

TTAB

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Martha L. Boden  
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Of Counsel

January 24, 2005

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**VIA EXPRESS MAIL**

Re: Request for Extension of Time to File Answer to Notice of Opposition  
In the Matter of Application Serial No. 76/550,187  
**Opposition No.: 91163031**  
Our File No.: 1999.007

Dear Sirs:

We are in receipt of your correspondence dated January 8, 2005, advising of the non-receipt of Applicant's Answer, which due in the above case on December 28, 2004.

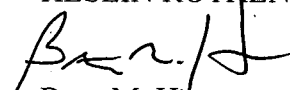
However, Applicant respectfully submits that a Request for an Extension of Time to File An Answer was timely mailed on December 21, 2004 in the above matter. This first request was consented to by Opposer's counsel. A copy of this previously filed request, along with the Certificate of Mailing showing timely mailing of the same, are enclosed (See Attachment 1). Therefore, Applicant respectfully requests that judgment by default not be entered against due to the timely submission of a request to extend the time to answer as consented to by Opposer's counsel.

Also enclosed please find a Second Request for Extension of Time to File Answer to Notice of Opposition for an additional thirty (30) days. This second extension is being requested to provide Opposer additional time to consider a proposal by Applicant to resolve this matter. This second request was also consented to by Opposer's counsel.

Please do not hesitate to contact the undersigned with any questions in the matter.

Very truly yours,

HESLIN ROTHENBERG FARLEY & MESITI P.C.

  
Brett M. Hutton

BH/lmc  
Encls.



01-25-2005  
U.S. Patent & TMO/TM Mail Rcpt Dt. #64

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December 21, 2004

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P.O. Box 1451  
Alexandria, Virginia 22313-1451

Re: Request for Extension of Time to File Answer to Notice of Opposition  
In the Matter of Application Serial No. 76/550,187  
Published in the Official Gazette of September 21, 2004  
Our File No.: 1999.007

Dear Sirs:

Enclosed please find for filing in the above matter a *Request for Extension of Time to File Answer to Notice of Opposition (In triplicate)*.

Very truly yours,

HESLIN ROTHENBERG FARLEY & MESITI P.C.

  
Brett M. Hutton

BH/lmc  
Encls.

cc: Jeremiah Lynch, Esq.  
LAHIVE & COCKFIELD LLP  
28 State Street  
Boston, MA 02109

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the matter of Application Serial No. 76/550, 187  
Published in the Official Gazette of September 21, 2004

NEW BALANCE ATHLETIC SHOE, INC.

Opposer,

Opposition No. 91163031

v.

JAMES E. MANN and JAMEY STORVICK

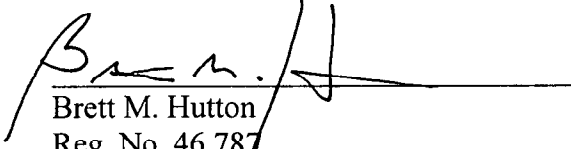
Applicant.

**Certificate of Mailing**

I hereby certify that this correspondence and the following document:

1. Second Request For Extension of Time to File Answer to Notice of Opposition (3 copies);
2. Cover letter from Brett M. Hutton, Esq.; and
3. Copy of paperwork for first Request For Extension Of Time To File Answer To Notice Of Opposition filed on December 21, 2004.

are being deposited with the U.S. Postal Service via Express Mail in an envelope addressed to:  
United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451,  
Alexandria, VA 22313-1451.

  
Brett M. Hutton  
Reg. No. 46,787

Date of Signature: January 24, 2005

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Applicant.

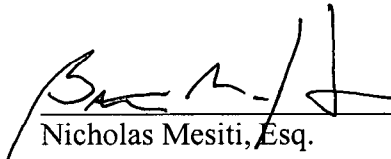
**SECOND REQUEST FOR EXTENSION OF TIME  
TO FILE ANSWER TO NOTICE OF OPPOSITION**

Applicant respectfully requests a **SECOND** extension of thirty (30) days within which to answer the Notice of Opposition mailed on November 18, 2004. Therefore, the due date for filing an Answer will now be due on or before **February 28, 2004**.

The reason for this request is that Opposer is currently considering a proposal by Applicant to resolve this matter. Applicants' counsel discussed this extension request with Opposer's counsel and Opposer's counsel consented to the same.

Respectfully,

January 24, 2005



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Nicholas Mesi, Esq.

Brett M. Hutton, Esq.

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Albany, New York 12203

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*Counsel for Applicant*

COPY

In the Matter of Application Serial No. 76/550,187  
Published in the Official Gazette of September 21, 2004

Enclosed:

- \* Request for Extension of Time to File Answer  
to Notice of Opposition (In Triplicate) (1 pp.)
- \* Certificate of Mailing (1 pp.)

Our File No.: 1999.007  
BH/lmc

D/D: 12/28/04  
Mailed: 12/21/04

TRADEMARK

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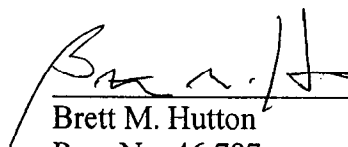
Applicant.

**Certificate of Mailing**

I hereby certify that this correspondence and the following document:

1. Request For Extension Of Time To File  
Answer To Notice Of Opposition (3 copies)

are being deposited with the U.S. Postal Service in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451.

  
Brett M. Hutton  
Reg. No. 46,787

Date of Signature: December 21, 2004

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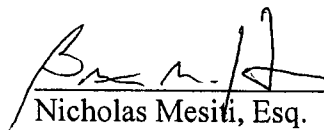
**REQUEST FOR EXTENSION OF TIME**  
**TO FILE ANSWER TO NOTICE OF OPPOSITION**

Applicant respectfully requests an extension of thirty (30) days within which to answer the Notice of Opposition mailed on November 18, 2004.

The reason for this request is that Opposer is currently considering a proposal by Applicant to resolve this matter. Applicant's counsel discussed this extension request with Opposer's counsel and Opposer's counsel consented to the same.

Respectfully,

December 21, 2004



Nicholas Mesiti, Esq.

Brett M. Hutton, Esq.

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*Counsel for Applicant*