

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

| | | |
|---|---|-----------------------------|
| Greater Louisville Convention & Visitors Center |) | In re matter of Application |
| Opposer, |) | |
| |) | Serial No. 76,667,591 |
| |) | |
| v. |) | Opposition No. 91188244 |
| |) | |
| Inclan Enterprises, Inc. |) | Mark: BOURBON COUNTRY |
| d/b/a Bourbon Country, Inc. |) | |
| Applicant |) | |

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

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8

THE UNDERSIGNED CERTIFIES THAT THIS DOCUMENT IS BEING PLACED IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VA 22313-1451, AND DEPOSITED AS FIRST CLASS MAIL, POSTAGE, PREPAID, THIS 17 DAY OF February 2009.

STACIE L. CARPENTERS
 (Typed or Printed Name)
Stacie L. Carpenters
 (Signature)

EX PARTE REQUEST
FOR FIRST EXTENSION OF TIME OF SCHEDULING ORDER

Applicant, Inclan Enterprises, Inc, d/b/a Bourbon Country, Inc., by and though counsel, hereby moves for a thirty-day (30) extension of all trial dates. The parties are actively pursuing negotiations regarding various uses of the above-identified mark. In view of the on-going negotiations between the Opposer and Applicant and the fact that Kentucky was declared a federal disaster area, (see enclosures), during the last week of January and the first week of February due to ice storms, hazardous driving conditions, and power losses, resulting in closure of Applicant's counsel's law office and other offices in the area for a week, Applicant respectfully requests additional time to schedule and complete these matters. It is, therefore, respectfully requested that the trial dates be extended and set as follows:



| | |
|--|----------|
| Time to Answer | 2/16/09. |
| Deadline to Discovery Conference | 4/15/09 |
| Discovery Opens | 4/15//09 |
| Initial Discovery Due | 5/15/09 |
| Expert Disclosures Due | 9/12/09 |
| Discovery to Close | 10/12/09 |
| Plaintiff's Pretrial Disclosures | 11/26/09 |
| Plaintiff's 30-day Trail Period Ends | 1/10/10 |
| Defendant's Pretrial Disclosures | 1/25/10 |
| Defendant's 30-day Trail Period Ends | 3/11/10 |
| Plaintiff's Rebuttal Disclosures | 3/26/10 |
| Plaintiff's 15 -Day Rebuttal Period Ends | 4/25/10 |

In a telephone conference with Opposer's attorney on the 16th of February of 2009, the Opposing Attorney refused the request for the extension of time. This Motion has been served on Mr. Galbreath on the 17th of February of 2009. The due date of the answer was February 14th of 2009, a Saturday, with the 16th being President's Day Holiday . This motion is not being filed for purposes of delay.

It is, therefore, respectfully submitted that the dates be extend as requested.

Respectfully submitted,



David W. Carrithers
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Telephone (502) 452.1233

COUNSEL FOR APPLICANT

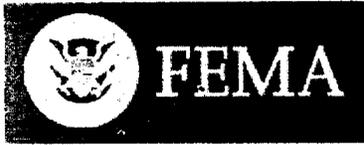
CERTIFICATE OF SERVICE

It is hereby certified that the foregoing FIRST REQUEST FOR EXTENSION OF TIME OF SCHEDULING ORDER was served by first class mail, postage prepaid, upon John A. Galbreath, Galbreath Law Offices, P.C., 2516 Chestnut Woods Ct., Reisterstown, MD 21136 on this 17th day of February of 2009.



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Telephone (502) 452-1233

Counsel for Applicant



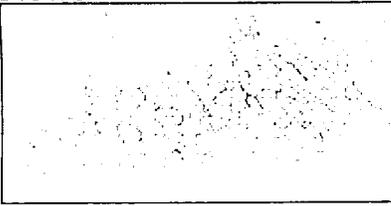
RSS Feed

Kentucky Severe Winter Storm

Emergency Declaration, January 28, 2009

» En Español

News

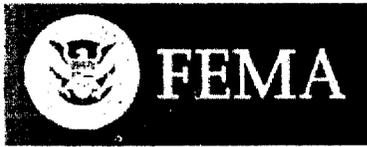


Federal Aid Continues To Support Kentucky Ice Storm, Feb 3
Kentucky Emergency Expands; 93 Counties Eligible For Federal Aid, Feb 3
Strong Partnerships Speed FEMA Response To Kentucky's Winter Storm, Feb 1
Kentucky, FEMA Work Together To Meet Storm-Emergency Needs, Jan 31
FEMA Assists Kentucky With Winter Storm Emergency, Jan 31

- **More News for This Declaration**
- **Designated Counties**
- **Disaster Federal Register Notices**
- **Individual Assistance FOIA**
- **Recent FEMA Press Releases**

Related Information

- Hazards: Winter Storms and Extreme Cold
- Recovering from Disaster



Federal Aid Continues To Support Kentucky Ice Storm

Release Date: February 3, 2009

Release Number: 3302-005

» More Information on Kentucky Severe Winter Storm

ATLANTA, Ga. -- Food, water and industrial generators, help with downed communications systems and other assistance flows into Kentucky as the result of coordination by the commonwealth, the Federal Emergency Management Agency and other federal partners.

FEMA and the Kentucky Division of Emergency Management are working to meet the emergency needs of the people of Kentucky in 93 counties. Monday night, 32 Kentucky counties were added to the Jan. 28 federal emergency declaration that initially covered 61 counties.

"With 93 counties now under this emergency declaration, we have more help on the way," said Gen. John W. Heltzel, director of Kentucky's Division of Emergency Management. "With the help from our partners, we will continue to address state and local needs to help the people of Kentucky, while we work with FEMA on the next step of assessing damages."

The mobilization of support, including assistance from emergency management teams in Mississippi and Tennessee, follows a week of winter storms that have crippled most of the commonwealth. Thousands of Kentuckians are in temporary shelters, taking refuge from homes without electrical power.

"We continue to move aggressively to help Kentuckians through this emergency," FEMA Regional Administrator Phil May said. "Hundreds of federal personnel deployed to Kentucky are working closely with emergency management and local officials to assist in life-sustaining efforts. We will continue to do whatever it takes to get the people of Kentucky the help they need," May said.

A brief overview of assistance to date:

- **Commodities.** To date, the response has delivered 40 truckloads of water and more than 25 truckloads of meals. FEMA is currently processing additional requests for food and water amounting to 105,000 liters of water per day and 65,000 meals per day.
- **Communications.** Three of FEMA's Mobile Emergency Response Units (MERS), which began providing critical telecommunications support hours after the storm, are stationed at emergency operations centers in Frankfort, Paducah, Greenville and Fort Campbell. They are providing satellite phones and other technical equipment to help emergency first responders communicate.
- **Power Support.** Industrial generators of various sizes and capacities are in Kentucky to help power critical facilities. The U.S. Army Corps of Engineers has brought in additional teams in order to speed up generator installation.
- **Health and Safety.** U.S. Department of Health and Human Services teams will be visiting 13 counties designated by the Commonwealth of Kentucky, to conduct community health assessments. They will measure and identify public health and medical issues that may affect communities as a whole. Results will be provided to state and

local public health officials and emergency managers for needed disaster response support.

Kentucky Gov. Steve Beshear has asked FEMA to conduct damage assessments. The governor also has asked President Obama for a major disaster declaration to increase the level of federal assistance for emergency protective measures and debris removal.

FEMA leads and supports the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation, to reduce the loss of life and property and protect the nation from all hazards including natural disasters, acts of terrorism, and other man-made disasters.