UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 16, 2004

Applicant: The Valspar Corporation
Serial No.: 78397070
Filed: 04/06/2004
Mark: LEGACY

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George Woods, Legal Assistant:

The request for a 30-day extension of time to oppose filed November 8, 2004, on behalf of BIG O TIRES, 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 [applicant's consent/a showing of extraordinary cause], its request is granted to the extent that potential opposer is allowed until **January 9, 2005,** in which to file an opposition. No further extensions will be permitted.

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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