

ESTTA Tracking number: **ESTTA533961**

Filing date: **04/23/2013**

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

Proceeding	91209569
Party	Plaintiff Jeff Volk, Express Communications
Correspondence Address	VICTORIA CARVER CARVER LAW PO BOX 206 BELLEFONTE, PA 16823 UNITED STATES vc@etmlaw.com
Submission	Other Motions/Papers
Filer's Name	Jeff Volk
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Signature	/Jeff Volk/
Date	04/23/2013
Attachments	Opposition No. 91209569.pdf ( 4 pages )(85141 bytes )

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

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EXPRESS COMMUNICATIONS, LLC,

Opposer

v.

Inmarsat Global Xpress Limited

Applicant.

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Opposition No. 91209569

App. SN. 85-235142

Mark: GLOBAL XPRESS

**OPPOSER'S RESPONSE AND MOTION TO DENY APPLICANT'S MOTION TO DISMISS**

PLEASE CONSIDER that the Opposer in the above proceeding, Express Communications LLC (“Opposer”), by and through one its representatives, namely Jeff Volk, hereby moves the Trademark Trial and Appeal Board (“Board”) to deny the Motion to Dismiss which was filed on April 8, 2013 by Herbert H. Finn of GREENBERG TRAURIG, LLP, attorney for Inmarsat Global Xpress Limited (“Applicant”)

Applicant’s Motion to Dismiss lacks cause, foundation. For the reasons set forth below, the Board should deny the Applicant’s Motion.

**MEMORANDUM IN SUPPORT OF OPPOSER’S MOTION TO DENY APPLICANT’S MOTION TO DISMISS**

**I. INTRODUCTION**

The Board should deny the Applicant’s Motion to Dismiss for the following reasons.

It should be known that since the granting of a Letter of Protest on January 11, 2012, the Applicant has been aware of the opposition to their application by the Opposer. After attempting to resolve this Trademark dispute with applicant, the Opposer filed a Request for a 90 day Extension of Time To on October 4, 2012 Utilizing the Electronic System for Trademark Trials and Appeals (ESTTA). Again, Jeff Volk founder of Express Communications LLC filed a Request for a 90 day Extension of Time To

Oppose on October 4, 2012, however the ESTTA system time stamped the filing 10/05/2012. The 90 day Extension of Time To Oppose was filed before 11:59 PM EST on the evening of the 4<sup>th</sup> of October, 2012. Apparently there was some sort of glitch that caused the ESTTA system to date the filing 10/05/13, even though the filing was made on 10/04/2112. Furthermore, If a person attempts to file an Extension of Time To Oppose using the ESTTA system after the expiration of the 30 day publication period, the ESTTA system will not accept a request to file an Opposition or an Extension of Time To Oppose. If a person attempts to file an Extension of Time To Oppose after 30 day deadline, the ESTTA will automatically produce a message that states “the time filing an opposition or request for extension of time appears to have expired, Thus, the time filing an opposition or request for extension of time appears to have expired”. Additionally the the 90 day Extension of Time to Oppose was granted to January 2, 2013, which is 90 days from October 4, 2012. TBMP §202.04; Trademark Act § 13(a); 15 U.S.C. § 1063(a); 37 C.F.R. § 2.102(c) is irrelevant because the Extension of Time to Oppose was filed timely. Also please consider that fact that the applicant consented to an additional 60 Extension of Time To Opposes

As for the second argument mentioned in the Applicant's Motion to Dismiss; the persons who filed the Extension of Time To Oppose and the Notice of Opposition were fully authorized to due so. And the Applicant is well aware that Express Communications LLC and correspondent Jeff Volk oppose their application. In order to clarify any confusion or mistakes between the Opposer and the correspondent sections of the Extension of Time To Oppose filings, please take notice that Express Communications LLC is the official opposer and the correspondents are Jeff Volk and/or other authorized representatives and attorneys. Furthermore Jeff Volk is listed as the correspondent for Express Communications LLC in the marks cited in the Notice of Opposition No. 91209569.

#### **CONCLUSION**

For the aforementioned reasons, the Opposer very respectfully requests that the Board

deny the Applicant's Motion to Dismiss.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,  
Express Communications, LLC

By: /Jeff Volk/ Date: April 23, 2013  
Jeff Volk  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S RESPONSE AND MOTION TO DENY APPLICANT'S MOTION TO DISMISS** was served on Applicant's attorney of record on April 23, 2013 via first class mail address to:

Herbert H. Finn  
Greenberg Traurig, Llp  
77 W. Wacker Dr., Suite 3100  
Chicago, Illinois 60601

By: /Jeff Volk/ Date: April 23, 2013  
Jeff Volk  
Mailing Address: Post Office Box 828  
Pismo Beach, CA 93448  
805-542-0738  
[ExpressCommunications@RocketMail.com](mailto:ExpressCommunications@RocketMail.com)

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing **OPPOSER'S RESPONSE AND MOTION TO DENY APPLICANT'S MOTION TO DISMISS** is being filed electronically with the TTAB via ESTTA on this day, April 23, 2013.

By: /Jeff Volk/ Date: April 23, 2013  
Jeff Volk  
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