

ESTTA Tracking number: **ESTTA283088**

Filing date: **05/11/2009**

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

Proceeding	91187460
Party	Plaintiff Tyler Perry
Correspondence Address	Victor K. Sapphire, Esq. Connolly Bove Lodge & Hutz LLP 333 South Grand Ave, Suite 2300 Los Angeles, CA 90071 UNITED STATES trademarks@cblh.com, vsapphire@cblh.com
Submission	Motion to Extend
Filer's Name	Victor K. Sapphire, Esq.
Filer's e-mail	vsapphire@cblh.com, trademarks@cblh.com
Signature	/victor sapphire/
Date	05/11/2009
Attachments	rqst extn MS.pdf (2 pages)(82423 bytes) mail1.pdf (1 page)(109905 bytes) mail2.pdf (2 pages)(212174 bytes)

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

Tyler Perry

Opposer,

v.

Edith M Jebbinson and Novella S. Brown

Applicants

Opposition No. 91187460

Application Serial No. 77/286,291

Mark: MADEA'S SECRETS

Published for Opposition:

July 15, 2008

REQUEST FOR EXTENSION OF TIME

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Opposer Tyler Perry ("Perry"), an individual having a business address c/o Ziffren, Brittenham et al., 1800 Century Park West, Los Angeles, California 90067, through its counsel, has made several attempts via e-mail and first-class mail, to contact Applicants in order to arrange and conduct the Discovery Conference required under Rule 26(f). Applicants have not responded to any of Opposer's entreaties. Copies of representative e-mails to Applicants are enclosed.

In light of there not yet having been conducted a Discovery Conference in the instant proceeding, Opposer is unable to proceed with discovery on Applicants. Fed.R.Civ.P. 26(d)(1) states:

A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order. .

In an abundance of caution, Opposer has timely prepared and served a set of Initial Disclosures on Applicants. However, because of Rule 26(d)(1)'s admonition, Opposer submits that it would be appropriate to extend the time for conducting the Rule 26(f) Discovery Conference until June 8, 2008, or two months from the original deadline, in order to provide additional time for the parties to get in contact with one another and arrange and conduct the conference.

Opposer therefore respectfully requests that the calendar dates set forth on the Board's January 28, 2009 Order be reset by two months with the first upcoming date reset from April 8, 2009 to June 8, 2008, etc.

Respectfully submitted,

Dated: _____

5/18/09

By: _____



Grant T. Langton
Victor K. Sapphire
Attorneys for Opposer
CONNOLLY BOVE LODGE & HUTZ LLP
Los Angeles, California 90071
(213) 787-2500

Victor Sapphire

From: Victor Sapphire
Sent: Tuesday, March 24, 2009 7:11 PM
To: 'nsbrown76@yahoo.com'
Subject: Re: U.S. Trademark Trial and Appeal Board - Opposition to MADEA'S SECRETS

Dear Ms. Brown:

We represent Tyler Perry in the Opposition pending against your application to register MADEA'S SECRETS.

There is an upcoming deadline of April 8, 2009 before which we are to have a Discovery Conference and discuss this matter and whether there is any potential for amicable settlement. Please let me know your availability in the upcoming weeks leading up to the 8th, and a number at which you may be reached so that we may set up a date and time for the teleconference.

I look forward to your early response.

Sincerely,

Vic Sapphire

Victor K. Sapphire, Esq.

Legal Solutions for Strategic Brand Protection

Connolly Bove Lodge & Hutz LLP

333 S. Grand Avenue

Suite 2300

Los Angeles, California 90071-1504

telephone: 213.787.2523

cellular: 323.449.7872

facsimile: 213.687.0498

email: vsapphire@cblh.com

AIM/iChat: newworldmoneysys

URL: www.cblh.com

Victor Sapphire

From: Victor Sapphire
Sent: Tuesday, March 31, 2009 12:40 PM
To: 'nsbrown76@yahoo.com'
Cc: Victor Sapphire
Subject: FW: Re: U.S. Trademark Trial and Appeal Board - Opposition to MADEA'S SECRETS
Importance: High

REMINDER

We have not yet heard back from you regarding scheduling the required discovery conference. Please let me have a telephone number at which you may be reached so that we can convene the conference, as discussed below. Such conferences are generally brief and somewhat of a formality, so I do not anticipate it will be a very long telephone call.

I look forward to hearing from you at your earliest convenience.

Sincerely,

Victor Sapphire

Victor K. Sapphire, Esq.

Legal Solutions for Strategic Brand Protection

Connolly Bove Lodge & Hutz LLP

333 S. Grand Avenue

Suite 2300

Los Angeles, California 90071-1504

telephone: 213.787.2523

cellular: 323.449.7872

facsimile: 213.687.0498

email: vsapphire@cblh.com

AIM/iChat: newworldmoneysys

URL: www.cblh.com

From: Victor Sapphire
Sent: Tuesday, March 24, 2009 7:11 PM
To: 'nsbrown76@yahoo.com'
Subject: Re: U.S. Trademark Trial and Appeal Board - Opposition to MADEA'S SECRETS

Dear Ms. Brown:

We represent Tyler Perry in the Opposition pending against your application to register MADEA'S SECRETS.

There is an upcoming deadline of April 8, 2009 before which we are to have a Discovery Conference and discuss this matter and whether there is any potential for amicable settlement. Please let me know your availability in the upcoming weeks leading up to the 8th, and a number at which you may be reached so that we may set up a date and time for the teleconference.

I look forward to your early response.

Sincerely,

5/11/2009

Vic Sapphire

Victor K. Sapphire, Esq.

Legal Solutions for Strategic Brand Protection

Connolly Bove Lodge & Hutz LLP

333 S. Grand Avenue

Suite 2300

Los Angeles, California 90071-1504

telephone: 213.787.2523

cellular: 323.449.7872

facsimile: 213.687.0498

email: vsapphire@cblh.com

AIM/iChat: newworldmoneysys

URL: www.cblh.com