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

Proceeding	92050143
Party	Defendant Brauhaus Incorporated
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Submission	Motion to Extend
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Date	11/18/2009
Attachments	Mot For Extension of Time.pdf ( 3 pages )(61145 bytes )

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

BROWHAUS PTE LTD.,

Petitioner,

v.

BRAUHAUS INCORPORATED,

Respondent.

Cancellation No. 92/050,143

Registration No. 3,420,788

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO RESPOND**

Respondent Brauhaus Incorporated ("Brauhaus"), by its attorneys, Neal, Gerber & Eisenberg LLP, hereby moves for a 30-day extension of time to respond to Petitioner's Amended Petition to Cancel pursuant to Federal Rule of Civil Procedure 6(b) and TBMP § 509.01. In support of this Motion, Brauhaus states as follows:

1. On September 30, 2009, the Board granted Brauhaus' Motion to Dismiss Petitioner's Petition to Cancel for failing to state a cognizable ground of cancellation. However, the Board gave Petitioner 30 days to amend its pleading to set forth a legally sufficient fraud claim.
2. On October 29, 2009, Petitioner filed an Amended Petition to Cancel. Therefore, the deadline for Brauhaus to respond is November 18, 2009.
3. In light of recent TTAB and Federal Circuit decisions noted by the Board in its September 30, 2009 Order, Brauhaus is still evaluating the merits of the claims and allegations contained in the Amended Petition to Cancel and, accordingly, needs further time to formulate its response.
4. Brauhaus believes Petitioner will not be prejudiced by this extension of time.

WHEREFORE, for the foregoing reasons, Brauhaus respectfully requests that the Board

grant Brauhaus a 30 day extension up to and including December 19, 2009 to respond to  
Petitioner's Amended Petition to Cancel.

Respectfully submitted,

Date: November 18, 2009

/s/Lee J. Eulgen  
One of the Attorneys for Respondent,  
Brauhaus, Incorporated

Lee J. Eulgen  
Gregory J. Leighton  
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CERTIFICATE OF SERVICE

I, Gregory J. Leighton, an attorney, state that I caused a copy of the foregoing, Respondent's Motion for Extension of Time to Respond, to be served upon the following via U.S. Mail on this 18th day of November, 2009:

Jack L. Most  
GOETZ FITPATRICK LLP  
One Penn Plaza 44<sup>th</sup> Floor  
New York, NY 10119

/s/Gregory Leighton  
Gregory J. Leighton