TTAB

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

In re: Application of	) TTAB Paralegal Specialist:
	) Monique Tyson
DELVAUX DESIGN COORDINATION &	)
FINANCE	)
	)
Serial No. 79/121,759	) Examining Attorney:
	) James MacFarlane
For the Mark: D And Design	) Law Office: 104
	)
Filed: September 21, 2012	)

FIRST REQUEST FOR SIXTY (60) DAY EXTENSION OF TIME FOR FILING OF APPLICANT'S APPEAL BRIEF IN PART BASED UPON FURTHER EFFORTS TO RESOLVE WITH THE EXAMINER AN ACCEPTABLE RESOLUTION OF THE MATTER AND TO PERMIT TIME FOR THE FURTHER RECEIPT OF INSTRUCTIONS FROM THE CLIENT

The Applicant by and through its legal counsel, Burton S. Ehrlich of Ladas & Parry LLP, hereby requests a sixty (60) day extension for the filing of the Applicant's brief to allow for the Applicant to potentially moot the need for this appeal by fully resolving this matter at the Examiner level and for additional time for consulting with the client for the Applicant. In support of this Motion the Applicant submits as follows:

The Applicant previously requested reconsideration of the rejection of regsitrability in a paper filed with the Trademark Attorney Examiner. When the request for reconsideration was denied the Board subsequently set the briefing schedule of sixty (60) days for the filing of the Applicant's brief.

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The Applicant's counsel believes that there still may be a basis for resolving this matter with an amendment or submissions at the Examiner level. The Applicant is in the process of seeking further instructions and clarifications from his client on pursuing a potential follow-up action and communication, so as to seek to resolve this matter at the Examiner level and by consultations with the Examiner. Based upon the current understanding of the situation it is believed that a reasonable and acceptable resolution may exist to resolve issues in this application. In part, additional time is needed for the consideration of such a resolution, which if resolved in this manner could moot the appeal. The additional time would include time for consulting with the client and with the Examiner in seeking a potential resolution.

Furthermore, additional time would also be necessary for consulting with the principals for the client on the potential appeal brief, should that become necessary.

Furthermore, this revised briefing schedule will also accommodate the busy schedule of the Applicant's counsel and his principals for the client. During the time period Applicant's counsel has been heavily involved in District Court proceedings including out of state business travel, TTAB adversarial matters, as well as respond to a variety of other deadlines for foreign and domestic based clients on

intellectual property related matters. This extension will allow for counsel to consult and prepare any necessary papers.

Based upon the foregoing, it is respectfully requested that the due date for the brief be reset for sixty (60) days with the Applicant's brief under this extension becoming due on **July 2, 2015**.

Respectfully submitted,

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Burton S. Ehrlich
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to ATTN: TTAB - NO FEE, Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on April 30, 2015.

Burton S. Ehrlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing FIRST REQUEST FOR SIXTY (60) DAY EXTENSION OF TIME FOR FILING OF APPLICANT'S APPEAL BRIEF IN PART BASED UPON FURTHER EFFORTS TO RESOLVE WITH THE EXAMINER AN ACCEPTABLE RESOLUTION OF THE MATTER AND TO PERMIT TIME FOR THE FURTHER RECEIPT OF INSTRUCTIONS FROM THE CLIENT is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: James MacFarlane, Law Office 104, Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on April 30, 2015.

Burton S. Ehrlich