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

Proceeding	79096002
Applicant	Fashion Box S.P.A.
Applied for Mark	RED SEAL
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Submission	Applicant's Request to Extend
Attachments	Request for Extension of Time.pdf(124883 bytes)
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Date	06/13/2016

Applicant notes that the Board issued an order on April 12, 2016 reinstating the proceedings in this matter setting the deadline for Applicant to file an Appeal Brief as June 11, 2016 (or in actuality, the next business day, which in this case, is today, June 13, 2016). Applicant respectfully requests that the same be extended for thirty (30) days until **July 11, 2016** for the reasons set out below.

**Request to Extend the Deadline for Applicant to File an Appeal Brief under
TBMP § 1203.02(d), in the Alternative**

TBMP § 1203.02(d) states that “an extension of time to file an Appeal Brief to the Board may be granted upon written request showing good cause for the requested extension”. This same section of the TBMP states that “good cause” has been established in instances where the responsible attorney is awaiting instructions from a foreign applicant. In the present case, Applicant is an Italian entity, and further the undersigned is receiving instructions regarding this matter from a foreign law firm, who has been directly dealing with Applicant, which is causing further delays. Thus Applicant submits that this basis constitutes good cause to obtain the requested extension. Accordingly, Applicant requests that the deadline for Applicant to file an Appeal Brief be extended by thirty (30) days in order to further confer with both its American counsel, as well as its Italian counsel.

In addition, Applicant further notes that it is the owner of a pending application for the word mark RED SEAL filed under U.S. Serial No. 79/090,049. This application has been opposed by The Wet Seal, Inc. (“The Wet Seal”) under Opposition Proceeding No. 91/203,425, and this opposition is still pending. Applicant and The Wet Seal are presently involved in ongoing settlement negotiations surrounding the use and registration by Applicant of the mark RED SEAL

in both word and design form. One of the points being discussed in these settlement discussions is Applicant's ability to use and register the RED SEAL & Design mark covered by the subject application, which is the subject of the instant pending Appeal proceedings. One possible basis for settlement that is being discussed between Applicant and The Wet Seal is the potential abandonment of the application that is the subject of the instant Appeal, namely, RED SEAL & Design (Serial No. 79/096,002). Applicant submits that it would be a waste of both its, and more significantly, the Office's resources to proceed with the Appeal for the subject application while there remains a distinct possibility that the same may be abandoned as part of a comprehensive agreement between itself and The Wet Seal, Inc. Thus Applicant submits that these ongoing negotiations further establish "good cause" for a thirty (30) day extension of time to file an Appeal Brief while it and The Wet Seal discuss the status of the pending application as a part of settlement discussions.

Accordingly, for the foregoing reasons, Applicant submits that "good cause" has been shown in order to obtain the requested thirty (30) day extension of time until **July 11, 2016**.

Applicant respectfully request that the undersigned be contacted with any questions.

Respectfully submitted,



Keith A. Weltsch
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