

ESTTA Tracking number: **ESTTA637249**

Filing date: **11/05/2014**

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

Proceeding	91218523
Party	Defendant 13th Ave Fish Market Inc.
Correspondence Address	ROBERT B.G. HOROWITZ BAKER & HOSTETLER LLP 45 ROCKEFELLER PLZ FL 14 NEW YORK, NY 10111-0100 rhorowitz@bakerlaw.com
Submission	Other Motions/Papers
Filer's Name	Robert B.G. Horowitz
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Signature	/Robert B.G. Horowitz/
Date	11/05/2014
Attachments	Motion to Enlarge Time by One Day to Answer to Notice of Opposition.pdf(154464 bytes)

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

OAKHURST INDUSTRIES, INC. DBA)
FREUND BAKING CO.,)
)
Opposer,)
)
v.)
)
13TH AVE FISH MARKETING INC.,)
DBA FREUND'S FISH,)
)
Applicant.)

Opposition No.: 91218523

**MOTION TO ENLARGE TIME BY ONE DAY
TO ANSWER TO NOTICE OF OPPOSITION**

Applicant, 13TH AVE FISH MARKETING INC. DBA FREUND'S FISH (hereinafter referred to as "Applicant"), respectfully requests that the Trademark Trial and Appeal Board enlarge its deadline to answer by one day. A copy of Applicant's Answer and Affirmative Defenses are attached.

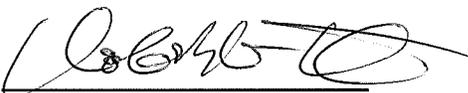
The reason for the delay is due to a docketing error of the answer deadline.

As no prejudice will arise to Opposer resulting from the one day delay, this proceeding is in its infancy, Applicant has meritorious defenses and good cause appearing for the delay, Applicant respectfully requests that this motion be granted and that its Answer to Notice of Opposition be accepted.

Date: New York, N.Y.
November 5, 2014

Respectfully submitted.
BAKER & HOSTETLER LLP

Counsel for Applicant

By: 

Robert B.G. Horowitz
Nicholas M. Rose
45 Rockefeller Plaza, 14th Floor
New York, N.Y. 10111
212 589-4200

The undersigned notes that it telephoned Opposer's counsel to seek his consent to this motion but the undersigned's call was not returned.

Date: New York, N.Y.
November 5, 2014

Respectfully submitted.
BAKER & HOSTETLER LLP

Counsel for Applicant

By: 

Robert B.G. Horowitz
Nicholas M. Rose
45 Rockefeller Plaza, 14th Floor
New York, N.Y. 10111
212 589-4200

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION TO ENLARGE BY ONE DAY TIME TO ANSWER NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on Opposer's counsel, this 5th day of November, 2014 by first class mail, postage prepaid, in an envelope addressed as follows:

Steven A. Freund, Esq.
Law Offices of Steven A. Freund
P.O. Box 911457
Los Angeles, CA 90091

A handwritten signature in black ink, appearing to read 'Ana Dos Santos', written over a horizontal line.

Ana Dos Santos