

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

JAY M BEHMKE  
CARLE MACKIE POWER & ROSS LLP  
100 B STREET, SUITE 400  
SANTA ROSA, CA 95401-6376  
UNITED STATES

**Mailed: November 29, 2010**

**Serial No.: 85037581**

**Nicole M. Thier, Paralegal Specialist:**

The request to extend time to oppose is granted until **12/18/2010** on behalf of potential opposer **McCorkle Nurseries, Inc.**

Please do not hesitate to contact the Trademark Trial and Appeal Board for 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, 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>.

**TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES**

The USPTO has issued new rules pertaining to TTAB proceedings. Parties are urged to familiarize themselves with the new rules.

Among other changes, for any notice of opposition filed on or after November 1, 2007, the new rules require an opposer to provide proof of service of the notice of opposition upon the applicant at the time the notice of opposition is filed. Trademark Rule 2.101. (Parallel amendments to Trademark Rule 2.111 require a petitioner to include proof of service of the petition for cancellation.) Service may be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of

service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

[www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf)

[www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)