

ESTTA Tracking number: **ESTTA180451**

Filing date: **12/13/2007**

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

Proceeding	91161887
Party	Defendant Citihomes Realty Corporation
Correspondence Address	F. Robert Slotkin Slotkin Law Firm, P.C. 111 N. McDonough Street Decatur, GA 30030 UNITED STATES bobby@slotkinlawfirm.com
Submission	Other Motions/Papers
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Date	12/13/2007
Attachments	Consent Motion Late Filing, 12.13.07.pdf (6 pages)(219837 bytes)

22202-3514. Applicant's counsel was unaware that the TTAB no longer occupies office space in that building.

On Monday, December 10, 2007, Applicant learned for the first time that the Federal Express package was undelivered because the TTAB no longer occupies the office listed in Rule 107 of the TTAB's Manual of Procedure, maintained on the USPTO website. Applicant's attorney immediately took steps to ascertain the status of the package and learned that Federal Express did not deliver it to the stated address because someone at that address informed Federal Express that the TTAB was no longer located there. Later on the morning of December 10, 2007, Applicant's attorney was able to ascertain that the Federal Express package was in a Federal Express warehouse in Alexandria, Virginia. Applicant's attorney made diligent efforts to have Federal Express deliver the package to the correct TTAB office address that day. However, Federal Express later informed Applicant's attorney that it did not attempt delivery on Monday, December 10, 2007, until approximately 7:30 p.m., at which time the TTAB's offices were closed.

The Federal Express package containing the original Deposition Transcript of John Henderson, plus exhibits, was delivered to the TTAB on December 11, 2007, at approximately 10:51 a.m. (Please see delivery receipt, attached hereto as Exhibit "B"). On Monday, December 10, 2007, when it appeared possible that the Federal Express package would not be delivered that day to the TTAB, Applicant's attorney notified Opposer's attorney of the situation and asked that Opposer consent to the late filing of the Deposition Transcript and exhibits. Opposer's attorney informed Applicant's attorney

that Opposer would consent to that late filing. Accordingly, Applicant respectfully requests that the TTAB accept, as if timely filed, the original Testimony Deposition of John Henderson plus exhibits. Opposer consents to this Motion.

This 13th day of December, 2007.

Prepared by:

/s/ F. Robert Slotkin

F. Robert Slotkin

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Consented to by:

/s/Molly Buck Richard w/ express permission

Molly Buck Richard, Esq.

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December 12, 2007

nicole robben
(404) 370-1161

Dear nicole robben:

Our records reflect the following delivery information for the shipment with the tracking number 862086631137.

Delivery Information:

Signed For By: T.LEE

< Delivered to: 600 DULANY CONCCOURSE >

Delivery Date: December 11, 2007

Delivery Time: 10:51 AM

Shipping Information:

Shipment Reference information: HENDERSON

Tracking No: 862086631137

Ship Date: December 07, 2007

Shipper: BOBBY SLOTTAIN
SLOTKIN LAW FIRM, PC
111 N MCDONOUGH ST
DECATUR, GA 300303317
US

Recipient: CLERK
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APPEAL BOARD
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ARLINGTON, VA 22202
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