

Attorney Docket No.: 358535US-35-L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF THE SOLICITOR

IN RE CARMINE'S BROADWAY FEAST INC.,)

Applicant.)

Appln. Serial No. 78/934,642

APPLICANT'S SUBSTITUTE MOTION TO EXTEND ITS TIME TO COMMENCE
JUDICIAL REVIEW PURSUANT TO TRADEMARK RULE 2.145(e)

Applicant's respectfully requests this Motion be substituted for its Motion filed earlier today, April 23, 2010.

Carmine's Broadway Feast Inc. ("Applicant"), pursuant to Trademark Rule 2.145(e), hereby requests the Solicitor extend Applicant's time to seek judicial review by ninety (90) days. TBMP §902.02 (Second Edition rev. 2004).

On February 25, 2010 the Trademark Trial and Appeal Board ("Board") issued an *ex parte* decision in Application Serial No. 78/934,642 affirming the Examining Attorney's refusal to register under Section 2(d) of the Trademark Act, 15 USC §1052(d), based on two cited registrations owned by different parties. Applicant's appeal of the Board decision is due April 26, 2010 pursuant to Trademark Rule 2.145(d)(1) and (2).

Applicant seeks time to review and consider with its counsel the various options for judicial review of the Board decision, particularly in view of the circumstances in this case. Applicant believes it has shown good cause for the requested extension of time to seek judicial review as required by Trademark Rule 2.145(e).

Applicant respectfully requests the Solicitor grant Applicant's Motion to Extend, allowing time to July 26, 2010.

If a fee for this Substitute Motion is required, the Office of the Solicitor is hereby authorized to charge the appropriate fee to Deposit Account No. 50-2014.

If the Solicitor's Office has questions, please contact the undersigned.

Respectfully submitted,

CARMINE'S BROADWAY FEAST INC.

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Date: April 23, 2010
RSB/BAC/cli (3741543_1.DOC)

The request for an extension of time to commence judicial review of the TTAB decision in Serial No. 78/934,642 is GRANTED for a period of ninety (90) days, i.e., until July 26, 2010.

Signature: 
Raymond T. Chen, Solicitor

Date: April 26, 2010