

ESTTA Tracking number: **ESTTA25644**

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

Proceeding	91163125
Party	Plaintiff FOODPHONE, LLC ,
Correspondence Address	ANTHONY L. SOUDATT 1776 WHITTIER STREET RAHWAY, NJ 07065
Submission	Motion to Reopen
Filer's Name	Anthony L. Soudatt
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Signature	/ASoudatt/
Date	02/10/2005
Attachments	motion to reopen.pdf (4 pages)

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

FOODPHONE, LLC
Opposer,
vs.
HEGEMAN, VERONICA G.
Applicant

X Opposition No. 91163125
Serial No. 78347513

Mark: **FOODPHONE**

X

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION TO REOPEN ORDER COMPLIANCE PERIOD

Opposer FOODPHONE, LLC moves to reopen the compliance period for the sole and specific purpose of complying with the Trademark Trial and Appeal Board's (TTAB) order to resubmit copies of ten exhibits that were attached to the original notice of opposition.

Opposer's Memorandum in Support of this motion is attached.

Dated: February 10, 2005

Respectfully Submitted,



ANTHONY L. SOUDATT, Esq.
Attorney for Opposer
1776 Whittier Street
Rahway, NJ 07065
732-574-9598
206-984-3529 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Reopen Order Compliance Period was served upon Applicant by forwarding said copy, via first class mail, postage prepaid to:

Veronica G. Hegeman
101 Lafayette Avenue
Brooklyn, NY 11217

Dated: February 10, 2005

A handwritten signature in black ink, appearing to read "Anthony L. Soudatt, Esq.", written over a horizontal line.

ANTHONY L. SOUDATT, Esq.
Attorney for Opposer

an extension of the time to answer. And on January 5, 2005 the TTAB notified the Opposer that the electronic file of the opposition was missing the exhibits and that the office was unable to locate the original paper documents to correct the deficiencies in the scanning process. The TTAB ordered the Opposer to resubmit two copies of the ten exhibits within twenty days.

The Opposer was unavailable when the order was received and was unable to comply with the twenty day period. The Opposer was initially timely in its submission of the notice of opposition and the exhibits, and the scanning errors were not in the control of the Opposer. The extension of the time to comply with the Board's order will not adversely affect the timing of the proceedings. And such an extension will no adversely affect the Applicant, since applicant had requested Opposer's attorney consent to extend the time to respond to the notice of opposition.

WHEREFORE, the Opposer requests that the Board grant this motion and to extend the time period to permit the Opposer to comply with the TTAB's order to resubmit the exhibits.

Dated: February 10, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony L. Soudatt", written over a horizontal line.

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