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

Proceeding	91186148
Party	Plaintiff Publix Asset Management Company
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Submission	Stipulated/Consent Motion to Extend
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Signature	/s/ James B. Lake
Date	04/22/2014
Attachments	Stipulation and Consent Motion for Extension of Time to Reply to Trial Brief and to Respond to Motio.pdf(272644 bytes )

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

Publix Asset Management Company,

Opposer,

v.

Opposition No. 91186148

Opposition No. 91186863

The Great Atlantic & Pacific Tea  
Company, Inc.,

Applicant.  
\_\_\_\_\_ /

STIPULATION AND CONSENT MOTION FOR EXTENSION OF TIME  
TO REPLY TO APPLICANT'S TRIAL BRIEF AND TO RESPOND TO MOTION

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Opposer, Publix Asset Management Company ("Publix"), moves the Board for a 30-day extension of time in which to respond to two April 15, 2014, filings by Applicant, The Great Atlantic & Pacific Tea Company, Inc. ("A&P"). A&P consents and stipulates to this extension. Grounds for this motion are as follows:

1. On April 15, 2014, A&P filed and served "Applicant's Trial Brief" (Doc. 83) and "Applicant's Statement of Objections, Motion to Strike and Motion for Partial Cancellation" (Doc. 84) (the "Motion"). Under normal circumstances, Publix would be entitled to 15 days to reply to Applicant's Trial Brief (37 C.F.R. § 2.128(a)(1)) and 15 days to respond to the Motion (37 C.F.R. § 2.127(a)). Thus, Publix's responses would be due April 30, 2015.

2. Because Applicant's Trial Brief and the Motion were served simultaneously, and because the Motion not only raises evidentiary issues but also seeks partial cancellation of eleven trademark registrations, Publix requires additional time in which to respond to these documents. The need for additional time to respond to such arguments constitutes good cause for an extension of time, the Board has found. See Hard Rock Cafe Licensing Corp. v. Elsea, Opp. No.

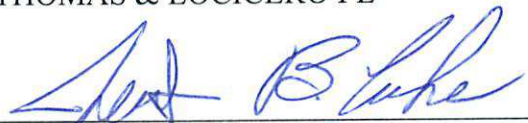
93,436, 1998 WL 391120, at n.14 (T.T.A.B. 1998) (finding good cause and granting extension of time for opposer to file reply brief; opposer needed additional time to respond to applicant's brief and to respond to applicant's objections to its evidence).

3. A&P has agreed and stipulated to a 30-day extension of time for Publix to reply to Applicant's Trial Brief and to respond to the Motion.

WHEREFORE, Publix requests until May 30, 2014, to reply to Applicant's Trial Brief and to respond to the Motion.

Respectfully submitted,

THOMAS & LOCICERO PL



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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 22, 2014, a true and complete copy of the foregoing

has been sent by  E-mail  Facsimile  Express Mail

Hand Delivery  First Class U.S. Mail, postage pre-paid, to:

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Attorney