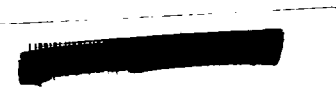


TTAB

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

Serial No.: 76/395,390
Filed: April 15, 2002
Published: June 24, 2003, OG Page TM 560
Mark: REGIONAL TITLE and Design
Applicant: Regional Title Agency, LLC



11-10-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Box TTAB - No Fee
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

**REQUEST FOR RECONSIDERATION OF
ORDER EXTENDING TIME TO OPPOSE**

Applicant, Regional Title Agency, LLC, by its undersigned attorney of record, pursuant to TMBP 211.01 hereby requests reconsideration of the Board's Order dated October 27, 2003 granting an extension of time for potential opposer, National Association of Realtors, to file an opposition against the above-referenced Application for Trademark Registration.

DISCUSSION OF FACTS AND LAW

By virtue of a series of Requests for Extensions of Time to Oppose filed by the National Association of Realtors dated July 21, 2003, August 25, 2003¹, and September 22, 2003, the potential opposer sought and obtained an 120-day extension of

¹ The August 25, 2003 request for extension was filed two days late.

time beyond the date of publication of Applicant's mark to file a Notice of Opposition. On October 22, 2003, the 120th day following the date of publication, the Association purportedly again filed a fourth request seeking an additional thirty (30) days to file a Notice of Opposition. In its fourth request the Association represented to the Board that "[t]he Applicant consented to this request on October 22, 2003". See Baxley Declaration at Appendix "1" annexed hereto.

In fact, neither Applicant nor its attorneys of record, had consented to the Association's request for a fourth extension of time. On October 23rd, 2003 – *one day following expiration of the original 120 day extended opposition period* – Ms. Sandra COLLINS, a Trademark Administrator for the Association, left a telephone message for Applicant's attorney Charles E. Baxley, Esq. regarding the Association's intention to file a fourth extension request. See Baxley Declaration ¶ 3, Appendix "2". Mr. Baxley's telephone message log establishes that the Association did not even attempt to obtain Applicant's consent to an extension until one day after the 120-day opposition period had expired.

More concerning is the fact that the Association affixed a Mailing Certificate to its "Consented Request" in which the Association represented to the Board that it had filed the request on October 22nd, 2003, which, of course, would have been the last day of the 120-day period for opposition. Although it is remotely possible that the Association did file its fourth request on the date represented by it in its Mailing Certificate, if such representation were true, then the Association's representation regarding Applicant's consent must be untrue because the Association did not attempt to telephone Applicant's attorney until the following day, October 23rd. Viewed in the best light, the Association

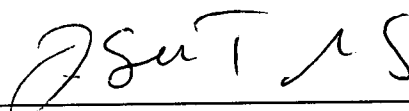
made a false statement regarding Applicant's consent. Viewed in the worst light, the Association made a false statement and falsified a certificate of mailing. That the Association's second request for an extension was filed two (2) days late tends to confirm that the Association routinely misses deadlines.

For the foregoing reasons, Applicant hereby requests that the Board reconsider and thereupon vacate its October 27, 2003 Order extending time to oppose. Applicant also requests that the Board deny any future requests for extensions of time that may be filed by the Association.

Courtesy and cooperation of the Board are appreciated.

Dated: November 6, 2003

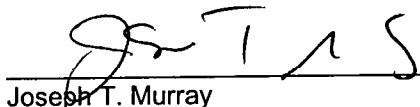
Respectfully submitted,



Joseph T. Murray
Charles E. Baxley
Attorneys for Applicant
Regional Title Agency, LLC

Hart, Baxley, Daniels & Holton
90 John Street - Third Floor
New York, New York 10038
Tel: (212) 791-7200

I hereby certify that this paper 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 22202-3513 on November 6, 2003.

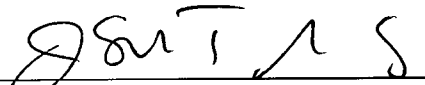


Joseph T. Murray

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing REQUEST FOR RECONSIDERATION OF ORDER EXTENDING TIME TO OPPOSE was served this 6th day of November 2003 on potential opposer National Association of Realtors by First Class Mail postage prepaid, in an envelope addressed to attorneys for potential opposer as follows:

Sandra A. Collins, Esq.
National Association of Realtors
430 N. Michigan Avenue
Chicago, IL 60611



Joseph T. Murray

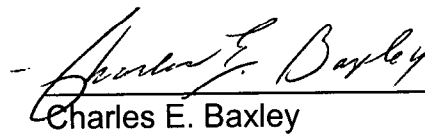
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Serial No.: 76/395,390
Filed: April 15, 2002
Published: June 24, 2003, OG Page TM 560
Mark: REGIONAL TITLE and Design
Applicant: Regional Title Agency, LLC

DECLARATION OF CHARLES E. BAXLEY, ESQUIRE

1. My name is Charles E. Baxley and I am an attorney of record for Applicant, Regional Title Agency, LLC. I am registered to practice before the United States Patent and Trademark Office.
2. Annexed hereto as Appendix "1" is a true and correct copy of an Order of the Trademark Trial and Appeal Board dated October 27, 2003 extending time to oppose.
3. It is a practice of my law firm to maintain a telephone log for messages left by incoming callers with my legal secretaries. Annexed hereto as Appendix "2" is a true and correct copy of the only telephone message log showing an incoming telephone contact by any person affiliated with the National Association of Realtors for the time period surrounding and including October 22, 2003.
4. The telephone message log records a message left by Ms. Sandra COLLIN at 1:50 p.m. on October 23, 2003.

