

ESTTA Tracking number: **ESTTA545733**

Filing date: **06/28/2013**

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

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jennifer Carusone
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Signature	/Jennifer Carusone/
Date	06/28/2013
Attachments	Corrected Request for Extension of Time for 91205331.pdf(116489 bytes)

June 28, 2013

U.S. Patent and Trademark Office
U.S. Trademark Trial and Appeal Board
P.O. Box 1451 Alexandria, VA 22313-1451

Re: CORRECTED REQUEST FOR EXTENSION OF TIME WITH CONSENT

Attention: Trademark Trial and Appeal Board:

On June 21, 2013 a Motion For Extension of Time was incorrectly filed without consent with respect to Opposition No. 91205331 (parent) and Opposition No. 91205338. In fact, the Motion For Extension of Time should have been filed with consent. I am kindly hereby requesting a correction.

Sincerely,



Jennifer Carusone
IP Paralegal

JC

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 21st day of June, 2013.



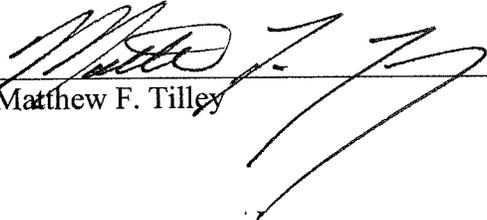
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Attorneys for Kerry Earnhardt, Inc.

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:

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This 21st day of June, 2013



Matthew F. Tilley