

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

Leo Stoller d/b/a  
CENTRAL MFG.  
P.O. Box 35189  
Chicago, IL 60707

Opposer,

vs.

Airframe Business Software, Inc.  
800 Southwood Blvd, Suite 105  
Incline Village, NV 89451

Applicant.

Opposition No. 91160234

Trademark: AIRFRAME BUSINESS  
SOFTWARE, INC.

Opposition No: 91160234

Application SN: 78-233,204

TTAB



07-19-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

TTAB/NO FEE

**MOTION FOR AN EXTENSION OF TIME TO REPLY TO APPLICANT'S  
OPPOSITION TO STRIKE AFFIRMATIVE DEFENSES; TO DISMISS  
APPLICANT'S COUNTERCLAIMS UNDER FRCP 12(B) AND FOR RULE 11  
SANCTIONS AND APPLICANT'S MOTION FOR RULE 11 SANCTIONS**

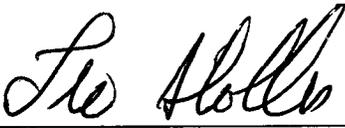
NOW COMES the Opposer and moves the Board for an Extension of time to reply to Applicant's opposition to strike affirmative defenses; to dismiss Applicant's Counterclaims under FRCP 12(b); and Applicant's Motion for Rule 11 Sanctions. The Applicant has raise new issues and filed a Motion for Rule 11 on July 1, 2004, just prior to the 4th of July holiday.

The Representative of the Opposer, Leo Stoller call Ms. Ann Rosevear Counsel for the Applicant on July 15, 2004 to request an agreed extension of time first. Leo Stoller informed the Applicant's counsel that the Applicant will not be prejudiced by the extension in that Opposer Request to Strike Affirmative Defenses and request to dismiss Applicant's counter-claims normally serves to suspend the proceeding even if the Board has not issued the suspension order. Notwithstanding, Ms Rosevear refused to consent to Opposer's request for an extension and informed the Opposer to file its Motion for an Extension without any stipulation.

The Opposer also request the suspension because the Opposer has been for the last several weeks involved in writing its appeal to the Federal Circuit Appeal No. 04-1305 Leo Stoller v. Karen Ponce. The Opposer is currently working on the Appendix. Thus the Opposer

who has the sole responsibility to Respond to the Applicant's pleading in this case has been unable do to his prior pending obligations to the Federal Circuit Appeal and the 4th Holiday which presented themselves during the period after July 1, 2004, the filing of Applicant's said pleadings.

WHEREFORE, the Opposer prays the Opposer prays that the Board grant the Opposer an extension of time of 30 days from July 1, 2004 and/or 30 days from the date that the Board issued an order in this case on this request in order for the Opposer to respond to Applicant said pleadings.

By: 

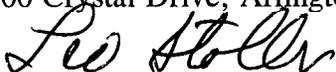
Leo Stoller  
CENTRAL MFG., Opposer  
Trademark & Licensing Dept.  
P.O. Box 35189  
Chicago, Illinois 60707-0189  
773-283-3880 FAX 708 453-0083

Date: July 15, 2004

**Certificate of Mailing**

I hereby certify that the foregoing *Motion to Dismiss* is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

TTAB/NO FEE  
Assistant Commissioner of Patents and Trademarks  
2900 Crystal Drive, Arlington, Virginia 22202-3513



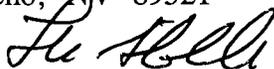
\_\_\_\_\_  
Leo Stoller

Date: July 15, 2004

**Certificate of Service**

I hereby certify that the foregoing is being faxed 775-853-0860 and sent by U.S. Mail and deposited with the U.S. Postal Service by First Class Mail, in an envelope addressed to:

Ann Rosevear  
WALSH, BAKER & ROSEVEAR, P.C.  
9468 Double R. Blvd., Suite A  
Reno, NV 89521



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Leo Stoller

Date: July 15, 2004

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