



900 THIRD AVENUE, 23RD FLOOR  
NEW YORK, NEW YORK 10022  
t 212.753.5000  
f 212.753.5044  
www.schiffhardin.com

August 16, 2007

VIA FACSIMILE

The Hon. Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007

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CHAMBERS  
AUG 17 2007  
JUDGE SCHEINDLIN

Re: Powerful Katinka, Inc. v. McFarland  
07 CIV 6036 (SAS)(AJP)

Dear Judge Scheindlin:

This firm represents the plaintiff in the above-referenced action. I write in response to Ms. Kanth's letter of August 16.

Ms. Kanth omits to mention that plaintiff previously granted defendants an extension of their time to answer in order that they could retain intellectual property counsel. That extension was from July 17 to August 10. Mr. Serrins first requested a second extension for defendants on August 10, the day their answer was due under the August 7, 2007 Scheduling Order. Nothing in his voicemail left for me on August 10 indicated that intellectual property counsel already had been retained, as Ms. Kanth states. Rather, as had been stated to the Court on August 7, I was told that defendants – who were served on June 27 – still were looking to retain intellectual property counsel. I cannot imagine what could have happened between August 7, when the Court was told the answer would be filed in three days, and August 10, to warrant more time, particularly if new counsel already was on board before I was contacted. I have not been served with an appearance by any other counsel in the ensuing week. Nor does Ms. Kanth's letter identify the new counsel by name.

The date to which defendants seek to extend their time to answer is the date by which Rule 26(a) disclosures are to be made, August 24. If the Court is inclined to entertain defendants' request, I respectfully suggest that defendants should be directed to serve their answer by hand on August 20, 2007, and abide by the remaining deadlines.

*Defendants answer is due  
on August 22, 2007.*

*Dated August 17, 2007*  
cc.: Antara Kanth, Esq.

NY 50201953.1

SO ORDERED:

*Shira A. Scheindlin, U.S.D.J.*

Respectfully submitted,

*David Jacoby*  
David Jacoby

Powerful Katinka, Inc. v. McFarland et al.

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