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Filing date: **04/27/2011**

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

Proceeding	91186148
Party	Plaintiff Publix Asset Management Company
Correspondence Address	JAMES B LAKE THOMAS & LOCICERO PL 400 N ASHLEY DR SUITE 1100 (33602), POST OFFICE BOX 2602 TAMPA, FL 33601-2602 UNITED STATES jlake@tlolawfirm.com
Submission	Motion to Extend
Filer's Name	James B. Lake
Filer's e-mail	jlake@tlolawfirm.com
Signature	/james b. lake/
Date	04/27/2011
Attachments	Motion to extend in light of bankruptcy.pdf (4 pages)(241798 bytes)

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

Publix Asset Management Company,

Opposer,

v.

Opposition Nos. 91186148 & 91186863
(consolidated under No. 91186148)

The Great Atlantic & Pacific Tea Company, Inc.,

Applicant.

**OPPOSER’S NOTICE REGARDING APPLICANT’S BANKRUPTCY
AND MOTION FOR SUSPENSION AND TO EXTEND DEADLINES**

Opposer, Publix Asset Management Company (“Publix”), gives notice, upon information and belief, that Applicant, The Great Atlantic & Pacific Tea Company, Inc. (“A&P”), has filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code. Although Publix has not been served with notice of the bankruptcy, the public record indicates that the bankruptcy proceedings have been assigned Case No. 10-24549 (RDD) in the United States Bankruptcy Court for the Southern District of New York. *See* Exhibit A (first pages of bankruptcy docket and petition).

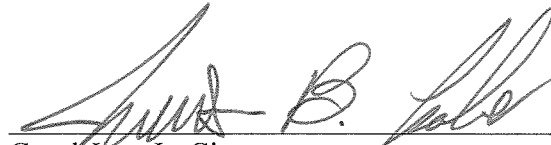
Pursuant to 11 U.S.C. § 362(a), A&P’s bankruptcy petition operates as a stay of, among other things, continuation of all judicial, administrative, or other actions or proceedings against A&P. Publix’s counsel has attempted to confer with A&P’s counsel regarding the effect of the bankruptcy upon this particular proceeding, and we understand that A&P is conferring with its bankruptcy counsel regarding this matter. In the meantime, it appears that the automatic stay bars Publix from amending its notice of opposition (as the Board’s April 11 Order invites) or otherwise proceeding with this action. Accordingly, a suspension of this proceeding is

warranted. *See* TBMP § 510.03(a) (“The Board will issue an order suspending proceedings if it comes to the attention of the Board that the defendant has filed a petition for bankruptcy.”).

WHEREFORE, Publix requests that the Board suspend this proceeding and extend the deadlines and trial schedule set forth in the Board’s April 11 Order, including the deadline for Publix to amend its notice of opposition.

Respectfully submitted,

THOMAS & LOCICERO PL



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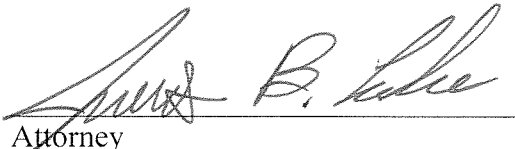
Facsimile: (813) 984-3070

Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 27, 2011, a true and complete copy of the foregoing motion has been sent by E-mail Facsimile Express Mail First Class U.S. Mail, postage pre-paid, to:

Arlana S. Cohen, Esq.
ASC@cll.com
Cowan, Liebowitz & Latman
1133 Avenue of the Americas
New York, NY 10036



Attorney

PENAP, CLMAGT, MEGA, Lead, APPEAL

**U.S. Bankruptcy Court
Southern District of New York (White Plains)
Bankruptcy Petition #: 10-24549-rdd**

Date filed: 12/12/2010

Assigned to: Judge Robert D. Drain
Chapter 11
Voluntary
Asset

Debtor

**The Great Atlantic & Pacific Tea Company,
Inc., et al.**
2 Paragon Road
Montvale, NJ 07645
Tax ID / EIN: 13-1890974

aka

A&P

aka

Best Cellars

aka

Best Cellars at A&P

aka

Community Supermarket Corporation

aka

Daitch Crystal Dairies, Inc.

aka

Dominion

aka

Farmer Jack

aka

Food Basics

aka

Food Emporium

aka

Food Mart

aka

Glenholden Stuart, Inc.

aka

Hamilton Property I, Inc.

aka

Kohl's

aka

Lo-Lo Discount Stores, Inc.

aka

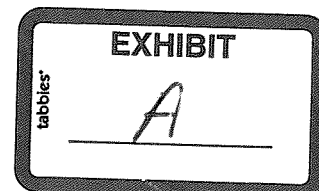
Pathmark

represented by **Paul M. Basta**

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United States Bankruptcy Court Southern District of New York	Voluntary Petition
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Name of Debtor (if individual, enter Last, First, Middle): The Great Atlantic & Pacific Tea Company, Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): See Attached Schedule 1	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): 13-1890974	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):
Street Address of Debtor (No. & Street, City, and State): 2 Paragon Drive Montvale, NJ	Street Address of Joint Debtor (No. & Street, City, and State):
ZIP CODE 07645	ZIP CODE
County of Residence or of the Principal Place of Business: Bergen	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIP CODE	ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above):	ZIP CODE

Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) <hr/>	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other <hr/> Food and Drug Retailer Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors (Consolidated with affiliates) <input type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input checked="" type="checkbox"/> Over 100,000 Estimated Assets (Consolidated with affiliates) <input type="checkbox"/> \$0- to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input checked="" type="checkbox"/> More than \$1 billion Estimated Liabilities (Consolidated with affiliates) <input type="checkbox"/> \$0- to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input checked="" type="checkbox"/> More than \$1 billion	THIS SPACE IS FOR COURT USE ONLY
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