

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 14, 2004

Opposition No. 91160234

Leo Stoller

v.

AIRFRAME BUSINESS SOFTWARE,
INC.

Cheryl Goodman, Interlocutory Attorney:

This case now comes up on opposer's motion to extend time to respond to applicant's cross motion for Rule 11 sanctions and to file replies to applicant's oppositions to opposer's motion to strike applicant's affirmative defenses, to dismiss applicant's counterclaims and to opposer's motion for Rule 11 sanctions, filed July 19, 2004. Applicant has responded in opposition thereto.

Inasmuch as the time for reply may not be extended opposer's request to file replies to its motion to strike, motion to dismiss and motion for sanctions are denied. See Trademark Rule 2.127(a) ("the time for filing a reply brief will not be extended").

The Board will now consider opposer's request to file a response to applicant's cross motion for Rule 11 sanctions.

In support of its motion, opposer states that it needs additional time due to "prior pending obligations" involving a Federal Circuit appeal. Opposer also argues that its requested thirty-day extension will not prejudice applicant.

In response, applicant argues that opposer's motion is frivolous, not made in good faith and is for purposes of delay.

In reply, opposer argues that "opposer has sole responsibility for a dozen inter partes pleadings all at about the same time and is unable to respond . . . within the time provided; and that good cause exists for granting the extension.

Upon careful consideration of the parties' arguments, the Board finds good cause for granting a limited extension of time for opposer to file a response to applicant's cross motion for Rule 11 sanctions. See e.g., *See Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Spoletoducale SCRL*, 59 USPQ2d 1383 (TTAB 2001).

Opposer is allowed until THIRTY DAYS from the mailing date of this order to file its response to applicant's cross-motion for Rule 11 sanctions.

Proceedings herein are suspended pending disposition of the motion to dismiss. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).