

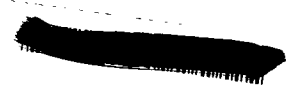
TTAB

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CHEVRON U.S.A. INC., a Pennsylvania corporation
Opposer,
v.
PETRO STAR INC., an Alaskan corporation,
Applicant.

Opposition No. 91159983
MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)



05-05-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Applicant, Petro Star Inc., hereby responds the Notice of Opposition as follows:

The Notice of Opposition fails to allege that registration of the mark claimed by Application Serial No. 78/203,519 is likely to cause injury or damage to Opposer. The Notice of Opposition also fails to state any legal basis upon which the opposition is asserted.

Based thereupon, Applicant respectfully requests that the Notice of Opposition be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson Kindness^{PLLC} at the following address:

Cindy L. Caditz, Esq.
Christensen O'Connor Johnson Kindness^{PLLC}
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101-2347

Please direct all telephone calls to Cindy L. Caditz at 206-682-8100.

Dated this 30th day of April, 2004.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON & KINDNESS^{PLLC}

Cindy L. Caditz
Attorneys for Applicant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that this MOTION TO DISMISS in Opposition No. 91159983 is being
3 deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage
4 thereon fully prepaid addressed to: BOX TTAB NO FEE, Commissioner for Trademarks,
5 Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on
6 5-3-04.

7 Date: May 3, 2004 Jeffrey Harbert

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that this MOTION TO DISMISS in Opposition No. 91159983 is being
10 deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage
11 thereon fully prepaid addressed to:

12 Mary A. Francis, Esq.
13 ChevronTexaco Corporation
14 P.O. Box 6006
15 San Ramon, CA 94583

16 Date: May 3, 2004 Jeffrey Harbert

17 CLC:jh