

ESTTA Tracking number: **ESTTA629223**

Filing date: **09/25/2014**

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

Proceeding	91215036
Party	Defendant Tristar Products, Inc.
Correspondence Address	DANIEL J HOLMANDER BARLOW JOSEPHS & HOLMES LTD 101 DYER STREET, 5TH FLOOR PROVIDENCE, RI 02903 3908 UNITED STATES djh@barjos.com; tm@barjos.com; clc@barjos
Submission	Other Motions/Papers
Filer's Name	Daniel J. Holmander
Filer's e-mail	djh@barjos.com
Signature	/djh/
Date	09/25/2014
Attachments	Motion to Dismiss 9-25-14.pdf(53226 bytes)

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

TOMMIE COPPER INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91215036
	:	
TRISTAR PRODUCTS, INC.	:	
	:	
Applicant.	:	

**APPLICANT’S MOTION TO DISMISS OPPOSITION FOR
FAILURE TO FILE AMENDED NOTICE OF OPPOSITION**

Applicant, Tristar Products, Inc., respectfully requests that the Board dismiss the present Opposition pursuant to TBMP § 503.03 for Opposer’s failure to file an amended notice of opposition.

Pursuant to the Board’s Order dated August 12, 2014 granting Applicant’s Motion to Dismiss for Failure to State a Claim, Opposer was given thirty (30) days from the mailing date set forth in the order to file an amended notice of opposition.

Applicant respectfully requests that the present Opposition be dismissed with prejudice in view of the fact that Opposer did not file an amended notice of opposition within the allotted time period.

Respectfully submitted,

September 25, 2014

/daniel j. holmander/
Daniel J. Holmander
Barlow, Josephs & Holmes, Ltd.
101 Dyer Street, 5th Floor
Providence, RI 02903-3908
Telephone: (401) 273-4446
Fax: (401) 273-4447
Email: djh@barjos.com

ATTORNEYS FOR APPLICANT,
TRISTAR PRODUCTS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S MOTION TO DISMISS OPPOSITION FOR FAILURE FILE AN AMENDED COMPLAINT was served on Opposer, this 25th day of September 2014 by sending same via First Class Mail, postage prepaid, to:

Andy I. Corea
Jonathan A. Winter
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619

/daniel j. holmander/
Daniel J. Holmander