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Filing date: **03/05/2009**

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

Proceeding	91188400
Party	Defendant Home Products International, Inc.
Correspondence Address	ANTONY J. MCSHANE NEAL, GERBER & EISENBERG LLP 2 N LA SALLE STREET, STE 2200 CHICAGO, IL 60602-3963 UNITED STATES ipdocket@ngelaw.com
Submission	Other Motions/Papers
Filer's Name	Maurice E. Finnegan
Filer's e-mail	mfinnegan@ngelaw.com
Signature	/Maurice E. Finnegan/
Date	03/05/2009
Attachments	Motion to Leave.pdf (3 pages)(67088 bytes)

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

CALIFORNIA CLOSET COMPANY,
INC.,

Opposer

v.

HOME PRODUCTS INTERNATIONAL
INC.,

Applicant.

Opposition No. 91188400

Serial No. 77/075224

**MOTION FOR LEAVE TO FILE ANSWER TO NOTICE OF OPPOSITION AND
COUNTERCLAIM *INSTANTER***

Applicant Home Products International, Inc. (“Home Products”) requests leave to file its Answer to Notice of Opposition and Counterclaim in this proceeding, (the “Answer”) *Instanter*. A copy of the Answer has been filed contemporaneously with this Motion. In support of its Motion, Home Products states as follows:

1. Opposer filed its Notice of Opposition on January 14, 2009. To accommodate the schedules of Home Products’ representatives involved in preparation of Home Products’ defense of this proceeding, the parties agreed to a one week extension of time, up to and including March 2, 2009, within which Home Products could respond to the Notice of Opposition. This one week extension was approved by the Board in its order of February 27, 2009.

2. Home Products believes it has a meritorious defense in the proceeding, and has worked diligently to prepare and file its Answer.

3. Notwithstanding the best efforts of counsel and Home Products, personnel changes within Home Products, as well as required business travel, further delayed Home Products’ consideration of the Notice of Opposition and preparation of its Answer.

4. On March 5, 2009, Home Products requested Opposer to consent to the present motion. Opposer would not agree to the filing, thereby necessitating this Motion.

WHEREFORE, Home Products respectfully requests that this Board enter an Order granting its Motion and permitting Home Products to file the attached Answer *instanter*.

Respectfully submitted,

/Antony J. McShane/
One of the Attorneys for Applicant
Home Products International, Inc.

Antony J. McShane
Maurice E. Finnegan
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street
Suite 2200
Chicago, IL 60602
(312) 269-8000

Date: March 5, 2009

Certificate of Service

I, Maurice E. Finnegan, an attorney, state that I served a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE ANSWER TO NOTICE OF OPPOSITION INSTANTER via Federal Express, on the following counsel of record on March 5, 2009:

Marsha G. Gentner
Jacobson Holman PLLC
400 Seventh St, N.W.
zWashington, D.C. 20004

/Maurice E. Finnegan/
Maurice E. Finnegan

NGEDOCs: 1610638.1