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

In re Application of
Applicant : National Audubon Society, Inc.
Serial No. : 76/131,498
Filed : September 20, 2000
Mark : AUDUBON
Int. Class : 42
Published : June 12, 2001¹

Box TTAB NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



10-12-2001

**THIRD REQUEST FOR EXTENSION OF TIME
TO FILE NOTICE OF OPPOSITION**

UNDER 37 CFR 2.102

U.S. Patent & TMO/c/TM Mail Rcpt Dt #71

Dear Sir:

THE CONNECTICUT AUDUBON SOCIETY, INC., a corporation of the state of Connecticut having a place of business at 2325 Burr Street, Fairfield, Connecticut, 06430, through its undersigned attorney, hereby request a **thirty (30) day** extension of time, from after **October 10, 2001 until November 9, 2001** within which to file an opposition to the above identified application in view of the following extraordinary circumstances.

10/12/01
GIVE TO THE MAIL ROOM

¹

Certification of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on the date indicated by my signature below.

OCT 09 2001

Date

Paul A. Fattibene
Reg. No. 31,694

Statement of Facts

1. A First Request for Extension of Time to File Notice of Opposition was previously granted until September 10, 2001.
2. A Second Request for an Extension of Time to File Notice of Opposition was previously filed to extend the time within which to file an opposition until October 10, 2001.
3. On or about August 1, 2001 it is believed that National Audubon Society, Inc. filed a Request for Express Abandonment (Withdrawal) of the Application, a copy of which is attached as **Attachment A**.
4. On October 5, 2001 I, Paul A. Fattibene, contacted the United States Patent and Trademark Office in an effort to determine if a Request for Express Abandonment (Withdrawal) of the Application was filed. It was indicated that there was no record of filing a Request for Express Abandonment (Withdrawal) of the Application and that an Opposition proceeding has been instituted. It was indicated that I should talk with Pauline Steward at the United States Patent and Trademark Office. On October 5, 2001 I left a voice mail with Pauline Steward.
5. On October 9, 2001 I spoke with the attorney of record in the application, M. Graham Coleman, in an effort to obtain consent for a further 30 day extension of time so as to provide time for the entry of the Request for Express Abandonment (Withdrawal) of the Application. Mr. Coleman indicated that since a Request for Express Abandonment (Withdrawal) of the Application was filed and, in his opinion, the

- application was no longer pending, he would not consent to any further extension.
6. On October 9, 2001 I called Pauline Steward in an effort to obtain the current status of the application. I left another voice mail message. As of October 9, 2001, I have not received a return call from Pauline Steward.
 7. As of October 9, 2001 the status indicated on the United States Patent and Trademark Office global computer network cite did not indicate that the application for registration was abandoned or withdrawn.

Remarks

This Third Request for Extension of Time to File Notice of Opposition is only being filed to preserve the potential opposer's rights and to provide sufficient time for the entry of applicant's prior filed Request for Express Abandonment (Withdrawal) of the Application. The granting of a further extension of time will not prejudice the applicant in that the applicant has indicated that a Request for Express Abandonment (Withdrawal) of the Application was filed.

This Third Request for Extension of Time to File Notice of Opposition is being made under the extraordinary circumstances indicated above and because the prior filing of a Request for Express Abandonment (Withdrawal) of the Application by the applicant can not be confirmed by the United States Patent and Trademark Office.

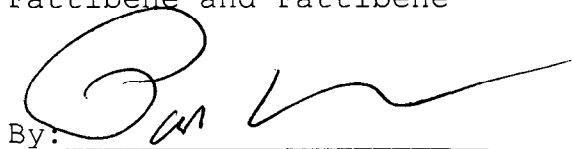
Conclusion

It is respectfully requested that this Third Request for Extension of Time to File Notice of Opposition be granted or that it is indicated as moot once the applicant's prior filed Request for Express Abandonment (Withdrawal) of the Application is entered and made of record in the United States Patent and Trademark Office.

This Third Request for Extension of Time to File Notice of Opposition is being filed in triplicate (one original and two copies).

While no fees are believed to be required, if any fees are required please charge the undersigned's deposit account no. 06-0250.

Respectfully submitted,
Fattibene and Fattibene



By: _____
Paul A. Fattibene
Attorney for Potential Opposer

2480 Post Road
Southport, CT 06490
Tel. (203)255-4400
Fax (203)259-0033

October 9, 2001

PROOF OF SERVICE

The undersigned hereby certifies that on **October 9, 2001** a copy of this document, **THIRD REQUEST FOR EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION**, was caused to be mailed by first class mail, postage pre-paid, to:

M. Graham Coleman, Esq.
Kay, Collyer & Boose LLP
One Dag Hammarskjold Plaza
New York, NY 10017-2299



Paul A. Fattibene

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

Applicant: National Audubon Society, Inc.

Serial Number: 76/131498

Filing Date: September 20, 2000

Class: 42

Mark: AUDUBON

Assistant Commissioner for Trademarks
Box TTAB - NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

**REQUEST FOR EXPRESS ABANDONMENT (WITHDRAWAL)
OF APPLICATION IN ACCORDANCE WITH 37 C.F.R. § 2.68**

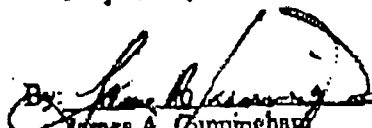
Dear Sir/Madam:

In accordance with 37 C.F.R. § 2.68, Applicant hereby requests the express abandonment of Application Serial No. 76/131498 of the mark AUDUBON filed on September 19, 2000 for wildlife and environmental conservation and preservation services, scientific research, and association services; namely promoting public interest in wildlife preservation and environmental conservation, in International Class 42.

Further, Applicant encloses herewith one postcard receipt and respectfully requests the return of the postcard bearing the date-stamp acknowledgment of this correspondence.

Date: New York, New York
August 1, 2001

Respectfully submitted,

By: 
James A. Cunningham
Senior Vice President Finance & Administration
National Audubon Society, Inc.

1709-001/6173.1

Attachment A