

ESTTA Tracking number: **ESTTA393067**

Filing date: **02/13/2011**

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

Proceeding	77626778
Applicant	LaPolla Industries, Inc.
Correspondence Address	DANIEL S. POLLEY DANIEL S. POLLEY, P.A. 7251 WEST PALMETTO PARK ROAD, SUITE 202 BOCA RATON, FL 33433 UNITED STATES betty@danpolley.com, dan@danpolley.com
Submission	Applicant's Request to Extend
Attachments	7009THERM-O-FLEX TTABThirdEOT.pdf (2 pages)(17758 bytes)
Filer's Name	Daniel S. Polley
Filer's e-mail	dan@danpolley.com
Signature	/Daniel S Polley/
Date	02/13/2011

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

In re application of : LaPolla Industries, Inc.
Serial No. : 77/626,778
Filed : December 4, 2008
Mark : **THERM-O-FLEX**
Trademark Attorney : John M. Kelly
Law Office : 117
Our File No. : 1127.7009

CERTIFICATE OF MAILING

I hereby certify that this correspondence, and any attachments thereto, is being electronically filed with the TTAB.

<u>Daniel S. Polley</u>	<u>/Daniel S. Polley/</u>	<u>February 13, 2011</u>
Name of Person Mailing Paper	Signature	Date

**REQUEST FOR EXTENSION OF TIME FOR FILING
APPLICANT'S APPEAL BRIEF**

Mail Stop TTAB
Commissioner for Trademarks

Dear Sir:

It is respectfully requested that the time now set for filing Applicant-Appellant's appeal brief, presently due February 20, 2010, be extended an additional four (4) months, thus extending the time for response up to and including June 20, 2011.

This request is not made for purposes of delay, but to allow counsel additional time to prepare its comprehensive brief on the issues of record.

Applicant's counsel, the undersigned counsel has had limited contact with Applicant and thus has been unable to sufficiently consult with Applicant regarding the issues in the appeal.

During the past four months the undersigned counsel has been involved in representing the Plaintiff as its sole counsel in the patent infringement litigation case in the Southern District of Florida, namely, Trebor Industries, Inc. v. JL Gory, Inc. et al. Case No.

In re application of: LaPolla Industries, Inc.
Serial No. 77/626,778
Page 2

09-60214-CIV, and has been significantly involved with with post judgment motions and appeal issues.

The undersigned is also heavily involved in a federal trademark litigation matter in the District Court of Nevada in Las Vegas, Nevada (Glen J. Lerner et al. v. Richard Sackett et al, Case No. 2:08-cv-01123-KJD-RJJ). The Las Vegas litigation has also been quite active the past several months in view of the extended discovery period. Further out of state depositions and possible out of state mediation are also expected.

The undersigned counsel also continues to be involved in several other pre-litigation matters.

In addition to the above, the undersigned counsel is involved with other unanticipated matters which have required that counsel's attention be diverted away from matters scheduled on counsel's docket.

As this is an Ex Parte Appeal, not involving other parties, it is respectfully believed that this Request will not be prejudicial to any third party.

It is therefore respectfully requested that Applicant-Appellant be granted ample time, until June 20, 2011, in which to file its Appellant's Brief.

Respectfully submitted,

/Daniel S. Polley/
Daniel S. Polley, Reg. No. 34,902
DANIEL S. POLLEY, P.A.
7251 W. Palmetto Park Road, Suite 202
Boca Raton, Florida 33433
Phone (561) 347-5955
Fax (561) 807-5987
Email: dan@danpolley.com

7009THERM-O-FLEX.TTABSecondEOT.doc