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

Proceeding	91152145
Party	Plaintiff LOUFRANI, FRANKLIN
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Submission	Motion to Extend
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Date	09/18/2007
Attachments	Motion to Extend Reply.pdf (4 pages)(149066 bytes)

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

Wal-Mart Stores, Inc.

v. Opposition No. 91/150,278
Opposition No. 91/154,632

Franklin Loufrani

Franklin Loufrani

v. Opposition No. 91/152,145

Wal-Mart Stores, Inc.

Box TTAB No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**UNOPPOSED MOTION TO EXTEND DEADLINE FOR
OPPOSER FRANKLIN LOUFRANI'S REPLY BRIEF IN OPPOSITION NO. 91/152145**

Opposer Franklin Loufrani ("Mr. Loufrani") in the above-captioned consolidated opposition proceeding, by his attorneys, pursuant to Federal Rule of Civil Procedure 6(b), moves for a seven (7) day extension of the September 19, 2007 deadline for filing Mr. Loufrani's Reply Brief as Opposer in Opposition No. 91/152145 schedule set forth in the Board's June 21, 2007 Order through and including September 26, 2007. In support of this Motion, Mr. Loufrani states as follows:

1. By order dated June 21, 2007, the Board reset the remaining briefing schedule in the above-captioned consolidated opposition proceeding as follows:

Brief for Wal-Mart as defendant in Opposition No. 91152145
and its reply brief (if any) as plaintiff in Opposition Nos. 91150278
and 91154632 shall be due: 9/4/07

Reply brief (if any) for Loufrani in Opposition No. 91152145
shall be due: 9/19/07

2. Wal-Mart timely filed and served by U.S. Mail its brief as defendant in Opposition No. 91152145 and its reply brief as plaintiff in Opposition Nos. 91150278 and 91154632 on September 4, 2007. Wal-Mart's lead counsel Gary Rinkerman complied with Loufrani's request to furnish supplemental service copies by e-mail on September 7, 2007 and the original mailed service copies arrived on September 10, 2007.

3. Mr. Loufrani's counsel is diligently preparing Mr. Loufrani's Reply brief in Opposition No. 91152145 ("Loufrani's Reply"). However, the press of other litigation and intervening holidays, the details of which are set forth in more detail below, constitute good cause supporting Mr. Loufrani's motion seeking a short extension of Loufrani's Reply brief deadline:

- Loufrani's lead counsel, Steven Baron, prepared for and argued before the United States Court of Appeals for the Seventh Circuit on September 11, 2007 in a matter arising from a complex securities *Securities and Exchange Commission v. Homa*, Case No. 06-3320 (7th Cir.)
- Steven Baron observes the intervening Rosh Hashanah and Yom Kippur holidays on September 12 (evening), 13, 21 (evening) and 22.
- Steven Baron must prepare and take the expert deposition of Eugene Morris in the case of *DuBois v. General Motors et al*, Case No. 01 L 007904 (Circuit Court of Cook County, Illinois) on September 17 and 18. In addition, Mr. Baron must prepare for and take the fact deposition of Karen Kohn in the same matter on September 21.

4. On September 17, 2007 Steven Baron contacted Gary Rinkerman of Baker Hostetler, lead counsel for Wal-Mart, seeking consent to this motion to extend Loufrani's Reply deadline for seven (7) days, through and including September 26, 2007. Wal-Mart has agreed not to oppose this motion for extension.

5. In light of the fact that the trial briefing on this matter has been pending for nearly fifteen months, neither party will be prejudiced by allowing Loufrani an additional 7 days to file Loufrani's Reply.

WHEREFORE, Franklin Loufrani, respectfully requests that the Trademark Trial and Appeal Board enter an Order extending the deadline for Loufrani's Reply brief through and including September 26, 2007.

Respectfully submitted,

FRANKLIN LOUFRANI

Dated: September 18, 2007

BY: 

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I caused this *Unopposed Motion To Extend Reply Brief Deadline*, to be served on:

Mr. Gary J. Rinkerman
Baker & Hostetler LLP
Washington Square
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, DC 20036-5304

via First Class Mail, postage prepaid and properly addressed and placed in the mail chute at 333 West Wacker Drive, Chicago, Illinois 60606 before the hour of 5:00 p.m. on Tuesday, September 18, 2007.



Natalie A. Harris