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Filing date: **06/21/2013**

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

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
Correspondence Address	D BLAINE SANDERS ROBINSON BRADSHAW & HINSON PA 101 N TRYON ST, SUITE 1900 CHARLOTTE, NC 28246 0106 UNITED STATES BSanders@RBH.com, MTilley@RBH.com
Submission	Motion to Extend
Filer's Name	Jennifer Carusone
Filer's e-mail	jcarusone@rbh.com
Signature	/Jennifer Carusone/
Date	06/21/2013
Attachments	91205331 Motion to Extend-112521AM.pdf(89549 bytes )

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

**TERESA H. EARNHARDT,**

**Opposer,**

v.

**KERRY EARNHARDT, INC.,**

**Applicant.**

**Opposition No.: 91205331 (parent)**

**Application Serial No. 85/383,910**

**Trademark: EARNHARDT COLLECTION  
(Intl. Class 20)**

**TERESA H. EARNHARDT,**

**Opposer,**

v.

**KERRY EARNHARDT, INC.,**

**Applicant.**

**Opposition No.: 91205338**

**Application Serial No. 85/391,456**

**Service Mark: EARNHARDT COLLECTION  
(Intl. Class 37)**

**APPLICANT'S CONSENT MOTION FOR  
EXTENSION OF TIME TO RESPOND TO  
OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

Applicant, Kerry Earnhardt, Inc., through counsel, hereby moves pursuant to Fed. R. Civ. P. 6(b) to extend the time for Applicant to file its brief in response to Opposer's Motion for Partial Summary Judgment ("Opposer's Motion"). In support of this motion, Applicant states:

1. Opposer served Applicant with her Motion on May 28, 2013 via first class mail.
2. The deadline for Applicant to file a brief in response to Opposer's Motion has not expired; Applicant's brief is currently due on or before July 2, 2013.
3. Applicant bases her Motion, in part, upon allegations made in her Amended Notices of Opposition. Opposer's motion to amend her notice of opposition was only granted on May 24, 2013, and the deadline for Applicant to answer or otherwise respond to the amended notices does not expire until June 23, 2013.

4. Applicant's lead counsel, Mr. Blaine Sanders, is and will be out of the country for a substantial period during the month of June. Due to his absence, as well as the press of other matters, Applicant's counsel requires additional time to prepare and file Applicant's brief in response to Opposer's Motion for Partial Summary Judgment, and thus requests an extension of thirty (30) days, through and including August 1, 2013, to respond to Opposer's Motion for Partial Summary Judgment.

5. Applicant's counsel has conferred with Opposer's counsel, and Opposer's counsel consents to this motion and the extension requested herein.

WHEREFORE, Applicant requests that the Board enter an order extending the time for Applicant to file its brief in response to Opposer's Motion through and including August 1, 2013.

This the 21<sup>st</sup> day of June, 2013.



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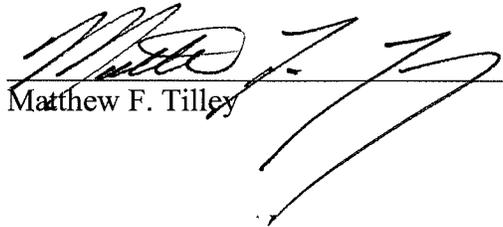
D. Blaine Sanders  
Matthew F. Tilley  
ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, North Carolina 28246-1900  
Telephone: (704) 377-2536  
Facsimile: (704) 373-4000  
E-mail: [bsanders@rbh.com](mailto:bsanders@rbh.com); [mtilley@rbh.com](mailto:mtilley@rbh.com)  
*Attorneys for Kerry Earnhardt, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **APPLICANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT** has been served upon the party listed below by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

Larry C. Jones  
Carla H. Clements  
Alston & Bird LLP  
101 S. Tryon Street, Suite 4000  
Charlotte, North Carolina 28280-4000  
Telephone: (704) 444-1000  
Larry.jones@alston.com  
Carla.clemments@alston.com

This 21<sup>st</sup> day of June, 2013

  
Matthew F. Tilley