

ESTTA Tracking number: **ESTTA7828**

Filing date: **04/21/2004**

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

Applicant: **Eagle Hospital Physicians, LLC**
Application Serial Number: **76462200**
Application Filing Date: **10/28/2002**
Mark: **EAGLE HOSPITAL PHYSICIANS**
Date of Publication **12/23/2003**

**60 Day Request for Extension of Time to Oppose Upon Extraordinary
Circumstances**

Pursuant to 37 C.F.R. Section 2.102, SRG Consulting, Inc and Steven R. Gerst, 1040 Seminole Dr., Ste. 763, Ft. Lauderdale, FL 33304, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Applicant has recently filed litigation in federal court in Atlanta against the Opposers. The Opposers are not yet apprised of the full extent of issues raised in the lawsuit, but are advised that the complaint comprises some 168 pages. Opposers intend to file a counterclaim asserting substantial claims against the Applicant. Opposers need this extension of time in order to be able to evaluate the legal issues involved in the litigation, and to determine their affect on the issues to be raised in the opposition to this registration. Because Opposers have pending applications to register similar marks, a cancellation proceeding is not an adequate remedy in place of the contemplated opposition proceeding.

The time within which to file a notice of opposition is set to expire on 04/21/2004. SRG Consulting, Inc and Steven R. Gerst respectfully requests that the time period within which to file an opposition be extended until 06/20/2004.

Respectfully submitted,
/David M. Rogero/
04/21/2004

David M. Rogero

David M. Rogero, P.A.

2600 Douglas Road, Suite 600

Coral Gables, FL 33134

UNITED STATES

dmrogero@dmrpa.com

305-441-0200