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

Proceeding	77626778
Applicant	LaPolla Industries, Inc.
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Submission	Applicant's Request to Extend
Attachments	7009THERM-O-FLEX.TTABFirst EOT.pdf (3 pages)(19031 bytes)
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Date	06/18/2010

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

In re application of : LaPolla Industries, Inc.
Serial No. : 77/626,778
Filed : December 4, 2008
Mark : **THERM-O-FLEX**
Trademark Attorney : John M. Kelly
Law Office : 117
Our File No. : 1127.7009

CERTIFICATE OF MAILING

I hereby certify that this correspondence, and any attachments thereto, is being electronically filed with the TTAB.

<u>Daniel S. Polley</u> Name of Person Mailing Paper	<u>/Daniel S. Polley/</u> Signature	<u>June 18, 2010</u> Date
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REQUEST FOR EXTENSION OF TIME FOR FILING
APPLICANT'S APPEAL BRIEF

Mail Stop TTAB
Commissioner for Trademarks

Dear Sir:

It is respectfully requested that the time now set for filing Applicant-Appellant's appeal brief, presently due June 21, 2010, as June 20, 2010 fell on a Sunday, be extended an additional four (4) months, thus extending the time for response up to and including October 20, 2010.

This request is not made for purposes of delay, but to allow counsel additional time to prepare its comprehensive brief on the issues of record.

Applicant's counsel, the undersigned counsel has had limited contact with Applicant and thus has been unable to sufficiently consult with Applicant regarding the issues in the appeal.

During the past three months the undersigned counsel, along with co-counsel, was hired to take over a federal trademark infringement litigation (Schmidt v. Versacomp, Inc.

et al – Case No. 08-60084-CIV- Jordan/McAliley – Southern District of Florida) from prior counsel three weeks prior to the litigation scheduled to go to trial. The trial of such litigation just concluded on May 14, 2010 and the Court required the parties to file post trial documents, which has require a substantial amount of the month of May and June to complete.

Additionally, the undersigned has been involved in representing the Plaintiff in a patent infringement lawsuit filed on March 12, 2010 (Trebor Industries, Inc. v. Regatta AS, et al – Case No. 0:10-cv-60371-Jordan – Southern District of Florida), which has been and remains quite active since its filing.

The undersigned counsel was also hired to represent the Defendants in another pending federal trademark litigation (Rollashoe v. Funk-Tional Enterprises, LLC et al., Case No. 1:10-cv-20487-DLG), which has also been and remains quite active since the undersigned counsel appeared in the litigation on the behalf of the Defendants.

Moreover, undersigned counsel continues to be actively involved in the litigation case pending in the Southern District of Florida, namely, Trebor Industries, Inc. v. JL Gory, Inc. et al. Case No. 09-60214-CIV and in a federal trademark litigation matter in the District Court of Nevada in Las Vegas. The Las Vegas litigation has also been quite active this past month and should continue at such pace for at least the next two months. The undersigned counsel also continues to be involved in several other pre-litigation matters.

In addition to the above, the undersigned counsel is involved with other unanticipated matters which have required that counsel's attention be diverted away from matters scheduled on counsel's docket.

As this is an Ex Parte Appeal, not involving other parties, it is respectfully believed that this Request will not be prejudicial to any third party.

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It is therefore respectfully requested that Applicant-Appellant be granted ample time, until October 20, 2010, in which to file its Appellant's Brief.

Respectfully submitted,

/Daniel S. Polley/
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