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

Proceeding	77367998
Applicant	Dillard's Inc.
Applied for Mark	THE MADISON AVE FIT
Correspondence Address	SIMOR L MOSKOWITZ JACOBSON HOLMAN PLLC 400 7TH STREET NW, SUITE 600 WASHINGTON, DC 20004-2218 UNITED STATES trademark@jhip.com
Submission	Applicant's Request to Extend
Attachments	MADISON AVE FIT. Ext Req.pdf(55512 bytes )
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Date	09/03/2013

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

In re the application of: )  
Dillard's, Inc. )  
Serial No.: 77/367998 )  
Filed: January 9, 2009 )  
Mark: THE MADISON AVE FIT )

**MOTION TO FURTHER EXTEND TIME  
TO FILE APPLICANT'S APPEAL BRIEF**

Applicant, through its undersigned counsel, hereby requests that the time in which to file its Brief on appeal be further extended for an additional sixty (60) days to and including **November 2, 2013**.

As previously noted, this appeal is from a final Section 2(d) rejection refusing registration based upon cited Reg. No. 3,900,895. Undersigned counsel has approached the owner of the cited registration and the parties have been discussing and negotiating a Trademark Consent and Coexistence Agreement. Assuming that the draft Agreement can be finalized and executed shortly, Applicant then intends to request that this appeal will be suspended and the application remanded to the Examining Attorney to reconsider the Section 2(d) rejection in light of the final Agreement. Of course, if the Examining Attorney favorably reconsiders the rejection, this appeal will be mooted. Thus, counsel required additional time to finalize the noted Agreement or, if not, to allow for preparation of Applicant's Appeal Brief. As such, Applicant respectfully submits that good cause exists for the requested extension.

Applicant further notes that counsel for Applicant changed law firms as of August 1, 2013. In connection with this transition, Applicant's counsel only recently received the relevant file transferred from his previous firm, and also was

distracted by preparations prior and transition details and requirements subsequent to August 1. Applicant respectfully submits that this additional request is justified by the circumstances as set forth above.

In view of the foregoing, Applicant respectfully requests that this Motion be granted, and that the time for Applicant to file its brief in this appeal be extended as requested.

Respectfully submitted,

DILLARD'S, INC.

By:

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Dated: September 3, 2013  
Atty Docket No.: 13913693TM  
(T36993US0)