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Filing date: **02/17/2005**

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

Proceeding	91123312
Party	Plaintiff INTEL CORPORATION ,
Correspondence Address	BOBBY A. GHAJAR HOWREY SIMON ARNOLD & WHITEK LLP 750 BERING DRIVE HOUSTON, TX 77057
Submission	Motion for Resetting of Intel's Deadline to File Reply to Mr. Emeny's Opposition to Intel's Motion for Summary Judgment
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Date	02/17/2005
Attachments	scanned_.pdf (2 pages)

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

Intel Corporation,	§	Opposition No. 123,312
	§	
Opposer,	§	Application Serial No. 75/825,218
	§	
v.	§	International Classes: 35, 38 & 42
	§	
Steven Emeny.	§	Published: April 24, 2001
	§	
Applicant.	§	

**MOTION FOR RESETTING OF TIME FOR INTEL TO FILE ITS REPLY TO
APPLICANT'S OPPOSITION TO INTEL'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to CFR § 2.127 and the Board's Manual of Procedure Rule 502.02(b), movant Intel Corporation, ("Intel") requests that the Board reset its deadline to file a Reply to Applicant's Opposition to Intel's Motion for Summary Judgment on the Issue of Applicant's Bona Fide Intent to Use. This motion is necessitated because Applicant recently filed a request for an extension of time to file his Opposition, but that request did not mention any reciprocal adjustment of Intel's reply deadline.

Intel filed its motion for summary judgment on January 4, 2005. Applicant's opposition was due on February 9, 2005. *See* CFR 2.110(c) (30 days plus 5 days for service by first class mail). On February 4, 2005, Applicant filed a request for additional time to file his response to Intel's motion, in which he asked the Board to provide him until February 14 to file his opposition. Applicant's motion failed to address why his motion should be granted for good cause shown. Applicant also failed to mention how other operative dates, *i.e.* Intel's reply deadline, would be affected by his request for extension. That request has yet to be granted by the Board.

Intel received a copy of Mr. Emeny's request for additional on February 14, 2005. As of the date of the instant motion (February 17), Intel has yet to receive a copy of Mr. Emeny's opposition. Since it would be impossible for Intel to reply to an opposition it does not have in its possession, and if mail delays remain consistent, any opposition served by Mr. Emeny (in Canada) on February 14 would not reach Intel (California) until February 24, Intel requests that

its reply deadline be reset as contemplated by the Rules: 20 days from the date of service of Mr. Emeny's opposition (March 7, 2005). TBMP § 502.02(b) (15 days from February 14, 2005, plus 5 days for service by mail). The basis of Intel's request is not due to its own delay or negligence. In view of the foregoing, good cause exists to reset the deadline by which Intel must file its reply to Mr. Emeny's opposition. The dates would be reset as follows:

Applicant's Opposition: Must be served by February 14, 2005;

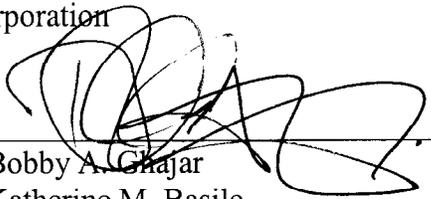
Intel's Reply to Opposition: Must be served by March 7, 2005.

Respectfully submitted,

Intel Corporation

Date: February 17, 2005

By:

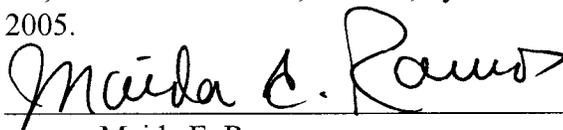


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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion For Resetting Of Time For Intel To File Its Reply To Applicant's Opposition To Intel's Motion For Summary Judgment was served on Mr. Steven Emeny, 93 Day Avenue, Toronto, Ontario M6E 3W4, Canada, by First Class mail, postage prepaid, this 17th day of February, 2005.



Maida E. Ramos