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

Proceeding	91182572
Party	Plaintiff Peter Mignola d/b/a Metrosonic
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Submission	Stipulated/Consent Motion to Extend
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Date	02/07/2011
Attachments	CONSENT MOTION FOR A FOURTH EXTENSION OF TIME.pdf (4 pages) (130218 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

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PETER MIGNOLA d/b/a METROSONIC,

Opposition No. 91182572

Plaintiff/Opposer,

In re Application Serial No. 77/086,256

-against-

METROSONICS CONCEPTS LIMITED,

Defendant/Applicant.

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CONSENT MOTION FOR A FOURTH EXTENSION OF TIME

The Plaintiff/Opposer PETER MIGNOLA d/b/a/ METROSONIC (herein after "Opposer") by and through his counsel Intellectulaw, The Law Offices of P.B. Tufariello, P.C., hereby moves for the entry of an Order extending his time to respond to the Trademark Trial and Appeal Board's (hereinafter "TTAB" or "the Board") Order to Show Cause dated September 15, 2010, from February 7, 2011 to March 9, 2011. Applicant Metrosonics Concepts Limited (herein after "Applicant") is in agreement with the proposed extension of time. In support of this Motion, Opposer states as follows:

1. This is Opposer's Fourth Request for an Extension of Time on Consent.
2. Opposer's First Request was filed on November 9, 2010 (see Doc. Nos. 21 and 22).
3. Opposer's Second Request was filed on December 7, 2010 (see Doc. No. 23).
4. Opposer's Third Request was filed on January 6, 2011 (see Doc. No. 25).
5. TTAB granted Opposer's First and Second Request for an Extension of Time on January 3, 2011 (see Doc. No. 24).
6. TTAB GRANTED Opposer'S Third Request for an Extension of Time on January 13, 2011 (see Doc. No. 26).
7. Since the filing of the First and the Second Request for an Extension of Time, the parties'

counsel have engaged in numerous telephone conferences regarding the settlement of the matter.

8. Such telephone conferences continued through the filing of the Third Request for an Extension of Time.
9. In accordance with the representations that were made to the TTAB, Counsel for Applicant did in fact forward Opposer's counsel "a copy of the settlement agreement which had been prepared last year."
10. In response, Opposer's new counsel has come up to speed with all of the matters and issues in the case, has reviewed the Applicant's proposed Settlement Agreement and has returned said agreement with modifications. Applicant has reviewed such modifications and has promised to get back to Opposer's counsel.
11. In furtherance of settlement, Opposer's counsel forwarded specimens to Applicant's counsel showing Opposer's use of the mark at issue in commerce.
12. Upon information and belief, Applicant's counsel underwent surgery in December 2010.
13. Applicant's counsel will be forwarding Opposer's counsel a further modified Settlement Agreement and the parties expect to have final discussions regarding such further modifications shortly.
14. The parties continue to agree that a final settlement may be obtainable if given the opportunity to negotiate further without unnecessary expense and respectfully submit that this further requested extension of time would be appropriate under the circumstances.

WHEREFORE, Opposer respectfully requests an entry of an order extending his time to respond to the Board's September 15, 2010 Order to Show Cause, to March 9, 2011.

Respectfully Submitted,

INTELLECTULAW - THE LAW OFFICES
OF P.B. TUFARIELLO, P.C.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CONSENT MOTION FOR EXTENSION OF TIME has been filed with the TTAB via ESTTA and served upon the following via Electronic Mail:

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