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

In the Matter of Trademark Application No. 78/044695
Published in the *Official Gazette* on September 10, 2002
Filed January 24, 2001

ATTN: Clara Vela, Legal Assistant

OPPOSITION TO
REQUEST FOR EXTENSION OF TIME TO OPPOSE

On behalf of Duane Anderson ("Applicant"), Applicant in the referenced application (Serial No. 78/044695), published in the Official Gazette on September 10, 2002, we hereby oppose the Request for Extension of Time filed by Riddell, Inc. and Ridmark Corporation ("Potential Opposers") on February 7, 2003.

Prior to Potential Opposers' instant request, the last extension of time granted to Potential Opposers was mailed December 18, 2002 and granted an extension to January 8, 2003 to consider whether or not to oppose the referenced application. That date (January 8) was 120 days after the publication date of Applicant's mark, and thus, the last date for which an extension could be obtained without consent of the Applicant pursuant to Trademark Rule 2.102(c). No further communication was received, nor was any request for a continued extension made by that date. Indeed, Applicant did not hear from Potential Opposers until February 7, 2003, one month *after* the expiration of the previous extension.

The instant request for extension of time incorrectly states that the undersigned counsel "has offered no objection to this request for an extension of time."

Rather, that request was prepared and filed before counsel for Potential Opposers spoke with the undersigned counsel. The undersigned counsel advised counsel for Potential Opposers that the last extension of time had expired one month earlier on January 8, 2003 and, accordingly, undersigned counsel would *not* consent to a further extension that might have the effect of reinstating Potential Opposers' opportunity to oppose the referenced application.

In summary, because the last extension of time to oppose Applicant's mark expired on January 8, 2003 and because Potential Opposers did not seek Applicant's consent for further extensions beyond that date, nor was any request made to the Trademark Trial & Appeal Board for a further extension by that date, the instant request for extension of time is untimely and should be denied.

Respectfully submitted,

DUANE ANDERSON

By: 

David M. Silverman

COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(202) 659-9750

His Attorneys

February 11, 2003

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, secretary with the law firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that this Opposition to Request for Extension of Time to Oppose was sent via first-class, postage prepaid, United States mail, this 11th day of February 2003, to the following:

Arlana S. Cohen, Esq.
Kathryn G. Belleau, Esq.
Mark J. Speciner, Esq.
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

Clara Vela, Legal Assistant
U.S. Patent & Trademark Office
Trademark Trial & Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

Sharon K. Mathis