

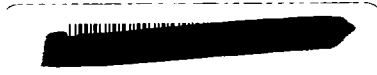
TTAB

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

_____	:
SPEEDWAY SUPERAMERICA LLC,	:
	:
Opposer,	: Serial No.: 76/320,678
	:
v.	: Opp. No.: 91156163
	:
SUPERMOMS, INC.,	:
	:
Applicant.	:
_____	:

CONSENTED MOTION TO EXTEND TIME TO FILE ANSWER

Pursuant to Fed. R. Civ. P. 6(b) and Trademark Rule 2.116(a), 37 C.F.R. § 2.116(a), Applicant, Supermoms, Inc., by its attorneys, Blank Rome LLP, hereby moves the Trademark Trial and Appeal Board to extend for a period of sixty (60) days, namely, until February 16, 2004, the time within which to file an Answer to the Notice of Opposition, on the ground that the parties are completing settlement negotiations for the purpose of arriving upon a co-existence agreement, thus constituting good cause for suspension. See T.B.M.P. § 509.01(a). Opposer has consented to this motion through its counsel, Janice W. Housey, Esquire. See T.B.M.P. § 509.02.



12-19-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #76

BACKGROUND

In the instant proceeding, Opposer filed a Notice of Opposition to Applicant's application for registration of the service mark SUPERMOMS (hereinafter, the "Mark"), on the ground that Opposer is likely to be damaged by the registration of the Mark. Opposer submits that the Mark, when used on or in connection with the identified services, so resembles Opposer's SUPERMOM'S marks as to be likely to cause confusion, mistake or deception among consumers.

Pursuant to T.B.M.P. § 509.01, which is premised upon Fed. R. Civ. P. 6(b), and made applicable to Board proceedings by virtue of Trademark Rule 2.116(a), 37 C.F.R. § 2.116(a), "a party may file a motion for an enlargement of the time in which an act is required or allowed to be done." T.B.M.P. § 509.01. Thus, where Applicant has received Opposer's consent to this motion to extend in view of ongoing settlement discussions, Applicant respectfully submits that it has demonstrated good cause for the extension of time within which to file an Answer to the Notice of Opposition.

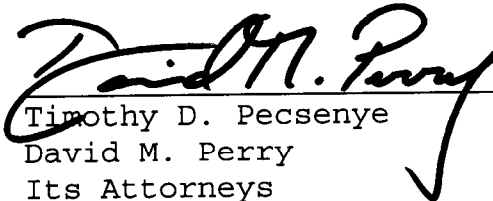
* * * *

WHEREFORE, it is respectfully submitted that the time within which to file an Answer to the Notice of Opposition be extended sixty (60) days, namely, until February 16, 2004.

Respectfully submitted,
SUPERMOMS, INC.

Dated: December 16, 2003

By:

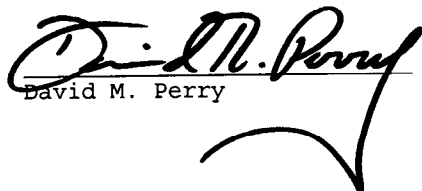

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CERTIFICATE OF MAILING

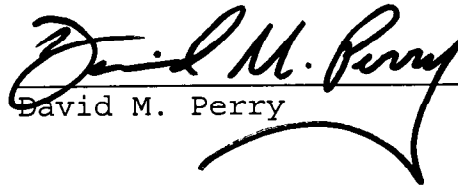
I hereby certify that 3 COPIES of this correspondence are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on December 16, 2003.


David M. Perry

CERTIFICATE OF SERVICE

The Undersigned, a member of the Bar of the Commonwealth of Pennsylvania, hereby certifies that on the 16th day of December, 2003, he caused a copy of the foregoing Consented Motion to Extend Time to File Answer to be served by first class mail on Applicant's counsel as follows:

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