

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: August 1, 2011

Applicant: Mike Patel  
Serial No.: 85137951  
Filed: 9/24/2010  
Mark: SETAI

MATTHEW A NEWBOLES  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE  
SUITE 250  
ALISO VIEJO CA 92656-2681

**Vionette Baez, Paralegal Specialist:**

Counsel for Lehman Brothers Holdings, Inc. joined as party opposer by assignment from The Setai Group, LLC,<sup>1</sup> potential opposer herein, has on July 20, 2011, filed a request for a further 60-day extension of time in which to file an opposition to the above-identified application.

The additional extension of time requested on behalf of potential opposer, if granted, would result in total extensions of time aggregating 180 days from the date of publication of applicant's mark.

Extensions of time to oppose may be granted only as provided in Trademark Rule 2.102:<sup>2</sup>

... (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**

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<sup>1</sup> It is noted that this assignment has been recorded in the Assignment Branch of the US Patent and Trademark Office at Reel No. 4565 and Frame No. 0819.

<sup>2</sup> 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 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.

Inasmuch as the circumstances recited in the instant request are not deemed to be extraordinary in nature, and since there is no indication that applicant has consented thereto, the request is denied. Potential opposer's remedy lies in the filing of a petition for cancellation after applicant's application has matured into registration.