

ESTTA Tracking number: **ESTTA682521**

Filing date: **07/08/2015**

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

Proceeding	91215637
Party	Plaintiff MSC Services Corp. and Sid Tool Co., Inc. dba MSC Industrial Supply Co.
Correspondence Address	MICHAEL R GRAIF CURTIS MALLET-PREVOST COLT & MOSLE LLP 101 PARK AVENUE NEW YORK, NY 10178-0061 UNITED STATES trademark@curtis.com, mgraif@curtis.com
Submission	Motion to Extend
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Date	07/08/2015
Attachments	Motion for Extension ProMart.pdf(12894 bytes)

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

In re Application Serial No. : 86124372
Mark : SMART WORKS
International Classes : 006, 012, 020, 021 and 022
Applicant : Pro-Mart Industries, Inc.
Filed : November 20, 2013
Published : January 21, 2014

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MSC SERVICES CORP.; SID TOOL CO., INC. :
(D/B/A MSC INDUSTRIAL SUPPLY CO.) :
: :
: :
Opposers, :
: :
against : Opposition No. 91215637
: :
PRO-MART INDUSTRIES, INC., :
: :
: :
Applicant. :
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NOTICE OF MOTION FOR EXTENSION
TO OPPOSE APPLICANT’S MOTION TO DISMISS

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120(a), Opposers MSC Services Corp. and Sid Tool Co., Inc. (d/b/a MSC Industrial Supply Co.) (the “Opposers”), by and through their undersigned counsel, hereby move to extend the deadline for responding to the Motion to Dismiss filed by Applicant on June 23, 2015. The deadline for opposing the Motion to Dismiss is July 8, 2015. The Parties are having ongoing settlement negotiations and believe that this matter may be resolved amicably without the need for further litigation. No prior extensions of the deadline for opposing the Motion to Dismiss have been requested. Accordingly, Opposers respectfully request the deadline to oppose Applicant’s Motion to Dismiss be extended by **thirty (30) days** until **August 7, 2015**. Applicant consents to the requested extension of the deadline to oppose the Motion to Dismiss.

By making this motion, Opposers reserve all rights, including, but not limited to, Opposers' right to amend its pleadings under Rule 15 of the Federal Rules of Civil Procedure.

Respectfully submitted,

MSC Services Corp., Sid Tool Co., Inc.
(d/b/a MSC Industrial Supply Co.)

Dated: New York, New York
July 8, 2015

By: /s/ Michael R. Graif
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CERTIFICATE OF SERVICE

I hereby certify that, on the 8th day of July, 2015, I caused a true and correct copy of the Notice of Motion for Extension of Time to Oppose Applicant's Motion to Dismiss to be served, pursuant to 37 C.F.R. § 2.101, via First Class Mail and email upon:

Lowell Anderson
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Attorney for Applicant

/s/ Michael R. Graif
Michael R. Graif