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

Proceeding	77112917
Applicant	JOEKEL, Kenneth
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Submission	Applicant's Request to Extend
Attachments	TTAB Motion for Extension of Time to File Appeal Brief.pdf (2 pages)(17392 bytes)
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Date	12/17/2008

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

Applicant:	Kenneth Joekel)	
)	
Mark:	HELP IS ON THE WAY)	
)	Appeal of Final Refusal
Serial No.	77-112,917)	
)	
Examining Attorney	Sara N. Thomas)	

MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF

The Applicant, Kenneth Joekel, through counsel, respectfully requests that the Trademark Trial and Appeal Board grants his Motion for Extension of Time to File Appeal Brief in this matter. The grounds for this Motion are as follows:

On 21 February 2008, applicant filed Trademark Application Serial No. 77-112,917 for the mark HELP IS ON THE WAY. After the course of examination, the examining attorney issued a final refusal of Serial No. 77-112,917 based on Trademark Act Section 2(d), 15 U.S.C. 1052(d), due to the existence of Registration No. 3,178,099 for the mark HILP IS ON THE WAY.

On 22 October 2008, applicant filed a Notice of Appeal with the Trademark Trial and Appeal Board. Accordingly, applicant's appeal brief is due 21 December 2008. Applicant now moves for an extension of time to file his appeal brief.

Applicant notes that in Registration No. 3,178,099, registrant has declared its date of first use of the HILP IS ON THE WAY mark to be March, 2005. Applicant has declared his date of first use of his HELP IS ON THE WAY mark to be March, 2002. Based on his recent conversations with the registrant, applicant submits these parties are currently drafting a

Consent Agreement and in good faith believe one may soon be forthcoming. While not automatically dispositive of the matter, applicant submits that such Consent Agreement could weigh heavily on the issue of registration of his mark, HELP IS ON THE WAY.

The examining attorney has been informed of this development and has explicitly consented to this Motion for Extension of Time to File Appeal Brief. Applicant has provided his e-mail address so that any order on this Motion may be issued electronically by the Board.

Therefore, for the reasons set forth above, applicant respectfully requests that his Motion for Extension of Time to File Appeal Brief be granted.

Respectfully submitted,

Kenneth Joekel, APPLICANT

SHOOK HARDY & BACON LLP

Dated: 17 December 2008

By: /amyckelly/

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