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

Proceeding	92052260
Party	Defendant Edgar Alexander Barrera
Correspondence Address	ALEXANDER BARRERA 10 CASTANIA CT ST AUGUSTINE, FL 32086 UNITED STATES axlellism@netbusiness.com
Submission	Other Motions/Papers
Filer's Name	Edgar Alexander Barrera
Filer's e-mail	axlellism@netbusiness.com
Signature	/EdgarAlexanderBarrera/
Date	02/03/2012
Attachments	TTAB.pdf (5 pages)(2282392 bytes)

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

STEPHEN A. WESTLAKE,	)	
	)	
Petitioner,	)	Cancellation No. 92/052,260
	)	(Serial No. 77/378,015)
	)	
EDGAR ALEXANDER BARRERA	)	
	)	
Respondent.	)	

MOTION FOR A FURTHER EXTENSION OF TIME TO SECURE NEW LEGAL COUNSEL

Comes now the Respondent EDGAR ALEXANDER BARRERA and hereby submits a Motion for a Further Extension of Time to Secure New Legal Counsel in the above-captioned Opposition proceeding.

1. Since this proceeding began my health has been seriously impaired for most of this time. I am attempting to resume a normal work schedule as much as I possibly can, and am still in considerable pain. My medical problems have been fully documented for the court in several letters from my physician.

2. As stated in my last motion, On Thursday, December 1, 2011, I was rushed to the hospital in serious condition with acute pancreatitis and remained hospitalized until Sunday, December 4, 2011. I am responding to the medication, none of which are being helped by the severe stress of this legal proceeding.

3. When I was hospitalized again with severe abdominal pains on December 12, 2011, I was told to avoid any stress and rest until the end of the year.

4. In spite of this, I have worked very diligently to obtain new legal counsel.

5. Subsequently, attached is a letter from my primary physician dated February 2, 2012, stating my present medical condition where I have been ordered to rest until next month, March 2012 and avoid any stress during this time.

6. I have listed below specific factual information regarding my efforts to secure counsel during the ensuing time period:

Business week of January 3, 2012

7. **Tuesday, January 3, 2012:**
I had a doctor's appointment and also had to take a sick relative to a doctor's appointment

as well.

8. **Wednesday, January 4, 2012**
I followed up by calling two attorneys I previously contacted and received one phone call back saying that would be able to discuss the matter at the end of the week.

9. **Thursday, January 5, 2012**
I called three attorneys and interviewed two. Two attorneys told me this was not their specialty in intellectual property law.

10. **Friday, January 6, 2012**
I interviewed one attorney and he indicated he would not be able to help me in this particular case.

Business week of January 9, 2012

11. **Monday, January 9, 2012:**
I placed two phone calls to attorneys. I was asked to provide them with some information about this particular case.

12. **Tuesday, January 10, 2012:**
I placed three phone calls to attorneys and interviewed one who requested further details.

13. **Wednesday, January 11, 2012:**
I placed two phone calls to attorneys and briefly spoke with another. I made two other follow up calls as well.

14. **Thursday, January 12, 2012:**
I waited on a return call from one attorney who had been in a conference all day. We finally spoke to each other in the late afternoon.

15. **Friday, January 13, 2012:**
I spoke to three attorneys who said they do not specialize in this type of trademark law. I reached another attorney who told me he would get back to me the following week.

Business week of January 16, 2012

16. **Monday, January 16, 2012:**
I spoke with one attorney who gave me valuable advice but unfortunately doesn't practice before the TTAB and is now semi-retired from his law practice.

17. **Tuesday, January 17, 2012:**
I interviewed one attorney at length who said he would have to take time to review the file and get back to me. I also spoke to another attorney.

18. **Wednesday, January 18, 2012:**
I went to a doctor's appointment.

19. **Thursday, January 19, 2012:**
I placed a call to four attorneys and reached only one.

20. **Friday, January 20, 2012:**
I had to take a sick relative to the hospital emergency room who had not been well all day.

Business week of January 23, 2012

21. **Monday, January 23, 2012:**
I took a sick relative to a doctor's appointment.

