

ESTTA Tracking number: **ESTTA259873**

Filing date: **01/09/2009**

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

Proceeding	92048480
Party	Defendant AL-FAKHER FOR TABACCO TRADING & AGENCIES CO. LTD.
Correspondence Address	F. Freddy Sayegh Sayegh & Associates, PLC 5895 Washington Boulevard Culver City, CA 90232 UNITED STATES fsayegh@spattorney.com
Submission	Motion to Extend
Filer's Name	Susan Rabin
Filer's e-mail	srabin@johnsonpham.com
Signature	/susan rabin/
Date	01/09/2009
Attachments	USPTO_ ESTTA_ Receipt.txt (2 pages)(4044 bytes) Correspondence - 1-9-09.pdf (2 pages)(98135 bytes) Respondent's Correction of Consent to motion for extension filed 1-9-09.pdf (2 pages)(69682 bytes)

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ESTTA Tracking number:ESTTA259798

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IN THE UNITED STATES PATENT AND TRADEMARK

OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.92048480

ApplicantDefendant

AL-FAKHER FOR TABACCO TRADING & AGENCIES

CO. LTD.

Other PartyPlaintiff

Sinbad Grand Cafe, LLC

Motion for an Extension of Answer or Discovery

or Trial

Periods With Consent

The Defendant's Time to Answer is currently set

to close

on 01/10/2009. AL-FAKHER FOR TABACCO TRADING &

AGENCIES

CO. LTD. requests that such date be extended

for 30

days, or until 02/09/2009, and that all

subsequent dates

be reset accordingly.

Time to Answer :02/09/2009

Deadline for Discovery Conference

:03/11/2009

Discovery Opens :03/11/2009

Initial Disclosures Due :04/10/2009

Expert Disclosure Due :08/08/2009

Discovery Closes :09/07/2009

Plaintiff's Pretrial Disclosures

:10/22/2009

Plaintiff's 30-day Trial Period Ends

:12/06/2009

Defendant's Pretrial Disclosures

:12/21/2009

Defendant's 30-day Trial Period Ends

:02/04/2010

Plaintiff's Rebuttal Disclosures

:02/19/2010

Plaintiff's 15-day Rebuttal Period Ends

:03/21/2010

The grounds for this request are as follows:

Respondent's superiors in Dubai, UAE, are

engaged in

and the
difficult.
LTD. has
parties to this
dates

LTD. has
and for
motion may

this
their address
only) on this

translations of necessary discovery documents
time difference makes communications
AL-FAKHER FOR TABACCO TRADING & AGENCIES CO.
secured the express consent of all other
proceeding for the extension and resetting of
requested herein.

AL-FAKHER FOR TABACCO TRADING & AGENCIES CO.
provided an e-mail address herewith for itself
the opposing party so that any order on this
be issued electronically by the Board.

Certificate of Service
The undersigned hereby certifies that a copy of
paper has been served upon all parties, at
record by Facsimile or email (by agreement
date.

Respectfully submitted,
/susan rabin/
Susan Rabin
srabin@johnsonpham.com
NPatel@thePatelLawFirm.com
01/09/2009

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STATEMENT

Susan Rabin

From: Susan Rabin [srabin@johnsonpham.com]
Sent: Friday, January 09, 2009 4:27 PM
To: 'npatel@thepatellawfirm.com'
Cc: 'Natasia Malaihollo'; 'Jason Chuan'
Subject: RE: Sinbad v Al Fakher-Courtesy request

Natu,

I just spoke to Jason to clarify that the January 17 filing date for your response to our opposition to the sanctions motion was not the subject of our extension request. We acknowledge the January 17 date is as scheduled.

The date we wished to extend was our firm's offered date of January 10 to provide you with further discovery documents.

At any rate, I am in the process of letting the TTAB know the facts of the extension filing I did earlier. I will let you know as soon as this has been done.

Thank you.

