

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

FN HERSTAL)
)
 Opposer/Respondent)
)
 v.)
)
 SAEILO ENTERPRISES, INC.,)
)
 Applicant/Counterclaimant.)

Opposition No.: 91193064

77/699,074



12-06-2010

U.S. Patent & TMO/TM Mail Rept. Dr. #01

**OPPOSER'S MOTION FOR A THIRTY (30) DAY EXTENSION OF TIME
FOR THE OPPOSER/RESPONDENT TO ANSWER OR OTHERWISE PLEAD
IN RESPONSE TO THE COUNTERCLAIM FOR CANCELLATION**

Now comes Opposer/Respondent, FN HERSTAL, by and through its attorneys Burton S. Ehrlich of Ladas & Parry LLP and herein requests a thirty(30) day extension of time for the Opposer/Respondent to Answer or Otherwise Plead in response to the Counterclaim for cancellation. The response to the Counterclaim for cancellation under the prior Agreed Motion would be due on December 2, 2010 and under this first non-agreed extension Motion would now become due on January 3, 2011 (January 1, 2011 being a Saturday). In support of this Motion, the Opposer/Respondent submits the following rationale:

This is the first enlargement request of time for the Opposer/Respondent to answer or otherwise plead in response to the Counterclaim which was not with the prior consent and agreed upon by Applicant. The prior agreed extension Motion was for a thirty (30) day extension. The grounds for that Agreed Motion were based upon primarily that the parties were engaged in

settlement efforts and also included that additional time would be necessary to consult with the foreign based principals and representatives for the Opposer corporation and further more time would be necessary for consultation and gathering of information.

During the last thirty day time period counsel for the Opposer/Respondent was obtaining information for the consideration of settlement along the lines of what was understood to be helpful to Applicant/Counterclaimant for the consideration of the prior settlement offer, as well as it being understood that both parties were going back to their respective clients about potentially modifying the prior settlement overtures to each side. The Opposer/Respondent was successful in obtaining information from its foreign based principals, but only near the end of the prior thirty day extension. Before filing this Motion the Opposer/Respondent thought to review the information obtained in a telephone communication with opposing counsel, update counsel for the Applicant on the settlement overture, as well as receive any update from the other side for the Applicant on the prior settlement overture. Opposing counsel prior to the filing of this Motion were unable to be in contact to engage in a telephone discussion, but counsel for the Opposer was advised that counsel for the Applicant did not have prior client approval to agree to a further extension, but was still potentially interested in learning more about the information being obtained on settlement or to otherwise discuss settlement.

Previously counsel for the Opposer/Respondent advised in the last thirty day agreed extension that should settlement not bring fruition then counsel for the Opposer would need sometime to discuss the Counterclaim for cancellation involving certain historic events going back in time and "the Opposer's counsel would need to further consult and review information for considering the preparation of a responsive document, should it become necessary to focus away from the settlement of this matter." Further in the prior agreed thirty (30) day extension Opposer's counsel also advised that "time would be necessary to allow for such consultation and gathering of information, should settlement discussions not bring fruition. "Having now been advised that a further extension for discussing settlement or reviewing the information with counsel for the Applicant that was previously derived in answer to questions that might assist in advancing settlement are not of sufficient interest to agree to a further agreed upon extension and that an agreed extension for advancing settlement is no longer of interest, then this paper needed to be filed as the first non-agreed extension request.

This extension request will also allow the Opposer/Respondent to confer on further determining whether settlement still may be of interest to Applicant/Counterclaimant.

Counsel for the Opposer/Respondent also wishes to apprise the Board that lead counsel during the prior thirty (30) day

extension period, while following-up and receiving information from the foreign based principals on this matter, also faced significant deadlines on other client related matters. These included deadlines in District Court cases, involving Court hearings and on multiple sets of discovery in multiple cases requiring discovery follow-up and responses, as well as on a host of other client sensitive deadline matters.

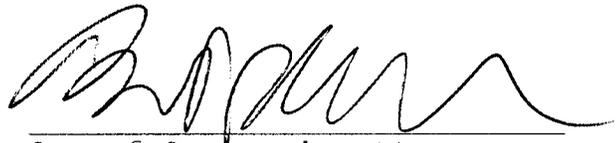
The fact of the foreign based principals and the other deadline sensitive matters obviously further impacted upon the ability to follow-up on matters beyond obtaining information for the considering of settlement and on the continued focus at settlement, so this extension is also requested for the convenience of counsel in properly gathering information for responding to the Counterclaim, as well as allowing for client consultation regarding the Counterclaim, given that it is now clear that counsel for the Applicant wishes to no longer focus at settlement, at least to the extent that a further consent to this extension was not provided. As further grounds for this extension it should also be noted that the Counterclaims deal with historic facts that need to be reviewed and is otherwise factually intensive, so consultation becomes necessary with the client for formulating a response and with all of the prior enlargements being agreed upon with the focus at settlement, it now becomes necessary to confer and prepare a response on the Counterclaim.

Finally, it should be considered by the Board that this is only the first request for an enlargement of time for responding to the Counterclaim that was not agreed upon by the other side based upon the focus at settlement. Also, the extension request was to allow sufficient time given the underlying holidays and potential vacation scheduling of representatives for the Opposer.

Based upon the foregoing it is respectfully requested that the Opposer/Respondent be permitted until and January 3, 2011 (January 1, 2011 being a Saturday) in which to answer or otherwise plead in response to the cancellation petition.

Respectfully submitted,

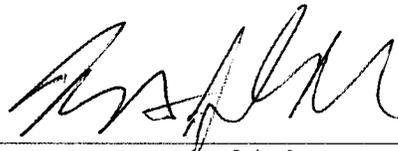
By:


One of Opposer's attorneys

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, IL 60604
(312) 427-1300

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to ATTN: TTAB - No Fee, Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on December 2, 2010.



Burton S. Ehrlich

CERTIFICATE OF SERVICE

The undersigned, one of Opposer's attorneys, hereby certifies that on December 2, 2010, he caused a true and correct copies of the foregoing OPPOSER'S MOTION FOR A THIRTY (30) DAY EXTENSION OF TIME FOR THE OPPOSER/RESPONDENT TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO THE COUNTERCLAIM FOR CANCELLATION to be served upon Applicant by First Class mail, postage pre-paid, at the following address:

Nancy Kennedy, Esq.
Alix, Yale & Ristas, LLP
750 Main Street
Hartford, CT 06103



Burton S. Ehrlich