

ESTTA Tracking number: **ESTTA152528**

Filing date: **07/23/2007**

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

Proceeding	91174503
Party	Plaintiff Chevron U.S.A. Inc.
Correspondence Address	Eliane Setton Chevron Corporation 6001 Bollinger Canyon Road San Ramon, CA 94583 UNITED STATES esetton@chevron.com
Submission	Other Motions/Papers
Filer's Name	Carla J. Vrsansky, Attorney for Opposer
Filer's e-mail	carla.vrsansky@bipc.com, tinapompey@chevron.com, esetton@chevron.com
Signature	/Carla J. Vrsansky/
Date	07/23/2007
Attachments	NuDiesel-Opposition.pdf (5 pages)(149880 bytes)

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

CHEVRON U.S.A. INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91174503
)	
DARRYL MORRIS,)	
)	
Applicant.)	

**MOTION TO REOPEN TIME PERIOD TO RESPOND TO
BOARD'S ORDER OF JUNE 13, 2007 PURSUANT TO 37 C.F.R. § 2.119**

This motion is filed to reopen the time period needed to respond to the Board's order of June 13, 2007.

After Opponent filed its opposition No. 91174503, Opponent became aware that Applicant's Application Serial No. 78/694,057 was abandoned pursuant to a co-pending Opposition No. 91174509.

The day Opponent was to respond to the Board's order of June 13, 2007, Opponent learned that Applicant filed an answer to Opposition No. 91174509 and requested the Board to reinstate his Application Serial No. 78/694,057. The Board concurrently issued a Notice dated July 12, 2007 which acknowledged the paper filed by Applicant that "appears to be a Motion to set aside the default judgment ...," but "fails to indicate a proof of service on Opposer ...". Thus, the Board forwarded a copy to opposer Conoco Phillips Company and advised Applicant to adhere to Trademark Rule 2.119 "in all future papers filed with the Board."

The undersigned attorney telephoned Interlocutory Attorney Cheryl S. Goodman on July 16, 2007 to clarify the options of Opponent, Chevron U.S.A. Inc. However, since Cheryl

Goodman was out of the office, the undersigned attorney was transferred to and spoke with Eric McWilliams on July 16, 2007 regarding the issue.

Mr. McWilliams suggested that Opponent, Chevron U.S.A. Inc., file a motion to reopen the time period and also file a response to the Board's Order of June 13, 2007.

Opponent is hereby filing both the Motion and the Response with the Board and, by proof of service, with the Applicant, pursuant to 37 C.F.R. § 2.119.

Opponent hereby respectfully requests that the Board grant this Motion and reopen the time period for responding.

Dated: July 23, 2007

Respectfully submitted,

By: 

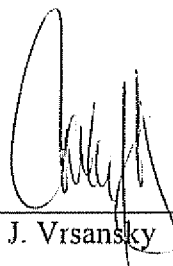
Carla J. Vrsansky
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Attorney for Opposer
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing MOTION TO REOPEN TIME PERIOD TO RESPOND TO BOARD'S ORDER OF JUNE 13, 2007 PURSUANT TO 37 C.F.R. § 2.119 was served by first class mail on July 23, 2007 upon Applicant:

DARRYL MORRIS
3808 WEST 216TH STREET
MATTESON, IL 60443



Carla J. Vrsansky

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

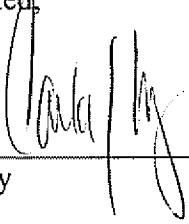
CHEVRON U.S.A. INC.,)
)
 Opposer,)
)
 v.) Opposition No. 91174503
)
 DARRYL MORRIS,)
)
 Applicant.)

OPPOSER'S RESPONSE TO BOARD'S ORDER OF JUNE 13, 2007

In response to the Board's Order of June 13, 2007, Opposer Chevron U.S.A. Inc. states that it wishes to go forward and obtain a judgment on the opposition.

Dated: July 23, 2007

Respectfully submitted,

By: 

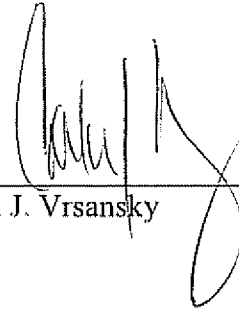
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E-mail: carla.vrsansky@bipc.com

Attorney for Opposer
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing OPPOSER'S RESPONSE TO BOARD'S ORDER OF JUNE 13, 2007 was served by first class mail on July 23, 2007 upon Applicant:

DARRYL MORRIS
3808 WEST 216TH STREET
MATTESON, IL 60443

A handwritten signature in black ink, appearing to read 'Carla J. Vrsansky', is written over a horizontal line. The signature is stylized and cursive.

Carla J. Vrsansky