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Filing date: **04/15/2009**

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

Proceeding	91184741
Party	Defendant E & J Buffalo Brothers, LLC
Correspondence Address	CLARK R. COWLEY WHITAKER, CHALK, SWINDLE & SAWYER, L.L.P 301 COMMERCE ST STE 3500 FORT WORTH, TX 76102-4186 UNITED STATES tgwynne@whitakerchalk.com
Submission	Motion to Extend
Filer's Name	David R. Childress
Filer's e-mail	dchildress@whitakerchalk.com
Signature	/drc/
Date	04/15/2009
Attachments	2nd Agreed Motion to Extend Time.pdf (3 pages)(68964 bytes)

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

**In the matter of trademark application Serial No. 77/379383
for the mark BUFFALO BROS
Published in the Official Gazette on June 10, 2008**

**BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.,**

Opposer,

v.

E&J BUFFALO BROTHERS, LLC

Applicant.

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Opposition No: 91184741

**APPLICANT'S SECOND AGREED MOTION FOR EXTENSION OF TIME TO
REPLY IN CONNECTION WITH ITS SUMMARY JUDGMENT AND
RESPOND TO OPPOSER'S CROSS MOTION FOR SUMMARY JUDGMENT**

E&J Buffalo Brothers, LLC ("Applicant") moves the Board for an extension of time to file a reply in connection with its Motion for Summary Judgment and to establish the response date for the Cross Motion for Summary Judgment filed by Buffalo Brothers, Inc. d/b/a Buffalo Brothers Pizza and Wings Co. ("Opposer"), and in support shows as follows:

1. Applicant filed its Motion for Summary Judgment on January 29, 2009.
2. Opposer's response to that motion was initially due March 5, 2009, but the parties stipulated and agreed to a two week extension for Opposer to respond, which the board approved, requiring response on or before March 19, 2009.
3. Opposer filed its response at that time, and also filed a Cross Motion for Summary Judgment (the "Cross Motion").

4. The deadline for Applicant's reply in connection with its motion for summary judgment (the "Reply"), and its response to Opposer's Cross Motion (the "Response") were extended by agreement, approved by the Board through April 20, 2009.

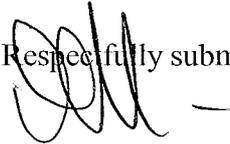
7. Applicant respectfully requests that the board order that the Reply and the Response are due on or before April 30, 2009 to allow Applicant to prepare its response and to further explore settlement possibilities between the parties, which are ongoing.

8. This request is unopposed.

Wherefore, Applicant requests the Board to grant an extension of time for a Reply, and order that the Reply and Response are both due on or before April 30, 2009.

Respectfully submitted, this the 15th day of April, 2009.

Respectfully submitted,



David R. Childress

Clark R. Cowley

WHITAKER, CHALK, SWINDLE & SAWYER, LLC

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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2009 a true and correct copy of the foregoing was served upon Opposer through his counsel by depositing a copy of same in the United States mail, postage prepaid, marked certified mail, addressed to:

Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518

A handwritten signature in black ink, appearing to read 'D. Childress', written over a horizontal line.

David R. Childress