

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

LUSTER PRODUCTS, INC.

Potential Opposer,

v.

STEPHEN T. ROBINSON and
RHONDA ROBINSON,

Applicant.

)
)
) Application S.N. 78/076,410

)
) Mark: PINKIE SWEAR

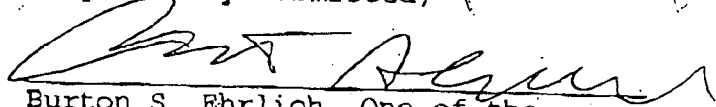
)
)
) Published: SEPTEMBER 17, 2002

REQUEST FOR EXTENSION OF OPPOSITION PERIOD

NOW COMES Potential Opposer, LUSTER PRODUCTS, INC., by its attorneys, and hereby requests a extension of sixty (60) days from the present close of the opposition period, to and including December 16, 2002, within which to consider the filing of an Opposition to the above identified application for trademark registration.

This extension is requested to permit counsel to continue to investigate facts, obtain documentation, and to enable the principals of Potential Opposer to consider their position with regard to potential opposition of this application.

Respectfully submitted,



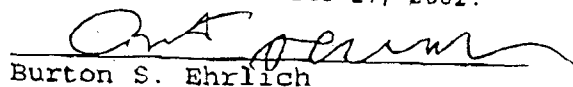
Burton S. Ehrlich, One of the
Attorneys for Potential Opposer

Burton S. Ehrlich
Arnstein & Lehr
120 S. Riverside Plaza
Suite 1200
Chicago, Illinois 60606
(312) 876-7190

(IN TRIPLICATE)

CERTIFICATE OF MAILING

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, U.S. Trademark Office, 2900 Crystal Dr., Arlington, VA 22202-3513, on October 17, 2002.


Burton S. Ehrlich

SWEENEY LEV

A Limited Liability Company

Attorneys at Law

460 Bloomfield Avenue, Suite 200
Montclair, New Jersey 07042-3552
Tel: 973-509-1800
Fax: 973-509-1074
www.sweeneylev.com

GERALD B. SWEENEY
NJ, IL, CA & NY BARS
GARY B. SCHMIDT
NY & FL BARS
ALAN S. ZIEGLER
NJ & CT BARS
DENNIS M. HAASE
NJ & NY BARS
MARISSA P. DE LA CERNA
NY BAR
TRACEE A. GRAUBART
NJ & NY BARS
Of Counsel
MARTHA L. BRECHER
NJ & NY BARS
IRA KARASICK
NJ & NY BARS
NICOLE GOLDBERG
CA BAR

 **COPY**

New York Office:
51 East 42nd Street
18th Floor
New York, NY 10017
Tel: 212-370-4000
Fax: 212-370-7336



04-14-2003

U.S. Patent & TMOs/TM Mail Rcpt Dt. #64

April 9, 2003

Burton S. Ehrlich, Esq.
Arnstein & Lehr
120 S. Riverside Plaza, Suite 1200
Chicago, IL 60606

Via Fax & Regular Mail

Re: Trademark: PINKIE SWEAR
Serial No.: 78/076410
Reg. No.: 2,647,370
Reg. Date: November 5, 2002

04-14-2003
11:53 AM

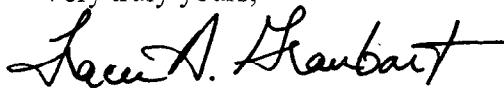
Dear Mr. Ehrlich:

Please be advised that your Request for Extension of Opposition Period purportedly filed on October 17, 2002 was filed out of time. The time to oppose the registration of the above mark, or request an extension of time to oppose, expired on March 21, 2002. The Examining Attorney on the above application erroneously submitted this mark for publication in August 2002 — after the mark already had been published on February 19, 2002 and after the Statement of Use had been accepted by the ITU Section.

Therefore, please be advised that the Trademark Trial and Appeal Board's submission of this matter to the Office of the Commissioner for Trademarks "for consideration of the cancellation of the inadvertently issued registration" is likewise in error (see attached correspondence received in this office today); the second publication for opposition on September 17, 2002 never should have occurred and, thus, the subject registration was validly issued.

In light of the foregoing, kindly withdraw your untimely filed Request for Extension of Opposition Period so that my client is not further prejudiced by unnecessary action of the U.S. Patent and Trademark Office.

Very truly yours,



Tracee A. Graubart

TAG/

Encl.

cc w/ encl.: Pinkie Swear, LLC (via fax)
Michael E. Bodson, Examining Attorney, Law Office 110 (via fax)
George Wood, Legal Assistant, Trademark Trial and Appeal Board (via mail)
Office of the Commissioner for Trademarks (via mail)

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

Mailed: April 5, 2003

Applicant: Robinson, Stephen T.
Serial No.: 78076410
Filed: 07/30/2001
Mark: PINKIE SWEAR

TRACEE A. GRAUBART
SWEENEY LEV
460 BLOOMFIELD AVE STE 200
MONTCLAIR, NJ 07042-3552

George Woods, Legal Assistant:

The Board has received the request to extend time to oppose filed on October 17, 2002, on behalf of LUSTER PRODUCTS, INC.

However, the request had not been associated with the file of this case at the time the subject application matured into Registration No. 2,647,370. The Board regrets this situation, but it is without authority to vacate the issuance of said registration.

Accordingly, the Board will forward the application file to the Office of the Commissioner for Trademarks for consideration of the cancellation of the inadvertently issued registration, following which further appropriate action will be taken with respect to the request to extend time to oppose.

In the meantime, potential opposer's request to extend time is granted to the extent that the time to oppose is suspended, and will be reset if issuance of the registration is vacated by the Commissioner. Potential opposer need not continue to file requests to extend time to oppose.