

ESTTA Tracking number: **ESTTA362704**

Filing date: **08/11/2010**

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

Proceeding	92052523
Party	Defendant Dalps & Leisure Products Supply Corporation
Correspondence Address	RAPHAEL A. GUTIERREZ JACKSON INTELLECTUAL PROPERTY GROUP, PLLC 106 STARVALE LANVE SHIPMAN, VA 22971 UNITED STATES trademarks@jacksonipg.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Raphael A. Gutierrez
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Signature	/Raphael A. Gutierrez/
Date	08/11/2010
Attachments	Consented Motion to Extend Time to Answer.pdf ( 2 pages )(638361 bytes )

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

<p><i>In re Registration No. 2,542,903 for the mark IRON BODY (Stylized)</i></p> <p>Formatic Xpressions, LLC</p> <p>Petitioner</p> <p>v.</p> <p>DALPS &amp; Leisure Products Supply Corporation</p> <p>Respondent</p>	<p>Cancellation No. 92-052,523</p> <p>Consented Motion to Extend Time to File Answer</p>
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Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. BOX 1451  
Alexandria, VA 22313-1451

Dear Commissioner:

Petitioner, Formatic Xpressions, LLC ("Petitioner") and Respondent DALPS & Leisure Products Supply Corporation ("Respondent"), by and through their respective counsel, agreed to extend the time for Respondent to file its Answer by thirty days from July 17, 2010 to **August 17, 2010**. The parties also sought to reset all other subsequent dates. The basis for the motion was that parties were engaged in settlement discussions. Respondent's counsel agreed to this extension via email on July 16, 2010.

Respondent used the ESTTA filing system and used the Consented Motion form to file the Extension of Time to File the Answer on July 16, 2010. Respondent received ESTTA Tracking Number: ESTTA358493 for the filing. A copy of the Consented Motion was served on counsel for Petitioner.

Petitioner received the certificate of service of the Consented Motion, but noticed that the new dates were not generated. Petitioner contacted Respondent, who then contacted the Trademark Trial and Appeal Board ("Board") directly. After a number of back and forth phone calls, the Board advised Respondent that there was a problem with the electronic filing and it could not be processed. The Board further advised Respondent that it should re-file the motion using the General Filings form on the ESTTA system.

Respondent agreed to the re-filing of the Consented Motion via email on August 10, 2010.

As such, Respondent hereby re-files a Consented Motion to Extend the Time to File the Answer by thirty days, and to reset all other corresponding dates. The **Answer**, which was due on July 17, 2010 **shall now be due on August 17, 2010 and all other dates will be similarly extended.** The parties are engaged in settlement discussions.

Date: August 11, 2010

Respectfully submitted,

/Raphael A. Gutierrez/

Raphael A. Gutierrez

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*Attorneys for Respondent*

#### **Certificate of Electronic Transmission**

The undersigned hereby certifies that this document is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on this 11<sup>th</sup> day of August, 2010.

/Raphael A. Gutierrez/

Raphael A. Gutierrez

Jackson Intellectual Property Group, PLLC

#### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by Facsimile or email (by agreement only) on this 11<sup>th</sup> day of August, 2010.

/Raphael A. Gutierrez/

Raphael A. Gutierrez

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