22. **Tuesday, January 24, 2012:**
I called four attorneys. Two attorneys were in conference and one was out of the office. However, I did speak with one attorney.

23. **Wednesday, January 25, 2012:**
I followed up with one attorney who I had previously spoken to and asked him if he had any other referrals.

24. **Thursday, January 26, 2012:**
I had to take a sick relative to the hospital who had to have extensive stress tests.

25. **Friday, January 27, 2012:**
I placed three phone calls to attorneys and spoke with another attorney. Again I spent considerable time online checking for potential attorneys before calling anyone else.

Business week of January 30, 2012

26. **Monday, January 30, 2012:**
I spoke to one attorney who gave me valuable advice but unfortunately doesn't practice before the TTAB and is now semi-retired from his law practice.

27. **Tuesday, January 31, 2012:**
I called one attorney who was in a conference with a client. I spoke to another attorney who wants me to contact him again next week.

28. **Wednesday, February 1, 2012:**
I placed two phone calls to attorneys. I was also told by two attorneys they do not specialize in this type of trademark litigation.

29. **Thursday, February 2, 2012:**
I placed two phone calls to attorneys in the morning and also went to my doctor's

appointment which took up the majority of the afternoon.

30. I have been placed at a significant disadvantage with Mr. McAuliffe's abrupt and unexpected withdrawal from the case.

31. I have been working diligently to secure new legal counsel but it is taking longer than I expected. Although I have made progress it has been slower than I originally anticipated.

32. I have been speaking with prospective attorneys as well as waiting to receive return phone calls from others who have been contacted. I am doing all I can to resolve this matter as soon as possible.

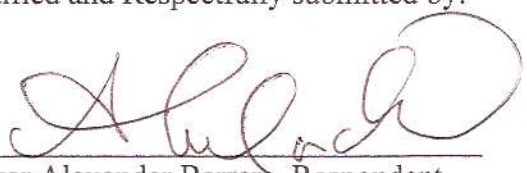
33. Unfortunately. I must seek new legal counsel to represent me in this proceeding. Since I am not represented by legal counsel at this time, I therefore must respectfully make this request on my own behalf.

Respondent, under the circumstances, needs a further extension of time and respectfully pleas upon this Court to grant him these Motions of not less than thirty days.

The interests of justice will be served if this continuance is granted.

WHEREFORE, Respondent respectfully seeks this Motion for a Further Extension of Time to Secure New Legal Counsel based upon the foregoing reasons.

Certified and Respectfully submitted by:



Edgar Alexander Barrera, Respondent
10 Castania Ct.
St. Augustine, FL 32086

Telephone (386) 852-0012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument was placed in the United States Mail, postage prepaid, this 2nd day of February, 2012, addressed to:

Mark Levy, 700 Security Mutual Bldg., 80 Exchange Street, Binghamton, NY 13902
and
Kevin Guyette, 19 Chenango St. #1101, Binghamton, NY 13901-2904

GOHAR S. KHAN, M.D. P.A.
905 BEVILLE RD.
SO. DAYTONA, FL 32119
(386) 767-9000
Fax (386) 767-3761

February 2, 2012

To Whom It May Concern:

My patient, Edgar Alexander Barrera, is continuing to recover from his hospitalization, Dec. 1 to Dec. 4, 2011, for acute pancreatitis, which has limited his ability to pursue normal activities.

Mr. Barrera is still experiencing severe fatigue, along with various gastrointestinal symptoms common during recovery. This includes bloating and abdominal pain.

Pancreatitis is an inflammation of the pancreas, a gland that produces enzymes that enable the body to digest food. It is a life-threatening condition, especially as it leaves the body vulnerable to secondary infections and other complications.

Mr. Barrera also suffers from cervical dystonia, a chronic neurological condition that causes involuntary neck spasms and it can be very painful and seriously limit a patient's mobility.

Accordingly, it is my professional judgment that Mr. Barrera should be able to resume his work schedule in March and will need at least another 30 days of convalescence.

Ample rest is an important part of both his recovery process as well as the management of his cervical dystonia. He should avoid unnecessary stress.

Sincerely,

Gohar S. Khan, M.D.