

ESTTA Tracking number: **ESTTA476331**

Filing date: **06/05/2012**

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

Proceeding	91202340
Party	Plaintiff John F. Whalen d/b/a Appleseed Press Book Publishers
Correspondence Address	DAVID M PERRY BLANK ROME LLP ONE LOGAN SQUARE PHILADELPHIA, PA 19103 UNITED STATES perry@blankrome.com, stefanski@blankrome.com
Submission	Motion to Extend
Filer's Name	Dennis P. McCooe
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Signature	/s/ Dennis P. McCooe
Date	06/05/2012
Attachments	Motion to Extend.pdf ( 4 pages )(11074 bytes )

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

In re Application of Harry N. Abrams, Inc.

Application No. : 85/203,635  
Application Date : December 22, 2010  
Mark : ABRAMS APPLESEED

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JOHN F. WHELAN d/b/a	:	
APPLESEED PRESS BOOK PUBLISHERS,	:	
	:	
Opposer,	:	Serial No.: 85/203,635
	:	
v.	:	Opposition No.: 91202340
	:	
HARRY N. ABRAMS, Inc.,	:	
	:	
Applicant.	:	

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Hon. Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Attn.: Trademark Trial and Appeal Board

**MOTION FOR ENLARGEMENT OF TIME**

Madam:

John F. Whelan d/b/a Appleseed Press Book Publishers, Applicant in the above-captioned action, by and through its attorneys, Blank Rome LLP, respectfully requests a sixty (60) day enlargement of time pertaining to the deadlines in the above proceeding. See 37 C.F.R. §§ 2.120(a) and 2.121(d); see also T.B.M.P. §§ 403.04 and 509. The enlargement of time is needed to retain an expert and to complete all discovery. At present,

Opposer is in discussions with several experts but has yet to retain a suitable expert. Further, although depositions have been noticed for late June, no depositions have yet taken place. Accordingly, good cause exists for the granting of this motion.

This is the first such request for an extension.

Applicant's counsel does not concur with the request.

If the present motion is granted, the remaining schedule will be re-set as follows:

Expert Disclosures Due:	August 6, 2012
Discovery Closes:	September 5, 2012
Plaintiff's Pretrial Disclosures:	October 22, 2012
Plaintiff's 30-Day Trial Period Ends:	December 4, 2012
Defendant's Pretrial Disclosures:	December 19, 2012
Defendant's 30-Day Trial Period Ends:	February 4, 2013
Plaintiff's Rebuttal Disclosures:	February 18, 2013
Plaintiff's 15-Day Rebuttal Period Ends:	March 19, 2013

Respectfully submitted,

JOHN WHELAN d/b/a APPLESEED  
PRESS BOOK PUBLISHERS

Date: June 5, 2012

By:    /s/Dennis P. McCooe     
David M. Perry  
Dennis P. McCooe  
Its Attorneys

BLANK ROME LLP  
ONE LOGAN SQUARE  
PHILADELPHIA, PA 19103  
(215) 569-5580

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is addressed to Hon. Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, Attn: Trademark Trial and Appeal Board, and is being deposited via First Class Mail with the United States Postal Service on June 5, 2012.

Dennis P. McCooe\_\_\_\_\_  
Dennis P. McCooe

CERTIFICATE OF SERVICE

I, Dennis P. McCooe, do hereby certify that I have on this 5th day of June, 2012, mailed by first class United States Mail, postage prepaid, the foregoing MOTION FOR ENLARGEMENT OF TIME to the following:

Jordan A. LaVine  
FLASTER/GREENBERG P.C.  
1600 John F. Kennedy Blvd., 2nd Floor  
Philadelphia, PA 19103

*Attorneys For Opposer*

/s/Dennis P. McCooe  
Dennis P. McCooe