

TTAB

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Intellectual Property
Law Worldwide

November 8, 2013

By Express Mail

Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Attn: Karl Kochersperger, Paralegal Specialist

**Re: Potential Opposition Against STANDARD BURGER Trademark Application,
U.S. Serial No. 85/856,422**

Dear Mr. Kochersperger:

We represent Standard International Management, LLC ("Standard International"), the owner of the brand THE STANDARD, which it uses for well-known hotels and related restaurants and clubs. Please note that today we enclose for filing a Response to the Board Order Regarding the Basis for Extension of Time Request.

Sincerely,



Jennifer J. Theis

JJT/nat
Enclosure
cc: Christopher M. Dolan, Esq.



11-08-2013

U.S. Patent and Trademark Office #72

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

STANDARD INTERNATIONAL
MANAGEMENT, LLC

STANDARD BURGER GROUP LLC

Applicant.

STANDARD BURGER, Serial No.
85/856,422

**STANDARD INTERNATIONAL MANAGEMENT, LLC'S RESPONSE TO
BOARD ORDER REGARDING BASIS FOR EXTENSION OF TIME
REQUEST**

Standard International Management, LLC (“Standard International” or “Potential Opposer”) replies to the Board Order dated October 22, 2013 permitting Standard International to respond to Applicant Standard Burger Group, LLC’s (“Standard Burger Group” or “Applicant”) motion for reconsideration of the Board’s September 27, 2013 grant of Potential Opposer’s extension of time to oppose. For reasons discussed in more detail below, Standard International states that good cause, that Standard Opposer needs additional time to investigate the claim and confer with counsel, existed at the time of filing the extension request. *See* 37 C.F.R. § 2.102(c)(2). Due to an inadvertent clerical error, the basis indicated on the extension of time as filed, that potential opposer is engaged in settlement discussions with applicant was selected. Accordingly, Standard International requests that the Board grant its request for an extension of time to oppose on the basis that Standard

International needs additional time to investigate the claim and confer with counsel, a good cause for the extension of time, which existed at the time of filing the extension request.

Standard International's predecessor-in-interest, HotelsAB, LLC, filed a First 30 Day Request for Extension of Time to Oppose Applicant Standard Burger Group LLC's Application Serial No. 85/856,422 for STANDARD BURGER on August 27, 2013. On behalf of Standard International, counsel Ms. Jennifer J. Theis undertook to file a 60 Day Request for Extension of Time to Opposer for Good Cause ("60 Day Request for Extension of Time") on September 27, 2013. (Theis Aff. ¶ 3) The basis for good cause was that Standard International needed additional time to investigate the claim and confer with counsel. (*Id.*)

While preparing the 60 Day Request for Extension of Time, Ms. Theis inadvertently clicked on the box that selected "The potential opposer is engaged in settlement discussions with applicant." (Theis Aff. ¶ 4) Before submitting the 60 Day Request for Extension of Time, Ms. Theis noticed that she had selected the incorrect basis. (Theis Aff. ¶ 5) She then went back to the page on the form to correct this filing basis, believed she had corrected the filing basis, and then submitted the 60 Day Request for Extension of Time. (*Id.*)

On October 22, counsel for Standard International received the TTAB Order relating that counsel for Standard Burger Group LLC had filed a communication denying the factual basis for Potential Opposer's September 27 extension request, namely that potential opposer is engaged in settlement discussions with applicant. (Theis Aff. ¶ 6) This communication was the first that counsel and Standard

International realized that the 60 Day Request for Extension of Time had been mistakenly filed with an incorrect basis. (*Id.*)

Accordingly, the basis for the extension of time as filed, that potential opposer is engaged in settlement discussions with applicant, was an inadvertent mistake. Presumably, when Ms. Theis went back to correct the filing basis, she did not actually correct the filing basis. However, good cause, that Standard Opposer needs additional time to investigate the claim and confer with counsel, existed at the time of filing the extension request and it still exists. (*See* Theis Aff. ¶ 3)

For the foregoing reasons, Standard International respectfully requests that the Board grant its request for an extension of time to oppose on the basis that Standard International needs additional time to investigate the claim and confer with counsel, which existed at the time of filing the extension request.

Respectfully submitted,

STANDARD INTERNATIONAL
MANAGEMENT, LLC

Date: November 8, 2013

By: /Jennifer J. Theis/
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Jennifer J. Theis
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Attorneys for Standard International
Management, LLC

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

STANDARD INTERNATIONAL
MANAGEMENT, LLC

STANDARD BURGER GROUP, LLC

Applicant.

STANDARD BURGER, Serial No.
85/856,422

AFFIDAVIT OF JENNIFER J. THEIS

STATE OF ILLINOIS)

)
SS COUNTY OF
COOK)

AFFIDAVIT OF JENNIFER J. THEIS

Jennifer J. Theis, being sworn, states as

follows:

1. I am counsel for Standard International Management, LLC (Standard International” or “Potential Opposer”) in the above-captioned matter.
2. Standard International’s predecessor-in-interest, HotelsAB, LLC filed a First 30 Day Request for Extension of Time to Oppose Applicant Standard Burger Group LLC’s Application Serial No. 85/856,422 for STANDARD BURGER on August 27, 2013.
3. On behalf of Standard International, I undertook to file a 60 Day Request for Extension of Time to Opposer for Good Cause (“60 Day Request for Extension of Time”) on September 27, 2013. The basis for good cause was that

Standard International needed additional time to investigate the claim and confer with counsel.

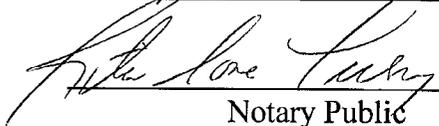
4. While preparing the 60 Day Request for Extension of Time, I inadvertently clicked on the box that selected "The potential opposer is engaged in settlement discussions with applicant."

5. Before I submitted the 60 Day Request for Extension of Time, I noticed that I had selected the incorrect basis. I went back to the page on the form to correct this filing basis, believed I had corrected the filing basis, and then submitted the 60 Day Request for Extension of Time.

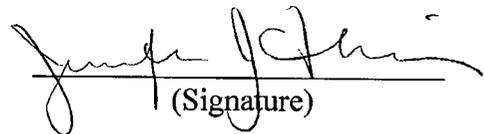
6. On October 22, we received the TTAB Order relating that counsel for Standard Burger Group, LLC had filed a communication denying the factual basis for Potential Opposer's September 27 60 Day Request for Extension of Time, namely that potential opposer is engaged in settlement discussions with applicant. This communication was the first that I and Standard International realized that the 60 Day Request for Extension of Time had been mistakenly filed with an incorrect basis.

FURTHER AFFIANT SAYETH NOT

Subscribed and sworn to before me this 8th,
day of November, 2013.



Notary Public



(Signature)



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2013 a true and correct copy of the foregoing Standard International Management, LLC's Response To Board Order Regarding Basis For Extension Of Time Request was sent to via U.S. Mail, First Class Postage Prepaid, at the following address:

Neal L. Slifkin
Harris Beach PLLC
99 Garnsey Rd Ste 1
Pittsford, NY 14534

/Jennifer J. Theis/
Jennifer J. Theis
One of the Attorneys for Standard
International Management, LLC