

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

HOUSE OF BLUES BRANDS CORP.	§	
	§	Application Serial No. 76/660,038
Potential Opposer,	§	
	§	
v.	§	Mark: Flaming Heart Design
	§	
M.T.C., INC.,	§	
	§	
Applicant.	§	

**JOINT MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION
OR, IN THE ALTERNATIVE, SUSPENSION THEREOF PENDING ENTRY OF
AMENDMENT**

Potential Opposer, House of Blues Brands Corp., and Applicant, M.T.C., Inc., hereby move the Trademark Trial and Appeal Board ("TTAB") to extend the deadline for filing a Notice of Opposition of sixty (60) days or until June 18, 2007, pursuant to TBMP § 207.03. Such extension of time is needed to allow the Examining Attorney to consider for entry the proposed amendment submitted, or soon to be submitted, by Counsel for Applicant.

Both parties are aware of the Suspension Policy as stated in TBMP § 209.01. However, in the event that the proposed amendment is not entered prior to June 18, 2007, Potential Opposer and Applicant move the TTAB to suspend the opposition period until such time as the amendment is entered or refused. In light of the nature of such amendment and the timely filing of this motion, the parties are hopeful that such amendment can be expeditiously entered prior to the extended deadline in order to avoid the filing of a Notice of Opposition by Potential Opposer. Further, as a good faith effort in requesting such suspension and expeditious entry of the amendment, Potential Opposer agrees not to oppose Applicant's mark if the proposed amendment to the recitation of services, namely, "restaurant, bar, catering, and prepared take-out food services, all featuring Mexican food", is entered. TBMP § 212.06.

Accordingly, counsel below requests that the Board grant this Joint Motion extending the opposition period until June 18, 2007 and consider the arguments submitted herein with respect to suspension thereafter.

SUBMITTED BY:

By: Kirt S. O'Neill
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ATTORNEYS FOR POTENTIAL OPPOSER

ATTORNEYS FOR APPLICANT

<p style="text-align: center;">Certificate of Mailing</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.</p> <p>Name of Person Signing Certificate: <u>BELEN B. LONGORIA</u></p> <p>Signature: <u>Belen B. Longoria</u></p> <p>Date of Mailing: <u>March 28, 2007</u></p>

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amendment with Potential Opposer's Consent was sent via regular mail to:

Kirt S. O'Neill
Akin Gump Strauss Hauer & Feld, LLP
P.O. Box 12870
San Antonio, TX 78212

on this 28 day of March, 2007.

William B. Nash
William B. Nash

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.

Potential Opposer,

v.

M.T.C., INC.,

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Application Serial No. 76/660,038

Mark: Flaming Heart Design

AMENDMENT WITH POTENTIAL OPPOSER'S CONSENT

Applicant, M.T.C., Inc., hereby requests that the recitation of services in the above-referenced application be amended to read as follows:

"Restaurant, bar, catering, and prepared take-out food services, all featuring Mexican food."

Potential Opposer, House of Blues Brands Corp., consents to this amendment, as evidenced by the signature of its counsel of record below.

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Name of Person Signing Certificate: BELEN B. LONGORIA

Signature: Belen B. Longoria

Date of Mailing: March 28, 2007

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