

ESTTA Tracking number: **ESTTA201319**

Filing date: **03/28/2008**

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

Proceeding	91183234
Party	Defendant Aguirre, Rene
Correspondence Address	AGUIRRE, RENE 9627 BORSON ST DOWNEY, CA 90242-4927 steve@purealtar.com
Submission	Other Motions/Papers
Filer's Name	Rene Aguirre
Filer's e-mail	steve@purealtar.com
Signature	/Rene Aguirre/
Date	03/28/2008
Attachments	motion033808.pdf (1 page)(17616 bytes)

To: Interlocutory Attorney: GEORGE POLOGEORGIS

RE: Response to opposition filing number: 91183234

Plaintiff: Ocean Minded, Inc.

Defendant: Aguirre, Rene

Defendant requests the following motions:

Defendant's motion to dismiss for opposition's failure to meet the time to oppose deadline under Trademark Rule 13(a).

§13 (15 U.S.C. §1063).

(a) Any person who believes that he would be damaged by the registration of a mark upon the principal register, including the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 1125(c) of this title, may, upon payment of the prescribed fee, file an opposition in the Patent and Trademark Office, stating the grounds therefor, within thirty days after the publication under subsection (a) of section 1062 of this title of the mark sought to be registered. Upon written request prior to the expiration of the thirty-day period, the time for filing opposition shall be extended for an additional thirty days, and further extensions of time for filing opposition may be granted by the Director for good cause when requested prior to the expiration of an extension. The Director shall notify the applicant of each extension of the time for filing opposition. An opposition may be amended under such conditions as may be prescribed by the Director.

The opposition to trademark application serial number 78910705 was filed on March 27th, 2008. This filing was 31 days after the publication date of February 26th, 2008 and exceeded the designated 30 days to file the opposition by law. The year 2008 is a leap year and the month of February has 29 days. Therefore the total number of days, including the day of publication through the date of opposition, spanned 31 days. On these grounds we respectfully request this filing for opposition be denied and the case be dismissed.

Thank You,

Rene Aguirre - Defendant.