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

Proceeding	91178825
Party	Plaintiff Rising Pharmaceuticals, Inc.
Correspondence Address	Michael F Sarney KATTEN MUCHIN ROSENMAN LLP 575 Madison Avenue New York, NY 10022 UNITED STATES michael.sarney@kattenlaw.com
Submission	Stipulated/Consent Motion to Extend
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Date	10/09/2007
Attachments	Rising Motion for Extension.pdf (3 pages)(67758 bytes)

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

RISING PHARMACEUTICALS, INC.,

Opposer,

v.

PEDINOL PHARMACEUTICAL, INC.,

Applicant.

Opposition No. 91178825

**OPPOSER'S MOTION ON CONSENT FOR EXTENSION OF TIME TO
RESPOND TO MOTION TO DISMISS**

Pursuant to TBMP §509.01(a), Opposer, Rising Pharmaceuticals, Inc., hereby moves for an extension of time of two weeks, until October 29, 2007, in which to respond to Applicant's Partial Motion To Dismiss for Failure to State A Claim Upon Which Relief Can be Granted. As this Motion embodies a brief pursuant to 37 C.F.R. §2.127(a), no separate brief is attached.

Opposer's Response to the motion to dismiss is currently due October 15, 2007. Applicant's counsel of record has consented to the request for extension of time. Proceedings are currently suspended pending resolution of the motion to dismiss.

It is submitted that good cause for the extension exists, on the grounds that Opposer and its trial counsel, who are assisting Opposer's counsel of record herein, are currently preparing for trial of a civil action for unfair competition and related causes brought by Applicant against Opposer, *Pedinol Pharmacal, Inc. v. Rising Pharmaceuticals, Inc., Civil Action No. 06-2120, (D. NJ)*, which trial is scheduled to commence on November 5, 2007. The parties are also engaged in taking depositions in

connection with the trial of such action. Opposer therefore needs the additional time in which to prepare its response to Applicant's motion to dismiss.

Accordingly, Opposer respectfully requests that its request for an extension of time be granted.

Dated: October 9, 2007

KATTEN MUCHIN ROSENMAN LLP
Attorneys for Opposer

By:


Michael F. Sarney

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CERTIFICATE OF SERVICE

I, the undersigned, Michael Sarney, hereby certify that, on the 9th day of October, 2007, I caused to be served a true and correct copy of

OPPOSER'S MOTION ON CONSENT FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS

by **U.S. Mail**, first class, by depositing the same in a depository of the United States Postal Service, on:

Charles W. Hanor
CHARLES W. HANOR, P.C.
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San Antonio, Texas 78209

Attorneys for Applicant


Michael Sarney