

ESTTA Tracking number: **ESTTA417083**

Filing date: **06/29/2011**

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

Applicant:	<b>Harvey Ball Smile Limited</b>
Application Serial Number:	<b>85059057</b>
Application Filing Date:	<b>06/10/2010</b>
Mark:	
Date of Publication	<b>03/01/2011</b>

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

Pursuant to 37 C.F.R. Section 2.102, The Smiley Company SPRL, 16 Rue des Trois Arbres, Brussels, 1180, BELGIUM 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:

- In light of extraordinary circumstances beyond the parties# control, the Smiley Company SPRL (#TSC#) respectfully requests a 60 day extension of time to file its Notice of Opposition. The devastating earthquake in Japan has impacted Harvey Ball Smile Ltd.#s operations and has made it difficult for TSC to communicate with Harvey Ball. On April 19, 2011, we received correspondence from Harvey Ball indicating that #[e]verything is in chaos due to the earthquake and it is not possible for the office to run smoothly at present.# We have received further requests from Harvey Ball, as recently as last week, asking for extensions of deadlines for pending trademark matters due to the massive destruction in Japan. (To the extent necessary, we can submit copies of these letters to the Board.) Prior to the earthquake, the parties had been engaged in meaningful settlement negotiations which have been derailed due to the disaster. The disaster has compounded an already difficult situation because Harvey Ball does not have U.S. counsel and its agents have difficulty speaking English.

The time within which to file a notice of opposition is set to expire on 06/29/2011. The Smiley Company SPRL respectfully requests that the time period within which to file an opposition be extended until 08/28/2011.

Respectfully submitted,  
/Steven L. Baron/  
06/29/2011

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