

ESTTA Tracking number: **ESTTA317083**

Filing date: **11/16/2009**

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

Proceeding	91191536
Party	Defendant McFest LLC
Correspondence Address	McFest LLC 1644 N. Honore St. Chicago, IL 60603 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Jeffrey Ryan Hinshaw
Filer's e-mail	jryan.hinshaw@gmail.com, menschlaw@gmail.com
Signature	/J. Ryan Hinshaw/
Date	11/16/2009
Attachments	Notice of Motion and Certificate of Service.pdf ( 4 pages )(24550 bytes )

LINDA S. MENSCH, P.C.  
J. Ryan Hinshaw, esq.  
200 S. Michigan Ave.  
Suite 1240  
Chicago, IL 60604

November 16, 2009

U.S. Patent and Trademark Office  
Trademark Trial and Appeal Board

To whom it may concern:

I, Jeffrey Ryan Hinshaw, filed a MOTION TO SET ASIDE ENTRY OF DEFAULT FOR GOOD CAUSE AND MOTION TO EXTEND TIME TO ANSWER with the TTAB for the below listed Opposition proceeding today the 16<sup>th</sup> of November, 2009. I inadvertently omitted the attached Notice of Motion and Certificate of Service. We respectfully request acceptance of these documents as part of the Opposition proceeding.

Sincerely,

/J. Ryan Hinshaw /  
Jeffrey Ryan Hinshaw  
Attorney for MCFEST LLC  
Linda S. Mensch, P.C.

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

In the Matter of:  
Application Serial No. 77/511,690  
Published in the *Official Gazette*  
February 17, 2009

MCFEST LLC,	)	
	)	
Applicant,	)	
	)	
v.	)	Opposition No. 91191536
	)	
McDONALD'S CORPORATION,	)	
	)	
Opposer.	)	
	)	

**NOTICE OF MOTION TO SET ASIDE ENTRY OF DEFAULT FOR GOOD  
CAUSE AND MOTION TO EXTEND TIME TO ANSWER**

To Opposer:

PLEASE TAKE NOTICE that on November 16, 2009 at 3:35 pm in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board, Applicant moved to set aside the default and moved to extend the time in which to file an Answer to Opposer's Opposition.

This Motion is made pursuant to 37 C.F.R. § 2.116(a) and Fed. R. Civ. P. 6(b) and is based on one or more of the following grounds:

- SET ASIDE DEFAULT AND EXTEND TIME IN WHICH TO FILE AN ANSWER BASED ON:
  - o MISTAKE
  - o INADVERTENCE

- SURPRISE
- EXCUSABLE NEGLECT

This Motion is based on the Memorandum of Law included therein, and on all of the pleadings, records, and files in this matter.

November 16, 2009

By: /J.Ryan Hinshaw/

Jeffrey Ryan Hinshaw, esq.

Linda S. Mensch, P.C.

200 S. Michigan Ave.

Suite 1240

Chicago, IL 60604

## **CERTIFICATE OF TRANSMISSION**

I hereby certify that the foregoing *Notice of Opposition* is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://esta.uspto.gov/> on the date noted below:

Date: November 16, 2009

By: J. Ryan Hinshaw  
Attorney for MCFEST LLC

Linda S. Mensch, P.C.  
200 S. Michigan Ave.  
Suite 1240  
Chicago, IL 60604  
(847) 924-5298

## **CERTIFICATE OF SERVICE**

I, Jeffrey Ryan Hinshaw, state that I served a copy of the foregoing *Notice of Motion to Set Aside Entry of Default for Good Cause and Motion to Extend Time to Answer* upon the Opposer to Application Serial No. 77/511,690 at its address of record as listed with the USPTO:

McDonald's Corporation  
One McDonald's Plaza,  
Oak Brook, IL 60523

via First Class Mail in accordance with Trademark Rule §§ 2.201 and 2.119 on this 16th day of November, 2009.

/ J. Ryan Hinshaw /  
Jeffrey Ryan Hinshaw