

ESTTA Tracking number: **ESTTA91924**

Filing date: **07/27/2006**

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

Proceeding	91167719
Party	Plaintiff Dana Alexander, Inc.  Dana Alexander, Inc. 58 South Service Road Suite 250 Melville, NY 11747 UNITED STATES
Correspondence Address	Robert W. Smith, Esq. McCarter & English, LLP Four Gateway Center, 100 Mulberry Street Newark, NJ 07102-4056 UNITED STATES rsmith@mccarter.com
Submission	Other Motions/Papers
Filer's Name	Robert W. Smith
Filer's e-mail	rsmith@mccarter.com, dpopovic@mccarter.com
Signature	/robertwsmith/
Date	07/27/2006
Attachments	Motion for Extension to Respond to Applicant's Motion for Judgment on the Pleadings TERRA FRESH.pdf ( 3 pages )(39428 bytes )

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

---

DANA ALEXANDER, INC.,	:	
	:	
Opposer,	:	Mark: TERRA FRESH
	:	Serial No. 78/168,856
-vs-	:	Opposition No. 91167719
	:	
TERRA LINDA FARMS,	:	
	:	
Applicant.	:	

---

**MOTION ON CONSENT FOR EXTENSION OF TIME TO RESPOND TO**  
**APPLICANT'S MOTION FOR JUDGMENT ON THE PLEADINGS AND REQUEST**  
**FOR SUSPENSION OF PROCEEDINGS PENDING RESOLUTION**

Applicant, Terra Linda Farms, served its Motion for Judgment on the Pleadings and Request for Suspension of Proceedings Pending Resolution on Opposer by U.S. mail and e-mail on July 10, 2006. Opposer Dana Alexander, Inc.'s deadline to respond to Applicant's motion is currently July 30, 2006. Opposer requests that its time to respond be extended to August 13, 2006. Applicant Terra Linda Farms, through the Applicant's attorney, E. Lynn Perry, has consented to the Opposer's request for extension. The additional time is needed so that Opposer can adequately respond to Applicant's motion, and so the parties can pursue settlement discussions, if warranted. The additional time is not requested for purposes of delay.

Dana Alexander, Inc. has provided e-mail addresses herewith for itself and for the Applicant's counsel so that an order on this motion may be issued electronically by the Board.

Respectfully submitted,

DANA ALEXANDER, INC.


By: Robert W. Smith  
Robert W. Smith  
McCarter & English, LLP  
Attorneys for Opposer Dana Alexander, Inc.  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102-4096  
(973) 622-4444

Dated: July 27, 2006

rsmith@mccarter.com (Opposer e-mail)  
lperry@perryip.com (Applicant e-mail)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this motion has been served upon attorney for Applicant, E. Lynn Perry, Perry IP Group, 100 Drake's Landing Drive, Suite 100, Greenbrae, CA 94904 at her e-mail address of record, lperry@perryip.com, and by regular mail on this date.

  
\_\_\_\_\_  
Kelly J. Garrone

Date: July 27, 2006.