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

Proceeding	91218523
Party	Defendant 13th Ave Fish Market Inc. DBA Freund's Fish
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Submission	Other Motions/Papers
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Date	12/18/2014
Attachments	Opposition No 91218523 -- Applicants Consented Motion to Extend Time -- 12-18-2014.pdf(1015952 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

**CONSENTED MOTION TO EXTEND TIME BY ONE WEEK TO RESPONSE TO
OPPOSER'S MOTION TO STRIKE APPLICANT'S AFFIRMATIVE DEFENSES**

Applicant, 13TH AVE FISH MARKETING INC. DBA FREUND'S FISH (hereinafter referred to as "Applicant"), respectfully requests that the Trademark Trial and Appeal Board extend its deadline to respond to Opposer's Motion to Strike Applicant's Affirmative Defenses by one week, such that Applicant's response to Opposer's motion to strike, filed on December 1, 2014, will be due on December 29, 2014. Applicant's response is currently due December 22, 2014.

"The standard for allowing an extension of a prescribed period prior to the expiration of that period is 'good cause.'" *Careerexchange Inc. v. Corpnet Infohub Ltd.*, 80 U.S.P.Q.2d 1046, 1048 (T.T.A.B. 2005) (quoting Fed. R. Civ. P. 6(b) and citing TBMP § 509 (2d ed. rev. 2004)). Here, Applicant received Opposer's motion via First Class Mail on December 16, 2014, and the deadline for Applicant's response to that motion was a mere six days later, on December 22, 2014. In light of that, Applicant promptly sought, and obtained, Opposer's consent for a one-week extension of

Applicant's response date, up to and including December 29, 2014.

In light of Opposer's consent to Applicant's request for a one-week extension of time in which to respond to Opposer's motion to strike, and in light of the late date on which Applicant received Opposer's motion, Applicant submits that "good cause" is satisfied and, accordingly, respectfully requests that the Board grant Applicant's request to extend the deadline to respond to Opposer's motion to strike to December 29, 2014.

Dated: New York, N.Y.
December 18, 2014

Respectfully submitted,
BAKER & HOSTETLER LLP
Counsel for Applicant

By: 

Robert B.G. Horowitz
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing CONSENTED MOTION TO EXTEND TIME BY ONE WEEK TO RESPONSE TO OPPOSER'S MOTION TO STRIKE APPLICANT'S AFFIRMATIVE DEFENSES was served by first class mail, postage prepaid, on Opposer's counsel, this 18th day of December, 2014, in an envelope addressed as follows:

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



Nicholas M. Rose