UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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MAILED: September 25, 2003

Opposition No. 91157439

Serial No. 78/165056

NINE WEST DEVELOPMENT CORPORATION

v.

MARBLE SPORTWEAR, INC.

On August 21, 2003 the Board inadvertently instituted opposition proceedings against the above-identified application.[1]

A review of the record reveals that on July 21, 2003 potential opposer filed a third request to extend time to oppose. On August 6, 2003, the Board denied that request because potential opposer requested a time beyond 120 days from the date of publication and there was no indication that applicant consented thereto. Therefore opposer's opposition filed August 8, 2003 is considered untimely.

In view thereof, the Board's order dated August 21, 2003 is vacated and the opposition is dismissed as null and void.

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[1] The papers will be referred to the Finance Branch of the Office for consideration of a refund of the opposition fee of $300.00.