

ESTTA Tracking number: **ESTTA116222**

Filing date: **12/21/2006**

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

Applicant:	Earl of Sandwich (USA), LLC
Application Serial Number:	78646320
Application Filing Date:	06/08/2005
Mark:	THE ORIGINAL SANDWICH SINCE 1762
Date of Publication	11/28/2006

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Schlotzsky's Franchise LLC, 200 Glenridge Point Parkway, Suite 200, c/o Focus Brands Inc., Atlanta, GA 30342, UNITED STATES, a Limited Liability Company, organized under the laws of Georgia, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 12/28/2006. Schlotzsky's Franchise LLC respectfully requests that the time period within which to file an opposition be extended until 03/28/2007.

Respectfully submitted,
/Sherri L. Eastley/
12/21/2006

Sherri L. Eastley

Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP

P.O. Box 685108

Austin, TX 78768

UNITED STATES

wctrademarkaustin@counselip.com, seastley@counselip.com

(512) 473-2550