

ESTTA Tracking number: **ESTTA240465**

Filing date: **10/03/2008**

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

Proceeding	91185766
Party	Plaintiff C.F.M. Distributing Company, Inc.
Correspondence Address	Amber L. Neilson, Esq. Beusse Wolter Sanks Mora & Maire, P.A. 390 North Orange Ave.Suite 2500 Orlando, FL 32801 UNITED STATES aneilson@iplawfl.com, tsanks@iplawfl.com, mcarter@iplawfl.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Terry M. Sanks
Filer's e-mail	tsanks@iplawfl.com
Signature	/Terry M. Sanks/
Date	10/03/2008
Attachments	Notice of Filing Amended Opposition (100308).pdf (2 pages)(43825 bytes)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS – <http://esta.uspto.gov/filing-type.jsp>

BY: Kevin Winberly Kevin Winberly

DATE: 10/3/2008

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

In the Matter of Application Serial No. 77402411
Date of Publication: July 22, 2008

_____)
C.F.M DISTRIBUTING COMPANY, INC,)
)
Opposer,)
)
v.)
) Opposition No.: 91185766
RICHARD CONSTANTINE,)
)
Applicant.)
_____)

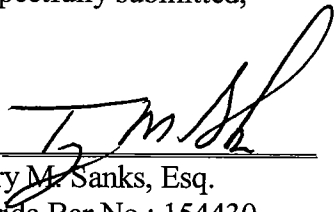
To: Box TTAB FEE
Honorable Commissioner for Trademarks
P.O. Box 1451
Arlington, Virginia 22313-1415

**NOTICE OF FILING AMENDED OPPOSITION IN LIEU OF MEMORANDUM IN
OPPOSITION TO MOTION TO DISMISS**

Opposer provides Notice pursuant to TBMP §503.03 of filing its Amended Opposition in response to Applicant’s Motion to Dismiss, thus mootng the arguments brought forward in Applicant’s Motion to Dismiss.

Dated this 3rd day of October, 2008.

Respectfully submitted,

By: 
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Applicant's authorized representative on October 3, 2008, by first class mail, postage prepaid, at the following address:

Matthew G. McKinney
McKinney Law, LLC
390 N. Orange Ave., Suite 2300
Orlando, Florida 32801