

Re: Trademark Application of :  
 Christian Heritage Tours, Inc.<sup>1</sup> :  
 Serial No. 75-023501 :  
 Filing Date: November 24, 1995 : On Petition  
 For: CHRISTIAN HERITAGE :  
 MINISTRIES (Stylized) :  
 Petition Filed: June 2, 1997 :

Christian Heritage Tours, Inc., has petitioned the Commissioner to rescind the extension of time to oppose the above-identified application granted to Plymouth Rock Foundation. The petition is denied under Trademark Rule 2.146.

## FACTS

The above-identified application published for opposition on April 1, 1997. On April 30, 1997, Plymouth Rock Foundation (“Opposer”) filed a request for extension of time to file a Notice of Opposition. The extension request was granted on May 6, 1997, giving Opposer until May 31, 1997 in which to file a Notice of Opposition. On May 12, 1997, Petitioner filed a request to reconsider and rescind the grant of an extension of time to file a Notice of Opposition. Opposer filed a Notice of Opposition on May 29, 1997. This petition followed.

## ANALYSIS

Section 13 of the Trademark Act, 15 U.S.C. §1063, provides that a Notice of Opposition may be filed within thirty days after the date of publication of a mark, that upon written request prior to the expiration of the thirty day period, the time for filing an opposition may be extended for an additional thirty days, and that further extensions of time for filing an opposition may be granted by the Commissioner for good cause when requested prior to the expiration of an extension.

In its petition, Petitioner has included several arguments going to the (lack of) good faith of the Opposer. Although such arguments may well be relevant in the Opposition proceeding, they are completely irrelevant to the procedural matter of granting a request for extension of time to file a Notice of Opposition. The only relevant issue is whether the filing of the request was timely. Since the request was filed in time, the petition must be denied.

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<sup>1</sup> The subject application was originally filed in the name of Catherine Millard, an individual U.S. citizen, d/b/a Christian Heritage Ministries. Ownership of the application was assigned from Catherine Millard to Christian Heritage Tours, Inc., on January 8, 1997, and recorded with the U.S. Patent and Trademark Office at Reel and Frame No. 1524/0148. The Office records have been updated to properly identify Christian Heritage Tours, Inc. as the owner of trademark application Serial No. 75-023501.

## **DECISION**

The petition is denied. The application file will be returned to the Trademark Trial and Appeal Board for resumption of proceedings.

Philip G. Hampton, II  
Assistant Commissioner  
for Trademarks

PGH:EKM

Petitioner:

Dr. Catherine Millard,  
President  
Christian Heritage Tours, Inc.  
597 Forest Dew Court  
Springfield, Virginia 22152