

ESTTA Tracking number: **ESTTA674151**

Filing date: **05/26/2015**

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

Proceeding	91221506
Party	Defendant Les Petits Fils De Veuve Ambal
Correspondence Address	MARK LEBOW 1727 KING ST, STE 105 ALEXANDRIA, VA 22314 UNITED STATES mlebow@ladas.com, lebow@ttab.org
Submission	Other Motions/Papers
Filer's Name	Mark Lebow
Filer's e-mail	mlebow@ladas.com
Signature	/ml/
Date	05/26/2015
Attachments	2015-05-26 M2Dismiss Opp as Nullity.pdf(9660 bytes) Exhibit Page A.pdf(6160 bytes) Restriction of Protection of Goods and Services in an International Registra- tion.pdf(2390 bytes)

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

RED BULL GMBH,

Opposer,

v.

LES PETITS FILS DE VEUVE AMBAL,

Applicant.

Opposition No. 91221506

Serial No. 79141334

**MOTION TO DISMISS OPPOSITION AS A NULLITY
OR REQUEST FOR AN EXTENSION OF TIME TO FILE ANSWER**

Applicant, LES PETITS FILS DE VEUVE AMBAL, moves the Board for an Order dismissing the opposition as a nullity.

The opposed application was filed via Section 66(a) and was limited to Class 33 before the opposition was filed. Specifically, Applicant filed a request with WIPO on March 3, 2015 to limit the description of goods to Class 33. The request was recorded with WIPO on April 28, 2015 and the USPTO was notified of the limitation on May 14, 2015. The recordal is effective as of the date it was filed, **March 3, 2015** (excerpt attached as Exhibit A). In any event, Class 32, the only opposed class, is gone from the application.

For these reasons, Applicant respectfully requests that the opposition be dismissed as a nullity.

The undersigned counsel contacted Ms. Leah Z. Halpert on May 22, 2015 to try and obtain her consent to a stipulated dismissal of the opposition but, because she had not yet received instructions from her client, she declined to consent.

If for some reason the Board is unable to dismiss the opposition, Applicant requests that an extension of time to answer the opposition be granted.

Respectfully submitted,

/Mark Lebow/
Mark Lebow
Attorney for Applicant
Ladas & Parry
1727 King Street, Suite 105
Alexandria, VA 22314
Tel: (703) 837-9600

CERTIFICATE OF SERVICE

I hereby certify the foregoing MOTION TO DISMISS OPPOSITION AS A NULLITY OR REQUEST TO FILE AN EXTENSION OF TIME TO FILE ANSWER was served by U.S. mail, postage prepaid, to Leah Z. Halpert, Techmark A Law Corporation, 4820 Harwood Rd., 2nd Floor, San Jose, California 95124 this 26th day of Mat 2014.

/an/
Amy Nguyen

Exhibit A

RESTRICTION OF PROTECTION OF GOODS AND SERVICES IN AN INTERNATIONAL REGISTRATION

SERIAL NUMBER: 79141334

The table below presents the data as entered.

Input Field	Entered
OVERVIEW	
INTERNATIONAL REGISTRATION NUMBER	1189086
EFFECTIVE DATE OF MODIFICATION	03/03/2015
DATE OF RECORDAL IN THE INTERNATIONAL REGISTER	04/28/2015
NOTIFICATION DATE	05/14/2015
IB DOCUMENT ID	878193501
ORIGINAL LANGUAGE	FRENCH
TRANSACTION TYPE	LIN - Limitation
BASIC GOODS AND SERVICES - LIMITATION INFORMATION	
GENERAL HEADER STATEMENT	Class 32 is deleted.
GENERAL FOOTER STATEMENT	Class 33 remains unchanged.