


ESTTA Tracking number: **ESTTA9284**

Filing date: **05/26/2004**

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

<b>Proceeding</b>	92041018
<b>Party</b>	Defendant REFAELY AND SONS INC.  7964 ARJONS SUITE F (IN THE REAR) SAN DIEGO, CA 92126
<b>Correspondence Address</b>	ANDREW LACHMAN EISNER & ASSOCIATES 9777 WILSHIRE BOULEVARD, SUITE 718 BEVERLY HILLS, CA 90212
<b>Submission</b>	Stipulated/Consent Motion to Extend
<b>Filer's Name</b>	Andrew Lachman, Esq.
<b>Filer's e-mail</b>	andrew@ohlhlaw.com
<b>Signature</b>	/Andrew Lachman/
<b>Date</b>	05/26/2004
<b>Attachments</b>	Langerextend1.tif ( 1 page ) Langerextend2.tif ( 1 page )

**CERTIFICATE OF MAILING**


I hereby certify that on May 26, 2004, this MOTION FOR EXTENSION OF TIME TO ANSWER BY STIPULATION is being filed electronically on the USPTO website and deposited in mail with the United States Postal Service, first class, postage pre-paid, addressed to Commissioner for Trademarks Crystal Drive, Arlington, VA 22202 Box TTAB by 

Andrew Lachman, Esq.

**CERTIFICATE OF SERVICE**

On this 26<sup>th</sup> Day of May, 2004 a copy of the foregoing MOTION FOR EXTENSION OF TIME TO ANSWER BY STIPULATION via first class mail, postage prepaid on:

Harold James  
Epstein Drangel Bazerman & James  
60 E. 42<sup>nd</sup> Street, Suite 820  
New York, NY 10165

  
Andrew Lachman, Esq.

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

In the matter of trademark Serial No. 75773754  
Cancellation Proceeding No. 92041018  
For the mark BENEFEET

LANGER INC.

v.

REFAELY & SONS, INC.

Law Offices of Andrew Lachman  
9952 Santa Monica  
Beverly Hills, CA 90212

DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER BY STIPULATION

Andrew Lachman, attorney for  
Refaely & Sons, Inc.  
9952 Santa Monica Blvd. 1<sup>st</sup> Floor  
Beverly Hills, CA 90212

The above party motions for an extension of time to answer to answer the complaint pursuant to TBMP 316.03.

1. Refaely & Sons were granted thirty days to answer the cancellation petition on April 29, 2004. Since then the parties have begun settlement discussions that may enable the parties to avoid further litigation.
2. Both parties agree and stipulate that Refaely & Sons may, with the consent of the Trademark Trial and Appeals Board, receive a thirty day extension of time to answer the complaint in the above mentioned matter. Refaely's Answer will now be due on June 29, 2004, and all the other dates (which have yet to be set by the TTAB) should be calculated from that date accordingly.

By Andrew Lachman  
Andrew Lachman, Attorney for Refaely & Sons, Inc.

Date May 25, 2004

By: Harold James  
Harold James, Attorney for Langer, Inc.

Date May 24, 2004

Approved \_\_\_\_\_  
Trademark Trial and Appeal Board

Date: \_\_\_\_\_