

PALMER & DODGE LLP111 HUNTINGTON AVENUE AT PRUDENTIAL CENTER
BOSTON, MA 02199-7613LESLIE Y. ARNOLD
617.239.0100
larnold@palmerdodge.com

June 23, 2004

VIA FIRST CLASS MAILCommissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514**NO FEE****Re: Applicant: PBE**
Serial No.: 75/826810
Mark: ALTAVIA
Our Ref.: 582-29-2NOTOPP

Dear Sir/Madam:

Enclosed on behalf of Overture Services, Inc. please find in **triplicate** a Request For Further Extension of Time to File Opposition with consent requesting further extension to **September 3, 2004**. The Certificate of Mailing by First Class Mail appears on the signature page of the document.

Would you kindly return the postage-paid postcard to acknowledge your receipt of this document.

Sincerely,

Leslie Y. Arnold
Leslie Y. Arnold (LM)
Trademark Consultant

Enclosures

cc: Marsha Erickson
Julie B. Seyler, Esq.
Lolle Hendrickson
F. Andrew Anderson, Esq.Number 582-29-2NOTOPP
Date :
d by: ML Date 6/25/04
isible: _____

Serial No: IS/824,810 File No: 582-91-2NDTOP By: LJM
 Title: ALTAIA
 Application of: PBE

The following, DUE _____ in the U.S. PTO, was received in the PTO Mail Room on the date stamped hereon

- Cert. of Mailing by Express Mail (37 CFR 1.10) Check for \$ _____
Express Mail Label No. _____
- Cert. of Mailing under 37 CFR 1.8 (e) Check # _____
- Application for TM SM Registration
Incl. Specimens _____
- Intent to Use (ITU) Application for TM SM Registration
- ITU Statement of Use w/Decl. & Specimens
- Amendment to Alleged Use ITU w/ Decl. & Specimens
- Extension of Time - ITU w/Declaration
- Application for Renewal

06-25-2004 dets

U.S. Patent & TM/Ofc/TM Mail Rpt# Dt. #72

Transmittal Letter (x2)

Other Request For Further Extension of Time to File Opposition
 (in triplicate)

MAILED 6/23/04

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

Trademark Application

Serial No. : 75/826,810
Filed : October 18, 1999
Published : January 8, 2002
Official Gazette Page : TM 493
Applicant : PBE
Mark : ALTAVIA

**REQUEST FOR FURTHER EXTENSION
OF TIME TO FILE OPPOSITION**

Pursuant to 15 U.S.C. §1063 (Lanham Act §13) and Trademark Rule 2.102, request is hereby made for a further sixty (60) day extension of time within which a Notice of Opposition may be filed with respect to the above-identified application. This request is made on behalf of the prospective Opposer:

**Overture Services, Inc. (owner by assignment recorded at Reel 002785
Frame 0800 of all marks owned by AltaVista Company, the previous prospective Opposer)
74 North Pasadena Avenue, 3rd Floor
Pasadena, California 91103**

The time within which a Notice of Opposition must be filed presently expires on July 5, 2004. If this request is granted, the time within which the prospective Opposer may file a Notice of Opposition would be extended to and include September 3, 2004.

The prospective Opposer has negotiated a worldwide settlement agreement with the Applicant concerning the subject mark which requires the Applicant to take certain steps with respect to its pending application. Among said steps the Applicant filed a Post-Publication

Response in connection with the above-indicated application on August 19, 2003 and awaits a decision by the Trademark Office. The prospective Opposer is hopeful all of said steps will be concluded within this extension period.

The prospective Opposer has contacted Applicant's counsel and Applicant has assented to this request.

The foregoing request is made in good faith and not for purposes of delay, and is being submitted in triplicate in accordance with Trademark Rule 2.102(d).

Respectfully submitted,

Dated: June 23, 2004

F. Andrew Anderson
F. Andrew Anderson
Laurie S. Gill
Patrick J. Concannon

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail

In an envelope addressed to:
Commissioner for Trademarks, 2900
Crystal Drive, Arlington, VA 22202-
3514, on the date shown below:

Laura Marsden
Typed or Printed Name of
Person Signing Certificate
Laura Marsden
Signature
June 23, 2004
Date

Palmer & Dodge LLP
111 Huntington Avenue
Boston, Massachusetts 02199
(617) 239-0100

Attorneys for Overture Services, Inc.

Atty Ref: 582-29-2NOTOPP

CERTIFICATE OF SERVICE

This is to certify that one copy of this Request for Further Extension of Time to File Opposition, dated June 23, 2004, was mailed on June 23, 2004 by first-class mail, postage prepaid to Applicant's counsel in an envelope addressed as follows:

Julie B. Seyler
Abelman, Frayne & Schwab
150 East 42nd Street
New York, N.Y. 10017

Laura Marsden
Laura Marsden

Dated: June 23, 2004

Serial No: 75/826,810 File No: 58a-79-2NDTOPP By: LJM
 Title: ALTAVIA
 Application of: PBE

The following, DUE _____ in the U.S. PTO, was received in the PTO Mail Room on the date stamped hereon

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Express Mail Label No. _____ Check # _____
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- Intent to Use (ITU) Application for
 TM SM Registration
- ITU Statement of Use w/Decl. & Specimens
- Amendment to Allege Use ITU w/
Decl. & Specimens
- Extension of Time - ITU w/Declaration
- Application for Renewal
- Notice of Opposition
- Amendment
- Petition for Cancellation
- Assignment
- Declaration Under 8 & 15 and Specimens
- Drawings _____ Sheet(s)
- Transmittal Letter (x2)

Other Request For Further Extension of Time to File Opposition
(in triplicate)

