and which she confirmed receipt. I also informed her I had mailed a copy directly to the Petitioner August 12, 2013 but I wanted to verify it with her as well. She apologized to me that she had been out sick that prior week but that she would also send the Request for Extension notice herself directly to the Petitioner that day to insure that it would be received by the due date. This first call to Ms. White was to obtain clarification of procedures in submitting documentation to the USPTO and not to obtain substantive legal advice as erroneously conveyed by the Petitioner. I also spoke with Ms. White about pending Cancellation No. 92057506 and she advised me the submission procedures were exactly the same. I wish to emphasize that the Request for Extension was indeed submitted by me directly to the Petitioner on August 12, 2013 through the U.S. Postal Service by First Class Service.

I also wish to convey that I did not receive any overnight courier notice of any kind July 9, 2013 as implied by the Petitioner after having checked with the USPS. I was informed by the Post Office they do not accept any private courier service correspondence to any U.S. Post Office box nor will they sign for any customer renting a post office box. Therefore there could not be any signed Certificate of Service as implied by the Petitioner who is in error that I did receive and/or sign for any such document. I can only assume that it had been sent to my prior address but then it would have been returned to the Petitioner because the USPS does not provide forwarding service for any courier service.

10-15-2013

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

I requested an extension of time to the USPTO because I had just learned of the cancellation proceeding August 4, 2013 just having returned from a month's plus summer vacation and needed the extra time to properly prepare for this unexpected and abrupt attempt to cancel my trademarks by the Petitioner. I had called the USPTO and was advised I could request a 30 or 60 day extension from the USPTO. The Petitioner is apparently attempting to invalidate my request for an extension because she now claims that she wasn't properly notified of the Request for Extension. The Request for Extension was mailed directly to the Petitioner by the acceptable means of delivery through the U.S. Postal Service First Class Service on August 12, 2013 and before the deadline date of August 18, 2013. It was also sent by Veronica White of the USPTO electronically, as I was advised, August 13, 2013. The same procedure was repeated for pending Cancellation Request No. 92057506.

I am sorry but I use the USPS mailing service regularly. I find it difficult to believe that the Petitioner did not receive copies of both Requests for Extension.

Respectfully yours,

Earl C.J. Prater

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