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

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| Applicant: | Fleischer, Frank Hermann |
| Application Serial Number: | 77822138 |
| Application Filing Date: | 09/08/2009 |
| Mark: | EASTHAMPTON BEACH NY |
| Date of Publication | 12/15/2009 |

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

Pursuant to 37 C.F.R. Section 2.102, ReneePalmer, 160 East 38th Street, New York, NY 10016, 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:

- Potential opposer sought consent from counsel for applicant in an exchange of emails, (attached): (to applicant's counsel) "Good morning, When we spoke last week, you indicated that you would let me know whether or not you would consent to a further 60 day extension of time to oppose your client's mark(s) probably by Monday March 29. I have not heard from you; can you confirm one way or the other? Thanks. Sheldon Palmer Date: Fri, 26 Mar 2010 14:42:09 -0400 To: williamjseiter@seiterandco.com, billseiter@seiterandco.com From: Sheldon Palmer Subject: Easthampton Beach NY Dear Mr. Seiter, I called your office number twice today and only got an answering machine, but I left a voice message asking for a call back. I wanted to discuss the potential opposition (90 day extension already obtained) to your client's published marks. Due to the press of an ongoing patent litigation with extensive depositions in April for a Markman claim construction hearing in SDNY, as well as a separate unfair competition case about to be filed in SDNY, April is going to be an extremely busy time for me and ask if you will consent to a further 60 day extension of time to oppose. Of course, should the need arise, I will fully reciprocate. Please let me know if you will consent so that I can move the TTAB for a further extension. Could you also let me know if you are planning to arrange for the assignment (and recordal) of serial number 77/822138, so that the identity of the real party in interest is known. Thank you for your consideration of this matter. Sincerely yours, Sheldon Palmer Sheldon Palmer Galvin & Palmer 630 Third Avenue - 23rd Fl New York NY 10017 (P) 212-983-8900 (F) 212-983-8903 www.galvinpalmer.com Sheldon Palmer Galvin & Palmer 630 Third Avenue - 23rd Fl New York NY 10017 (P) 212-983-8900 (F) 212-983-8903 www.galvinpalmer.com " and to date, applicant has not indicated whether it would consent or not. in light of the press of current ongoing litigation, potential opposer respectfully submits that extraordinary circumstances have been shown such that a further 60 day extension is warranted.

The time within which to file a notice of opposition is set to expire on 04/14/2010. ReneePalmer respectfully requests that the time period within which to file an opposition be extended until 06/13/2010.

Respectfully submitted,
/sheldon palmewr/
04/09/2010

Sheldon Palmer

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