

ESTTA Tracking number: **ESTTA169816**

Filing date: **10/19/2007**

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

Proceeding	91177203
Party	Defendant Healthestate LLC
Correspondence Address	Thomas Carulli Kaplan von Ohlen & Massamillo 555 5th Avenue, 15th Floor New York, NY 10017 UNITED STATES tcarulli@kvolaw.com
Submission	Motion to Extend
Filer's Name	thomas carulli
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Signature	/tgc/
Date	10/19/2007
Attachments	Oct 19 07 Motion to Extend time for Applicant to answer Noitce of Opposition.pdf (2 pages)(16255 bytes)

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

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HEALTHE PTY LTD,

Opposition No.: 91177203

-v-

MOTION TO
EXTEND TIME FOR
APPLICANT
TO ANSWER NOTICE OF
OPPOSITION

HEALTHESTATE LLC,
-----X

Applicant hereby moves that Applicant's time to answer the Notice of Opposition be extended to November 19, 2007. The close of discovery is currently set for November 25, 2007. Applicant last filed, on September 17, 2007, a request for an extension of time to Answer until October 19, 2007.

Counsel for Applicant today received, via e-mail, the first response from Opposer on settlement, directly from Opposer's in-house counsel in Australia, in which Opposer's in-house counsel set forth that Opposer desired to negotiate possible settlement directly with Applicant and Applicant's counsel. Applicant's counsel has been unable to reach Opposer's in-house counsel regarding consent to this requested extension of time (it is already Saturday in Australia), but presumes from the e-mail that this requested extension is unobjectionable. Applicant respectfully submits that this extension of time will allow time for the parties to directly engage in settling this proceeding.

October 19, 2007

HEALTHESTATE LLC

By: /tgc/
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Attorney for Applicant

I hereby certify that a true and complete copy of the foregoing Motion to Extend Time for Applicant To Answer Notice of Opposition has been served on Nancy C. Lapidus, Howrey LLP, 1299 Pennsylvania Avenue, NW, Washington, D.C. 20004 by mailing said copy on October 19, 2007, via First Class Mail, postage prepaid to: Nancy C. Lapidus, Howrey LLP, 1299 Pennsylvania Avenue, NW, Washington, D.C. 20004, with a courtesy copy by e-mail to the same.

By: /tgc/
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