MAILED 6/23/04

SERIAL NUMBER: 72241766
REG. NUMBER: 0825828

FILING DATE: 03/24/1966
REG. DATE: 03/14/1967

FAST TRACK FILED: NO

FAST TRACK CURRENT: NO

REGISTER: PRINCIPAL

MARK TYPE: TRADEMARK

FILED USE: YES	CURRENTLY USE: YES	AMENDED USE: NO
FILED ITU: NO	CURRENTLY ITU: NO	AMENDED ITU: NO
FILED 44D: NO	CURRENTLY 44D: NO	AMENDED 44D: NO
FILED 44E: NO	CURRENTLY 44E: NO	AMENDED 44E: NO
FILED 66A: NO	CURRENTLY 66A: NO	

TM ATTORNEY: NO ATTORNEY ASSIGNED

EXMR LO: N/A

LO ASSIGNED: NONE

WORK LOCATION: 845-TTAB

DATE IN WORK LOC: 12/03/2003

CHRG TO LOC: 84K-TTAB-PENDING DOCKET SHELF

CHRG TO: NONE

PHYSICAL LOC: 845 -TTAB

DATE IN PHYSICAL LOC: 07/24/2004

STATUS: 790 - CANCELLATION PENDING

STATUS DATE: 10/27/2003

TM PARALEGAL: 59807-EVERETT, PATRICIA

TM LIE: NO LIE ASSIGNED

PUB DATE: 12/27/1966

DATE ABANDONED:

DATE CANCELLED:

SECTION 8: YES

SECTION 15: YES

CHECK ASSIGNMENTS: YES

RENEWAL FILED: NO

RENEWAL DATE: 03/14/1987

DATE AMENDED REG:

CLASSES ACTIVE: 01

MARK: TUMBLEWEEDS

STANDARD CHARACTER CLAIMED: NO

MARK DRAWING CD: 1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)

COLOR DRAWING CURRENT: NO

CURRENT OWNER INFORMATION

PARTY TYPE: 42-SUBSEQUENT OWNER AFTER REGISTRATION

NAME: DONMOOR, INC.

ADDRESS: 90 PARK AVE.
NEW YORK NEW YORK 10016

ENTITY: 03-CORPORATION

CITIZENSHIP: DELAWARE

GOODS AND SERVICES

The following symbols indicate that the goods and services have been amended after registration of the Mark.

Double parenthesis ((..)) identify any "less goods";

Single brackets [...] indicate deleted goods; and,

Single asterisks *..* identify additional (new) wording in the goods.

FOR: BOYS' AND GIRLS' JEANS, JACKETS, SLACKS, SHIRTS, AND SWEATERS

U.S. CLASS 039 (INTERNATIONAL CLASS 025)

75FIRST USE 02/01/1966 USE IN COMMERCE 02/01/1966 CLASS STATUS: 6

MISCELLANEOUS INFORMATION / STATEMENTS

SECTION 2F: NO

SECTION 2F IN PART: NO

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM	PRCD NUM
05/25/04	CANG	T	CANCELLATION GRANTED NO. 999999	006	042548
10/27/03	PETC	T	CANCELLATION INSTITUTED NO. 999999	005	042548
03/14/87	REN1	R	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	004	000000
06/17/88	RRPR	I	RESPONSE RECEIVED TO POST REG. ACTION	003	000000
12/21/87	PRA9	O	POST REGISTRATION ACTION MAILED - SEC. 9	002	000000
05/21/87	9.AF	I	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	001	000000

CORRESPONDENCE

ATTORNEY: DANFORTH W. ROGERS
ATTORNEY DOCKET NUMBER: NONE
CORRESPONDENCE ADDRESS: DONMOOR, INC.

OTHER INFORMATION

SECTION 8 IN PART: NO
REPUBLIC SEC 12C: NO PUB DATE 12C:
CHANGE IN REGISTRATION: NO
TTAB DECISION: YES
LOST CASE: NO
IN TICRS: NO

PRIOR OWNER INFORMATION

PARTY TYPE: 30-ORIGINAL REGISTRANT
NAME: DONMOOR, INC.
ADDRESS: 34 W. 33RD ST.
NEW YORK NEW YORK 10001
ENTITY: 03-CORPORATION
CITIZENSHIP: NEW YORK

PALMER & DODGE LLP111 HUNTINGTON AVENUE AT PRUDENTIAL CENTER
BOSTON, MA 02199-7613**FAX**sending ⁵ pages (including cover sheet)

DATE	September 7, 2004	SENDER ID #	1182
FROM	Patrick J. Concannon	CLIENT #	582-554
DIRECT DIAL #	617-239-0419		
NAME	COMPANY	PHONE #	FAX #
Harold Ross	USPTO Trademark Trial and Appeal Board		703-746-7090

COMMENTS:

Dear Mr. Ross:

You indicated that our Request for Further Extension of Time to File Opposition regarding Appl. No. 75/826810 for the period that expired on July 5, 2004 is not in your files. Please see the following documents, with Certificate of Mailing by First Class Mail and returned postcard, that confirm filing. Please let us know if you need anything else to process the extensions.

Sincerely,
Pat Concannon

NOTICE OF CONFIDENTIALITY: This transmission is intended only for the addressee(s) listed above, and may contain information that is confidential and privileged. If you are not the addressee, any use, disclosure, copying or communication of the contents of this transmission may be subject to legal restrictions or sanctions. If this message was received in error, please telephone us immediately collect at 617.239.0122 and we will arrange for the return to us of this message at no cost to you.

This fax was transmitted via a group 3 machine.

REV 10/01

For Fax Problems, Please Call:617-239-0419