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

Proceeding	91165519
Party	Plaintiff Corporacion Habanos, S.A. Corporacion Habanos, S.A. Avenida 3ra, #2006, e/20 y 22Miramar Havana, CUBA
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Submission	Motion to Extend
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Date	04/14/2006
Attachments	HC.mot.ext.discovery.pdf (3 pages)

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

In the matter of Trademark Application
Serial No. 78/363024
Filed February 5, 2004
For the mark HAVANA CLUB
Published in the *Official Gazette* on December 14, 2004

CORPORACION HABANOS, S.A.,)	
)	
Opposer,)	Opposition No. 91165519
)	
v.)	
)	
ANNCAS, INC.,)	
)	
Applicant.)	

OPPOSER’S MOTION TO EXTEND DISCOVERY PERIOD TO TAKE ORAL
DEPOSITION OF LATE IDENTIFIED POTENTIAL WITNESS

Opposer Corporacion Habanos, S.A. (“Opposer”) hereby moves for an extension of the April 15, 2006 discovery deadline in the above-captioned matter to May 12, 2006 for the sole purpose of taking the oral deposition in the United States of Nestor Placencia, a potential witness for Applicant who resides outside the U.S., and who was not identified by Applicant until March 24, 2006, near the close of discovery.

1. Opposer served its First Set of Interrogatories and First Request For Production of Documents and Things on Applicant on December 21, 2005. Applicant served its written responses and several documents on January 25, 2006.

2. In the discovery requests, Opposer sought the identity of individuals with knowledge of Applicant’s position concerning the central issue of what is “Cuban seed” tobacco, whether it has a connection to Cuba or Havana, and if so, what is that connection. The only

person Applicant identified with any knowledge of these issues was its President, William Bock. It did not identify Nestor Placencia, except as a possible supplier or manufacturer of tobacco for use in Applicant's future proposed HAVANA CLUB-branded product.

3. Not until the deposition of Mr. Bock on March 24, 2006, did Applicant, through Mr. Bock's testimony, reveal that Mr. Bock's knowledge concerning "Cuban seeds" and "Cuban seed" tobacco was in fact based on information provided by Mr. Placencia.

4. Following the March 24 deposition, Applicant's counsel proposed that the parties stipulate to extend the discovery deadline to complete certain discovery. In connection therewith, the undersigned requested that Applicant either agree not to use Mr. Placencia as a witness in this proceeding, given his belated identification, or to make Mr. Placencia available for an oral deposition in the United States, and that otherwise Opposer would object to, and would seek to exclude, any use of his testimony in this proceeding.

5. Following Applicant's counsel's request for a stipulation on discovery, on April 10, 2006, the undersigned circulated to Applicant's counsel a proposed stipulation to extend discovery on certain issues, including with respect to Mr. Placencia. Despite several attempts this week by the undersigned by email and phone to obtain a response to the proposed stipulation, Applicant's counsel has failed to respond to the proposal.

6. Opposer reserves all its rights to oppose, to object to, and to seek to exclude any testimony by Mr. Placencia, whether by deposition, declaration, affidavit, or otherwise, that Applicant might seek to use, including if Applicant fails to make him available for deposition in the United States.

WHEREFORE, Opposer requests that its Motion for an extension of the April 15, 2006 discovery deadline to May 12, 2006 for the sole purpose of taking the oral deposition of Nestor Placencia in the United States be granted.

Dated: New York, New York
April 14, 2006

Respectfully submitted,

/David B. Goldstein/
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was emailed to and was served on Applicant by mailing, postage prepaid, said copy on April 14, 2006 via U.S. Mail to:

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