

# MEMO ENDORSED

COHEN & GRESSER LLP

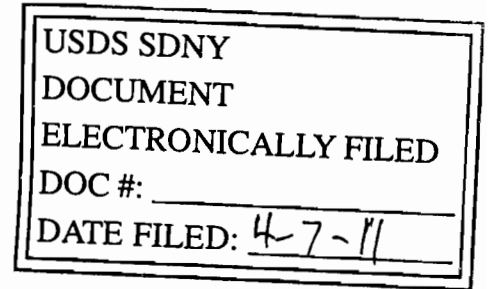
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April 7, 2011

VIA EMAIL

Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York  
Courtroom 21C  
500 Pearl Street, Room 640  
New York, NY 10007



Re: Thomas A. Simonian v. Maybelline LLC  
Case No. 1:11-cv-01928 (RJS)

Dear Judge Sullivan:

We are counsel to Defendant Maybelline LLC (“Maybelline”) in the above-referenced case. We write on behalf of counsel for all parties in this action to jointly request a two-week extension of the date for Maybelline to file a Motion for Reconsideration or, in the alternative, an Answer to the Complaint (the “Motion or Answer”).

As set forth in the Court’s March 28, 2011 Order, Maybelline’s Motion or Answer is due on April 8, 2011. Because the parties are in the process of preparing papers to dismiss this case, they request a two-week extension to this to proceed. The parties previously requested an extension of the time to file the Motion or Answer to allow Plaintiff Simonian to consider the ramifications of the Federal Circuit’s ruling in *In re BP Lubricant* on March 25, 2011. The Court granted the parties’ request on March 28, 2011. Plaintiff Simonian has consented to the present request for a two-week extension.

Accordingly, the parties respectfully request that the Court extend the date for Maybelline to file a Motion or Answer to April 22, 2011.

Very truly yours,

  
  
SO ORDERED:   
Date:  RICHARD J. SULLIVAN  
U.S.D.J. Sandra C. McCallion

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