

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

-----x  
PETER MIGNOLA d/b/a METROSONIC,

Opposer,

Opposition No. 91182572

v.

Mark: METROSONICS

METROSONICS CONCEPTS LIMITED,

Ser. No. 77/086256

Applicant.  
-----x

Date of this paper: July 31, 2008

**CONSENTED REQUEST FOR 30 DAY EXTENSION OF  
TIME FOR APPLICANT TO ANSWER**

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

Dear Sir:

Applicant, Metrosonics Concepts Limited, by its undersigned counsel, hereby requests a 30-day extension of its Time to Answer the Notice of Opposition. Presently there is in effect a previously granted 30-day extension for Time to Answer, and that period expires today, July 31, 2008.

Applicant makes this request on consent of Opposer. Annexed hereto is a true and correct copy of an email agreeing to a 30-day extension, dated July 28, 2008, from Nicholas Penkovsky, Esq., attorney of record for Opposer. See Exhibit A. The basis for this extension request is that the parties are engaged in settlement negotiations.

The next presently scheduled date is the Deadline for Discovery Conference, which is scheduled for August 30, 2008. If the instant request for a 30-day extension is granted, then Time to Answer will be reset to August 30, 2008, and the other relevant dates in the present schedule would have to be reset accordingly.

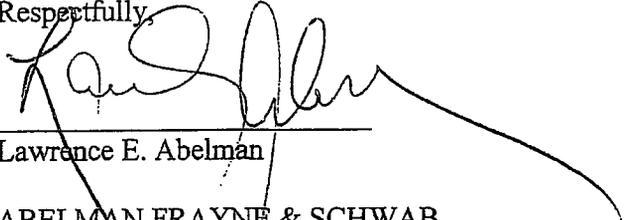


08-04-2008

Applicant states that there is good faith basis for this request for an extension and that it is not made for any improper purpose.

**Wherefore,** Applicant respectfully requests that it be granted, upon consent, a 30-day extension of its Time to Answer, presently set for July 31, 2008, with a new Time to Answer being rescheduled for August 30, 2008, because of the settlement negotiations of the parties.

Respectfully,



Lawrence E. Abelman

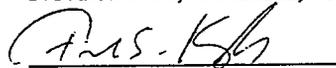
ABELMAN FRAYNE & SCHWAB  
666 Third Avenue  
New York, New York 10017  
Tel: 212-949-9022  
Fax: 212-949-9190

*Attorneys for Applicant*

**CERTIFICATE OF MAILING**

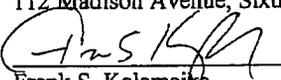
Date of Deposit: July 31, 2008

I hereby certify that this correspondence is being caused to be deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313

  
Frank S. Kalamajka

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this paper has been served upon all parties at their address record by causing a copy to be sent via United States Postal Service in an envelope addressed to NICHOLAS PENKOVSKY, ESQ. 112 Madison Avenue, Sixth Fl., New York, NY 10016

 Date of Deposit 7-31-08  
Frank S. Kalamajka

**EXHIBIT A**

**KALAMAJKA, F. S.**

---

**From:** Nicholas Penkovsky [nicholas\_penkovsky@yahoo.com]  
**Sent:** Monday, July 28, 2008 3:17 PM  
**To:** KALAMAJKA, F. S.  
**Subject:** Re: METROSONICS

Frank.

Hopefully we can wrap this up in the next week but we consent to another 30 day Extension.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.  
112 Madison Avenue  
Sixth Floor  
New York, NY 10016  
Tel (212) 216-9708  
Fax (212) 216-9491  
Cell (646)796-4689  
Website - [www.PhotoLaw4u.com](http://www.PhotoLaw4u.com)

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--- On Mon, 7/28/08, KALAMAJKA, F. S. <[fskalamajka@lawabel.com](mailto:fskalamajka@lawabel.com)> wrote:

From: KALAMAJKA, F. S. <[fskalamajka@lawabel.com](mailto:fskalamajka@lawabel.com)>  
Subject: METROSONICS  
To: "Nicholas Penkovsky" <[nicholas\\_penkovsky@yahoo.com](mailto:nicholas_penkovsky@yahoo.com)>  
Date: Monday, July 28, 2008, 1:49 PM

Hi Nick,

7/31/2008

Just wanted to check in on this, and in particular the issue of the Time To Answer (July 31) coming up this Thursday.

I think you'd agree that with revisions you are bringing back to us, even if they are minimal, getting them reviewed in time is probably not feasible. So if you can we would appreciate a consent for another extension.

Hopefully we can then wrap this up.

Thanks,

Frank

FRANK S. KALAMAJKA

## Abelman Frayne & Schwab

666 Third Avenue

New York, NY 10017

(212) 949-9022

(212) 949-9190 (fax)

[fskalamajka@lawabel.com](mailto:fskalamajka@lawabel.com)

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7/31/2008

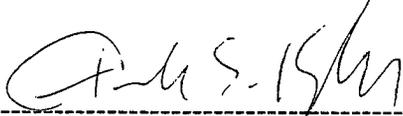
*employer is not liable for any loss or damage arising in any way from this message or its attachments.*

CERTIFICATE OF SERVICE

On August 1, 2008, the undersigned certifies that he caused the attached Request for 30 Day Extension of Time to Answer to be served upon counsel for Opposer, Nicholas Penkovsky, Esq., via email, pursuant to previous agreement for allowing email service.

Service was made to the following address: nicholas\_penkovsky@yahoo.com

Dated this 1 day of August, 2008

A handwritten signature in cursive script, appearing to read "Frank S. Kalamajka", is written above a horizontal dashed line.

Frank S. Kalamajka