Susan

SUSAN RABIN, Esq.

Johnson & Pham, LLP

6355 TOPANGA CANYON BOULEVARD, SUITE 115

WOODLAND HILLS, CALIFORNIA 91367

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From: npatel@thepatellawfirm.com [mailto:npatel@thepatellawfirm.com]
Sent: Friday, January 09, 2009 4:09 PM
To: Susan Rabin
Cc: Natasia Malaihollo; Natu Patel; Jason Chuan
Subject: Re: Sinbad v Al Fakher-Courtesy request

Hello Susan: Please fix it as appropriate with the TTAB.

Thanks

Natu

Sent via BlackBerry by AT&T

From: "Susan Rabin"
Date: Fri, 9 Jan 2009 15:12:24 -0800

Susan Rabin

From: Susan Rabin [srabin@johnsonpham.com]
Sent: Friday, January 09, 2009 2:24 PM
To: 'NPatel@thePatelLawFirm.com'
Subject: Sinbad v Al Fakher-Courtesy request

Hello Mr. Patel,

Happy New Year, and, I hope to chat with you as soon as you return to the office.

Our firm's client is in the process of gathering translations of the promised supplementary documentation responsive to your discovery requests in the TTAB action. I am respectfully requesting a brief extension of time beyond the date which our firm proposed of 1/10/09. Your office assistant informed me you are not in the office and recommended I email my request to you. As you were unavailable, you will understand, I filed my extension request with the TTAB indicating I had obtained your consent. I did not find a method of making the request without such indication. I trust you would have graciously agreed to permit us a few more days. I was ill and out of the office and apologize for the need for additional time.

The TTAB form permits 30 additional days, but my intention is to obtain the documents next week.

If you are on vacation, I hope you are having a relaxing time.

Thank you very much for your anticipated cooperation.

Susan

Susan Rabin, Esq.

Johnson & Pham, LLP

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

*In the matter of Registration No. 2782619
Issued on November 11, 2003*

SINBAD GRAND CAFE, LLC,

Petitioner,

vs.

AL-FAKHER FOR TOBACCO TRADING &
AGENCIES CO. LTD.,

Respondent

Cancellation No. 92048480

**RESPONDENT'S CORRECTION OF
CONSENT TO MOTION FOR
EXTENSION FILED 1/9/09**

Respondent Al-Fakher for Tobacco Trading & Agencies Co., Ltd., hereby submits its correction and clarification of today's earlier filed Motion to Extend Time to Answer. Respondent's counsel attempted in good faith to communicate with Petitioner's counsel, Mr. Natu Patel, today, January 9, 2009, to confer regarding an extension of time for Respondent to provide additional discovery documents. In Respondent's supplemental discovery responses filed December 12, 2008, Respondent's counsel volunteered the date of January 10, 2009 as the date additional documents would be provided from its client in the United Arab Emirates.

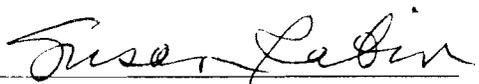
It was learned that Mr. Patel is presently out of the country and perhaps not available even via his Blackberry device. Counsel for Respondent wished to put in the record at the TTAB its timely request for an extension. Respondent's counsel, in good faith, prepared the information for filing with the TTAB and was unable to access a form which did not require the consent of Petitioner's counsel. Respondent's filing presented the unfortunate impression of Mr. Patel's actual consent.

This correction and clarification is submitted with Respondent's regrets for any inadvertent impropriety. Respondent requests that its earlier filed Motion for Extension be noted in the TTAB record as its own request and not as a motion consented to by Petitioner's counsel.

Respectfully submitted,

Dated: January 9, 2009

JOHNSON & PHAM, LLP

By: 

Susan Rabin, Esq.
Christopher Q. Pham, Esq.
Attorneys for Respondent
AL-FAKHER FOR TOBACCO
TRADING & AGENCIES CO.
LTD.