

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: October 4, 2013

Opposition No. 91210195

Eric J. Faull

v.

Experience Based Learning, Inc.

**Robert H. Coggins,
Interlocutory Attorney:**

The Opposer

Subject application Serial No. 85666695 was published for opposition on December 25, 2012. On January 9, 2013, Eric J. Faull, filed and was granted a ninety-day extension of time to oppose application Serial No. 85666695. Mr. Faull's extension period was granted until April 24, 2013. On April 11, 2013, within the extension period granted to Mr. Faull, a notice of opposition was filed identifying Zip Idaho, LLC -not Mr. Faull- as the opposer. The opposition was automatically instituted and assigned Opposition No. 91210195. Inasmuch as the name of the opposer (i.e., Zip Idaho, LLC) differs from the name of the party to whom the

extension of time was granted (i.e., Eric J. Faull), an explanation is required.

An opposition filed by a party other than the one to whom an extension of time to oppose was granted will not be rejected on that ground if it is shown to the satisfaction of the Board that either (1) the other party is in privity with the party granted the extension, or (2) the party in whose name the extension was requested was misidentified through mistake. See Trademark Rule 2.102(b). The showing should be in the form of a recitation of facts upon which either the claim of privity or misidentification is based, and must be submitted either with the opposition or during the time allowed by the Board in its action requesting an explanation of the discrepancy. See TBMP § 206.02 and .03 (3d ed. rev.2 2013) and authorities cited therein.

Opposer is allowed until **thirty days** from the mailing date of this order in which to show cause why the opposition should not be dismissed without prejudice inasmuch as the opposition was filed by a party other than the one to whom the extension of time to oppose was granted.

Suspension

Proceedings are **suspended** pending resolution of this matter.¹

¹ Applicant's power of attorney (filed June 20, 2013) is noted and entered.