

ESTTA Tracking number: **ESTTA126168**

Filing date: **02/21/2007**

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

Applicant:	HEB Grocery Company, L.P.
Application Serial Number:	78287834
Application Filing Date:	08/15/2003
Mark:	COOL RUSH
Date of Publication	10/24/2006

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

Pursuant to 37 C.F.R. Section 2.102, Rush Beverage Company, P.O. Box 207 - 12354 Western Ave., Blue Island, IL 60406, 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:

- Applicant has filed a request to withdraw its Application but that request has not been processed by the Patent and Trademark Office. Rush Beverage accordingly seeks an extension of time to oppose this Application solely to protect its rights to oppose the Application which presently remains live on the records of the U.S. Patent and Trademark Office. Applicant will not be prejudiced by the grant of this requested extension of time. If, on the other hand, Applicant were to withdraw its request to withdraw the Application and Rush Beverage was not permitted the requested extension of time to oppose the Application, Rush Beverage would be unduly prejudiced. Therefore, Rush Beverage requests this extension of time to oppose.

The time within which to file a notice of opposition is set to expire on 02/21/2007. Rush Beverage Company respectfully requests that the time period within which to file an opposition be extended until 04/22/2007.

Respectfully submitted,
/glenn rice/
02/21/2007

Glenn A. Rice

Funkhouser Vegosen Liebman & Dunn Ltd.

55 W. Monroe, Suite 2300

Chicago, IL 60603

UNITED STATES

grice@fvldlaw.com

312 701-6895