

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July 16, 2007

Applicant: Michell Pty Ltd
Serial No.: 79025399
Filed: 4/7/06
Mark: NEXPOINT X

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The notice of opposition filed July 5, 2007 on behalf of Nexpoint Technologies Inc. is noted. Potential opposer's notice of opposition was filed on paper.

Application Serial No. 79025399 was filed based on Trademark Act § 66(a). Trademark Rule 2.101(b)(2) provides that "[a]n opposition to an application based on section 66(a) of the Act must be filed through ESTTA."¹

Because electronic filing of notices of opposition against Trademark Act § 66(a) applications is mandatory, potential opposer's notice of opposition cannot be accepted. See, *In re: Börlind Gesellschaft für kosmetische Erzeugnisse mbH*, 73 USPQ2d 2019 (TTAB 2005).

The filing fee submitted with the notice of opposition will be refunded in due course.

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¹ ESTTA is the Trademark Trial and Appeal Board's electronic filing facility, available at www.uspto.gov. See Trademark Rule 2.2(g).

Similarly, Trademark Rule 2.102(a)(2) requires ESTTA filing of extensions of time to oppose Trademark Act § 66(a) applications.