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

Proceeding	91181621
Party	Defendant Les Pierres Stonedged Inc.
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Date	11/17/2009
Attachments	2009-11-17 Applicant's Opposition to Opposer's Motion for Extension of Time 91181621 - STONEDGE.pdf ( 9 pages )(525787 bytes )

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

StonCor Group, Inc.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181621
v.	)	
	)	Ser. No. 76650832
Les Pierres Stonedge Inc.,	)	
	)	
Applicant.	)	

**APPLICANT’S OPPOSITION TO STONCOR’S MOTION FOR A FORTY-FIVE DAY  
EXTENSION OF TIME TO FILE STONCOR’S PRINCIPAL BRIEF**

Applicant, Les Pierres Stonedge Inc., hereby opposes Opposer, StonCor Group Inc.’s Motion for a Forty-Five (45) Day Extension of Time to File Stoncor’s Principal Brief on the grounds that the amount of time requested is clearly excessive.

In Opposer’s Motion, Opposer’s counsel pleads that the press of other litigation and the impending year-end holidays are preventing him from preparing and filing Opposer’s Principal Brief in this opposition which has been pending for nearly two (2) years. While Applicant does not contest that the press of litigation can constitute good cause, Applicant avers that a forty-five (45) day extension is clearly excessive under the circumstances presented by Opposer’s counsel.

Opposer’s counsel, Mr. Charles N. Quinn, is not the only attorney involved in the litigation noted in Opposer’s Motion. The filings in that case reflect that two other attorneys from Mr. Quinn’s firm have made appearances in the case and that these other attorneys are filing

documents with the court. A recently-filed Stipulation and [Proposed] Order filed with the court on October 2, 2009 shows the three attorneys from Mr. Quinn's firm in the signature block of the filing. A copy of this filing is submitted herewith as Exhibit A. Moreover, Opposer appears to vastly overstate the "numerous motions, answers, replies and sur replies" that have been filed in the noted litigation. A copy of the docket showing a total of one motion, one response and two replies that have been filed in the case is submitted herewith as Exhibit B. Thus, Mr. Quinn or one or more of the other 450+ attorneys from Mr. Quinn's firm certainly must have time to both attend to the noted litigation and to prepare Opposer's Principal Brief in this opposition. The addition of another thirty (30) days on top of the sixty (60) provided for by rule is unquestionably more than sufficient for Opposer's counsel to prepare and file Opposer's Principal Brief. It is noted that the special discovery granted by the court in the litigation in which Opposer's counsel is involved is set to close on November 27th.

Thus, while a short extension of no more than thirty (30) days will give Opposer's counsel most of the month of December to prepare and file Opposer's Principal Brief, a forty-five (45) day extension is clearly excessive. *See Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Soletoduceale SCRL*, 59 USPQ2d 1383 (TTAB 2001) (denying a sixty (60) day extension of time, but granting a thirty (30) day extension requested due to the press of litigation).

Applicant objects to any further delay in this opposition proceeding. It is unreasonable to expect Applicant to await the conclusion of all of Opposer's counsel current and future litigations

before obtaining its registration. Applicant, therefore, requests that the Board affirmatively inform Opposer's counsel that no further extensions will be granted absent Applicant's consent or a showing of extraordinary circumstances. *See Id.* (stating that opposer's testimony period would not be further extended in view of applicant's stated objections to further delay).

Respectfully submitted,

LES PIERRES STONEDGE INC.

Date: November 17, 2009

By:   
James R. Menker

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing “APPLICANT’S OPPOSITION TO STONCOR’S MOTION FOR A FORTY-FIVE DAY EXTENSION OF TIME TO FILE STONCOR’S PRINCIPAL BRIEF” was served on Opposer’s attorney, Charles N. Quinn of Fox Rothschild LLP with an address at 2000 Market Street, 10<sup>th</sup> Floor, Philadelphia, PA 19103-3291, via first class mail, postage prepaid, today November 17, 2009.

By:   
Laura K. Greer

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOVATEC, INC.,	)	
	)	
Plaintiff,	)	Civil Action No. 09-cv-2887
	)	
v.	)	Judge Fullam
	)	
THE CONAIR GROUP, INC.,	)	
	)	
Defendant.	)	
	)	

**STIPULATION AND [PROPOSED] ORDER**

In view of this Court's Order dated September 28, 2009 affording the parties 60 days to conduct discovery on the issue of venue/jurisdiction,

THE PARTIES HEREBY STIPULATE that Defendant's answer will be due 10 days after the Court's decision on the renewed motion or, if a renewed motion is not filed, the answer will be due by December 11, 2009.

IT IS SO ORDERED.

BY THE COURT:

Date: October \_\_, 2009

\_\_\_\_\_  
John P. Fullam, Sr. J.

/s/ Eric E. Reed

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# EXHIBIT B

**2:09-cv-02887-JF** NOVATEC, INC. v. THE CONAIR GROUP, INC.  
 JOHN P. FULLAM, presiding  
**Date filed:** 06/26/2009  
**Date of last filing:** 10/06/2009

## History

<b>Doc. No.</b>	<b>Dates</b>	<b>Description</b>
--	<i>Filed &amp; Entered:</i> 10/06/2009	● Update Answer Deadline
<u>13</u>	<i>Filed &amp; Entered:</i> 10/05/2009	● Order
<u>12</u>	<i>Filed &amp; Entered:</i> 10/02/2009	● Stipulation
<u>11</u>	<i>Filed &amp; Entered:</i> 09/28/2009	● Order on Motion to Dismiss
<u>10</u>	<i>Filed &amp; Entered:</i> 09/25/2009	● Reply to Response to Motion
<u>9</u>	<i>Filed &amp; Entered:</i> 09/21/2009	● Reply to Response to Motion
<u>8</u>	<i>Filed &amp; Entered:</i> 09/16/2009	● Response in Opposition to Motion
<u>6</u>	<i>Filed &amp; Entered:</i> 09/09/2009	● Disclosure Statement Form
<u>7</u>	<i>Filed &amp; Entered:</i> 09/09/2009	● Notice of Appearance
<u>5</u>	<i>Filed &amp; Entered:</i> 09/04/2009	● Summons Returned Executed
<u>4</u>	<i>Filed &amp; Entered:</i> 09/02/2009 <i>Terminated:</i> 09/28/2009	● Motion to Dismiss
--	<i>Filed:</i> 06/26/2009 <i>Entered:</i> 06/29/2009	● Summons Issued
--	<i>Filed:</i> 06/26/2009 <i>Entered:</i> 06/29/2009	● Jury Demand
<u>1</u>	<i>Filed:</i> 06/26/2009 <i>Entered:</i> 06/29/2009	● Complaint
<u>2</u>	<i>Filed:</i> 06/26/2009 <i>Entered:</i> 06/29/2009	● Disclosure Statement Form
<u>3</u>	<i>Filed:</i> 06/26/2009 <i>Entered:</i> 06/29/2009	● Report Regarding Patent & Trademark