

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

In The Matter Of:

Serial No. 76/545,781
Filed: September 5, 2003
Mark: MAJESTIC DESSERTS
Applicant: Daniel Richard Curtis
Published in the Official Gazette of Trademarks on: July 6, 2004

CLARIFICATION OF
TIME EXTENSION
TO FILE NOTICE OF
OPPOSITION

TTAB

Mail Stop: TTAB / No Fee
Commissioner For Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir/Madam:

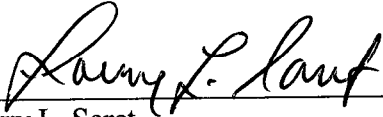
Potential opposer, World's Finest Chocolate, Inc. ("WFC"), located at 4801 South Lawndale, Chicago, Illinois 60632, timely filed on July 29, 2004 a first request for extension of time of sixty days to oppose the referenced mark. Because the first request was not yet granted or denied, and because WFC's counsel was not sure how the Board would react to a sixty day extension request, a second request for extension of time of thirty days to oppose the referenced mark was timely filed by WFC on August 5, 2004. On August 4, 2004, the Board granted WFC's first request, allowing World's Finest Chocolate, Inc. until November 3, 2004 in which to file a Notice of Opposition against the above identified trademark application (copy of order enclosed). On August 5, 2004, the Board granted WFC's second request, allowing WFC until September 4, 2004 in which to file a Notice of Opposition against the above identified trademark application (copy of order enclosed).

This clarification confirms that, pursuant to a telephone conversation on Monday, August 30, 2004 between Mr. George D. Woods, USPTO Legal Assistant, and Mr. Jason A. Berta, IP Administrator at Michael Best & Friedrich LLP, Chicago, the August 4, 2004 order, granting WFC until November 3, 2004 to oppose, will govern the proceedings.

09-03-2004

Mr. Woods confirmed that the August 5, 2004 order granting potential opposer's second request will be stricken. Consequently, potential opposer World's Finest Chocolate, Inc. understands that it is given until November 3, 2004 to file a Notice of Opposition against the referenced mark.

Respectfully submitted,

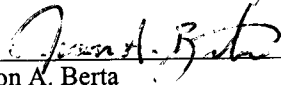


Larry L. Saret
MICHAEL BEST & FRIEDRICH LLP
401 N. Michigan Avenue, Suite 1900
Chicago, Illinois 60611
Telephone: (312) 661-2100

Date: Sept 3, 2004

CERTIFICATE 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: Mail Stop TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on: September 3, 2004

Signature: 
Print: Jason A. Berta

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

Mailed: August 4, 2004

Applicant: Curtis, Daniel Richard
Serial No.: 76545781
Filed: 09/05/2003
Mark: MAJESTIC DESSERTS

LARRY L. SARET
MICHAEL BEST & FRIEDRICH LLP
401 N. MICHIGAN AVENUE, SUITE 1900
CHICAGO, IL 60611

George Woods, Legal Assistant:

The request for a 60-day extension of time to oppose filed August 2, 2004, on behalf of WORLD'S FINEST CHOCOLATE, INC, is noted. The requested extension of time is not in accordance with the Trademark Rules as amended. The rules, as amended, specifically provide that an extension will be granted for specific amounts of time. No extension can be granted for times other than those delineated in the rules as indicated below.

Extensions of time to oppose may be granted only as provided in Trademark Rule 2.102:¹

(c) The time for filing an opposition shall not be extended beyond 180 days from the date of publication. Any request to extend the time for filing an opposition must be filed before thirty days have expired from the date of publication or before the expiration of a previously granted extension of time, as appropriate. Requests to extend the time for filing an opposition must be filed as follows:

(1) A person may file a first request for either a thirty-day extension of time, which will be granted

¹ Trademark Rule 2.102 was recently amended. See, Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. Reg. 55,748 (Sept. 26, 2003). The amended rule applies to any potential opposer which filed its first extension of time against a particular application on or after November 2, 2003. *Id.*

upon request, or a ninety-day extension of time, which will be granted only for good cause shown.

(2) If a person was granted a thirty-day extension of time, that person may file a request for an additional sixty-day extension of time, which will be granted only for good cause shown.

(3) After receiving one or two extensions of time totaling ninety days, a person may file one final request for an extension of time for an additional sixty days. The Board will grant this request only upon written consent or stipulation signed by the applicant or its authorized representative, or a written request by the potential opposer or its authorized representative stating that the applicant or its authorize representative has consented to the request, or a showing of extraordinary circumstances. No further extensions of time to file an opposition will be granted under any circumstances.

Because potential opposer's extension request includes a showing of good cause, the request is granted to the extent that potential opposer is allowed until November 3, 2004, in which to file an opposition herein, or a further request for an extension of time, if appropriate.

Note that the Board will not suspend the time for filing a notice of opposition for any reason. TBMP § 209.01 (2d ed. June 2003).

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Larry L. Saret
MICHAEL BEST & FRIEDRICH LLP
401 North Michigan Avenue Suite 1900
Chicago, IL 60611

Mailed: August 5, 2004

Serial No.: 76545781
ESTTA TRACKING NO: ESTTA12967

The request to extend time to oppose is granted until 9/4/2004 on behalf of potential opposer **World's Finest Chocolate, Inc.**

Please do not hesitate to contact the Trademark Trial and Appeal Board at (703) 308-9300 if you have 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, petition for cancellation, notice of ex parte appeal, 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.