

ESTTA Tracking number: **ESTTA99724**

Filing date: **09/18/2006**

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

Proceeding	91163013
Party	Plaintiff Franklin Loufrani Franklin Loufrani 114 Eaton Square London, SW1W 9AA UNITED KINGDOM
Correspondence Address	FRANKLIN LOUFRANI 114 EATON SQUARE LONDON, SW1W 9AA UNITED KINGDOM, IL 60301-1051 UNITED STATES mmerz@merz-law.com
Submission	Other Motions/Papers
Filer's Name	Natalie A. Harris
Filer's e-mail	nharris@mandellmenkes.com, sbaron@mandellmenkes.com
Signature	/NAH/
Date	09/18/2006
Attachments	Motion for Leave and Response.pdf (5 pages)(318220 bytes)

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

In the Matter of U.S. Application No. 78/635,440
For: "SMILEY TOOTH"
Filed: May 23, 2005
Date of Publication: February 7, 2006

FRAKLIN LOUFRANI)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/163013
)	
B. MICHAEL PERLIN)	
)	
Applicant.)	

**COMBINED MOTION FOR LEAVE TO FILE APPEARANCE AND
RESPONSE TO ORDER TO SHOW CAUSE**

1. On May 16, 2006, the Board granted the Petition to Withdraw as Attorney of Record for Opposer Franklin Loufrani ("Mr. Loufrani") filed by Mary Catherine Merz and the law firm of Merz & Associates, P.C.
2. In addition, the Board granted Mr. Loufrani ninety (90) days, through and including August 17, 2006, to appoint new counsel, or to file papers stating his choice to represent himself.
3. Due to the press of other business, Mr. Loufrani required slightly more time to procure substitute counsel.
4. Although Mr. Loufrani exceeded the ninety day deadline, he has now retained attorneys Steven L. Baron and Natalie A. Harris of Mandell Menkes LLC (the "Mandell Menkes") to represent him in this Opposition.

5. On September 15, 2006 the Board issued an order to show cause why default judgment should not be entered against Mr. Loufrani.

6. Mr. Loufrani has not lost interest in the Opposition, and his failure to comply with the ninety day deadline set by the Board was inadvertent. Mr. Loufrani intends to vigorously pursue the Opposition.

7. Mr. Baron and Ms. Harris are currently representing Mr. Loufrani in another matter before the Board, and are prepared to pursue this Opposition on Mr. Loufrani's behalf without further delay.

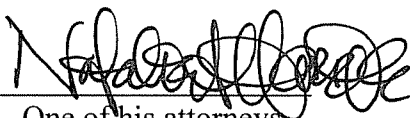
8. Neither the Applicant nor Mr. Loufrani will be prejudiced by the immediate filing by the aforementioned counsel of an Appearance on behalf of Mr. Loufrani.

WHEREFORE, Steven L. Baron, Natalie A. Harris and Mandell Menkes LLC respectfully requests, on behalf of Opposer Franklin Loufrani, that the Board grant them leave to file the attached Appearance (Exhibit A) *instanter*.

Respectfully Submitted,

FRANKLIN LOUFRANI

Date: September 18, 2006

By: 
One of his attorneys

Steven L. Baron
Natalie A. Harris
Mandell Menkes LLC
333 West Wacker Drive, Suite 300
Chicago, IL 60606
(312) 251-1000
Attorneys for Opposer

CERTIFICATE OF SERVICE

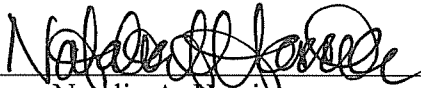
The undersigned, an attorney, hereby certifies that I caused a copy of the foregoing ***Combined Motion for Leave to File Appearance and Response to Order to Show Cause*** to be served on:

Via U.S. Mail

Donn K. Harms, Esq.
American Patent @Trademark Law Center
12702 Via Cortina, Suite 100
Del Mar, CA 92014-3769

Mr. Franklin Loufrani
c/o Nicholas Loufrani, CEO
35-37 Grosvenor Gardens
London SW1 WOBS United Kingdom

via e-mail and First Class Mail, by causing a copy to be placed in a sealed, postage pre-paid envelope, properly addressed as above, and causing said envelope to be deposited at 333 W. Wacker Drive, Chicago, Illinois 60606, this 18th day of September, 2006.



Natalie A. Harris

Opposition against "SMILEY TOOTH"
Serial No. 78/635,440

CERTIFICATE OF SERVICE

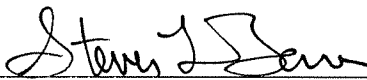
The undersigned, an attorney, hereby certifies that I caused a copy of the foregoing *Appearance* to be served on:

Via U.S. Mail

Donn K. Harms, Esq.
American Patent @Trademark Law Center
12702 Via Cortina, Suite 100
Del Mar, CA 92014-3769

Mr. Franklin Loufrani
c/o Nicholas Loufrani, CEO
35-37 Grosvenor Gardens
London SW1 WOBS United Kingdom

via e-mail and First Class Mail, by causing a copy to be placed in a sealed, postage pre-paid envelope, properly addressed as above, and causing said envelope to be deposited at 333 W. Wacker Drive, Chicago, Illinois 60606, this 18th day of September, 2006.



Natalie A. Harris