5. I did not speak with Ms. COLLINS on October 23, 2003. I also did not receive a telephone call from Ms. COLLINS on October 22, 2003.
6. I did not, nor did any other member of my staff, provide consent to the National Association of Realtors to file a request to extend the opposition period beyond 120 days following publication of Applicant's mark.
7. I make this Declaration fully understanding obligations of an oath and penalties for perjury.

 6 Nov '03

Charles E. Baxley

APPENDIX "1"

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sandra A. Collins
National Association of Realtors
430 N. Michigan Avenue
Chicago, IL 60611

Mailed: October 31, 2003
Serial No.: 76395390

TAMMY LOGAN, LEGAL ASSISTANT

The request to extend time to oppose is granted until
11/21/03 on behalf of potential opposer **National
Association of Realtors.**

Please do not hesitate to contact the Trademark Trial and
Appeal Board for any questions relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, and inter partes filings are now
available at <http://estta.uspto.gov>. Images of TTAB proceeding
files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Parties should also be aware of changes in the rules affecting
trademark matters, including rules of practice before the TTAB.
See Rules of Practice for Trademark-Related Filings Under the
Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September
26, 2003) (effective November 2, 2003) Reorganization of
Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August
13, 2003) (effective September 12, 2003). Notices concerning the
rules changes are available at www.uspto.gov.

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

Serial No.: 76/395,390
Filed: April 15, 2002
Published: June 24, 2003, Page TM 560
Mark: REGIONAL TITLE and Design
Applicant: Regional Title Agency, LLC


10-27-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**Consented Request for Extension of Time for
Filing Notice of Opposition**

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

National Association of Realtors (hereinafter "National Association"), a not-for-profit corporation duly organized and existing under the laws of the State of Illinois and having its principal place of business at 430 N. Michigan Avenue, Chicago, Illinois 60611, by and through its attorney's hereby request that the Board grant a thirty (30) day extension of time, up to and including November 21, 2003, to file a Notice of Opposition in the above-identified matter. The Applicant consented to this request on October 22, 2003.

The extension is necessary in order for the National Association to investigate and evaluate the necessity of filing a Notice of Opposition.

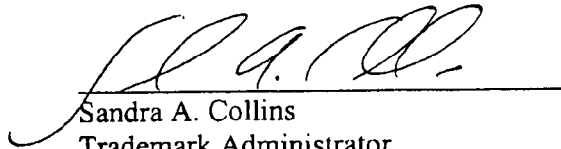
This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Communications in response to this Request should be directed to Michael F. Thiel, National Association of Realtors, Legal Affairs Department, 430 N. Michigan

Avenue, Chicago, Illinois 60611-4087, telephone number (312) 329-8373.

Respectfully submitted,

Date: October 22, 2003



Sandra A. Collins
Trademark Administrator
NATIONAL ASSOCIATION OF
REALTORS
Legal Affairs Department
430 N. Michigan Avenue
Chicago, Illinois 60611-4087
(312) 329-8380

I hereby certify that this paper is being sent by U.S. Mail, First Class, to Box TTAB, NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on October 22, 2003.



Sandra A. Collins

APPENDIX "2"

MESSAGE

Message For

Mr. Baxley

from Sandra Collins
number 312-324-8380

date 10/23/03
time 1:50 AM PM

message They are going to file a
consented Request today unless
you object. If so please call
76/345340

taken by IP

best call back time _____ date _____ a WS

MESSAGE

Message For

Mr. Baxley

from Susan R [redacted]
number [redacted]

date 10/24/03
time 11:27 AM PM

message New client got your name
and number from USPTO.

taken by IP

best call back time _____ date _____ a WS

MESSAGE

Message For

Mr. Baxley

from Michael P [redacted]
number [redacted]

date 10/28/03
time 9:56 AM PM

message [redacted]

taken by IP

best call back time _____ date _____ a WS

MESSAGE

Message For

Mr. [redacted]

from [redacted]
number [redacted]

date 1/24/05
time :30 AM PM

message _____

taken by _____

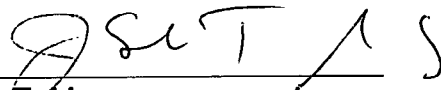
best call back time _____ date _____ a WS

REDACTED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing REQUEST FOR RECONSIDERATION OF ORDER EXTENDING TIME TO OPPOSE was served this 6th day of November 2003 on potential opposer National Association of Realtors by First Class Mail postage prepaid, in an envelope addressed to attorneys for potential opposer as follows:

Sandra A. Collins, Esq.
National Association of Realtors
430 N. Michigan Avenue
Chicago, IL 60611



Joseph T. Murray