

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 27, 2015

Applicant: Dwill, Inc.
Serial No.: 86267467
Filed: 4/30/2014
Mark: KIMO SABE

Wasabe Beverages Inc
6986 Paso Robles Drive
Oakland CA 94611

Eric McWilliams, Supervisory Paralegal:

It is noted that on April 2, 2015, **Wasabe Beverages Inc.** filed a notice of opposition to registration of the mark shown in the above-identified application.

The record in the application file reveals that the mark was published for opposition purposes on February 10, 2015. Thus, the time for filing an opposition or request for extension of time expired March 12, 2015.

Since the notice of opposition was not timely filed, it cannot receive any consideration herein. See: Section 13 of the Trademark Act of 1946 and Trademark Rule 2.101(c).

It is also noted that the notice of opposition does not include proof of service as required by Trademark Rule 2.101.

Each opposer is required to serve a copy of its notice of opposition on the Applicant, at the correspondence address of record in the USPTO and must include proof of such service with its notice of opposition at the time of its filing. *See* Trademark Rules 2.101 (a), (b) and (d)(4), and 2.119. A notice of opposition filed without the required proof of service does not result in the commencement of an opposition.

Because the opposition is untimely and proof of service is mandatory, the notice of opposition will not be considered.¹

cc:

David W Staple
Casimir Jones SC
2275 Deming Way Ste 310
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¹ It is also noted that the notice of opposition was not accompanied by the required fee and therefore even if timely, or accompanied by a certificate of service, it would not be able to be instituted.