

ESTTA Tracking number: **ESTTA385017**

Filing date: **12/21/2010**

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

Applicant:	<b>Baltika Breweries</b>
Application Serial Number:	<b>77817078</b>
Application Filing Date:	<b>09/01/2009</b>
Mark:	<b>9 GRADE EXTRA LAGER</b>
Date of Publication	<b>08/24/2010</b>

## **60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances**

Pursuant to 37 C.F.R. Section 2.102, Magic Hat IP, LLC, 431 Pine Street, Burlington, VT 05401, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Magic Hat IP, LLC ("MH") is the potential opposer of US Serial No. 77817078 for the mark 9 GRADE EXTRA LAGER and design for beer; non-alcoholic beer (#Grade 9#). MH is the owner of the mark #9 for beer, US Registration Number 2024581. MH was acquired by another entity only a few days prior to publication of the Grade 9 application for opposition. The initial extension period coincided with considerable changes to the management structure of MH, including the resignation or termination of executive officers and brand managers. Counsel has only recently been able to reach current brand managers and responsible executives to discuss opposition, and has not been able to communicate yet with all new personnel responsible for the MH brand. Therefore, the new owners of MH have not had time to confer properly with counsel to discuss this matter, or to attempt to contact defendant/applicant. Potential opposer is requesting an additional sixty day extension to confer with counsel, meet internally to discuss this matter and contact defendant/applicant to discuss settlement of this matter. Counsel can provide the Board with the affidavit of Katherine Tirone, Manager responsible for MH trademark regulatory matters, dated December 21, 2010 in support of these facts on request of the Board. Unfortunately, this form does not provide a mechanism for attachment of the Affidavit.

The time within which to file a notice of opposition is set to expire on 12/22/2010. Magic Hat IP, LLC respectfully requests that the time period within which to file an opposition be extended until 02/20/2011.

Respectfully submitted,  
/Sharon J. Merritt/  
12/21/2010

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