

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

Applicant: HerbanCowboy.com, Inc.  
Application Serial No.: 78138031  
Application Filing Date: 06/24/2002  
Mark: HERBANCOWBOY  
Date of Publication: 04/08/2003  
Potential Petitioner: Herban Avenues, L.L.C.  
ESTTA Tracking No.: ESTTA 1661

**SECOND REQUEST FOR EXTENSION  
OF TIME TO FILE A NOTICE OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.102, Herban Avenues, L.L.C. requests respectfully that the time for filing a Notice of Opposition against the above-identified mark be further extended for a period of 60 days from June 7, 2003, to and including August 6, 2003.

**Specific Request for Extension of Time**

The mark was published for opposition on April 8, 2003. A first request for a 30-day extension of the opposition period was filed on behalf of Herban Avenues, L.L.C. on May 7, 2003. The request to extend the time to oppose was granted until **June 7, 2003**. Herban Avenues, L.L.C. requests extension of the opposition period to 60 days from June 7, 2003, to and including **August 6, 2003**.

**Good Cause**

Herban Avenues, L.L.C. holds registration to the trademark HERBAN AVENUES (Registration No. 2499364). A consideration for any opposition mounted is the likelihood of confusion between Herban Avenues, L.L.C.'s registered mark HERBAN AVENUES and the

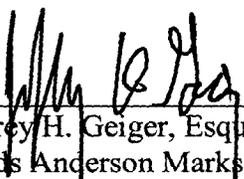
applicant's mark, HERBANCOWBOY.<sup>1</sup> Good cause warrants granting Herban Avenues, L.L.C. an extension of time to file a notice of opposition for the applicant's mark HERBANCOWBOY. Specifically, the further extension is needed for Herban Avenues, L.L.C. to review information concerning the applicant's mark and to discuss potentially the application with the applicant's counsel to determine if an opposition will be necessary.

WHEREFORE, Herban Avenues, L.L.C. request respectfully that this extension be granted.

Dated: June 4, 2003

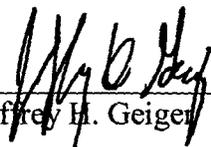
**HERBAN AVENUES, L.L.C.**

By Counsel

  
\_\_\_\_\_  
Jeffrey H. Geiger, Esquire  
Sands Anderson Marks & Miller, P.C.  
P.O. Box 1998  
Richmond, Virginia 23218-1998  
804-783-7248  
804-783-7291 (facsimile)  
jgeiger@sandsanderson.com  
Attorney for Herban Avenues, L.L.C.

#### **Certificate of Mailing**

I certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on June 4, 2003.

  
\_\_\_\_\_  
Jeffrey H. Geiger

<sup>1</sup> On May 22, 2003, Laura Davimes, President of Herban Avenues, L.L.C. submitted a Letter of Protest to the Administrator for Trademark Identifications, Classification and Practice with respect to the application for the mark HERBANCOWBOY.

