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

Proceeding	91189169
Party	Plaintiff Natural Couture, Inc.
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Date	01/28/2013
Attachments	Response to OSC.pdf ( 3 pages )(245176 bytes )

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

Natural Couture, Inc.	)	Opposition No. 91189169
	)	
	)	
Opposer,	)	
	)	
vs.	)	
	)	Our File No. 83201-2
	)	
Xtreme Couture, Inc.	)	
	)	
Applicant.	)	
_____	)	

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

RESPONSE TO ORDER TO SHOW CAUSE AND  
MOTION FOR SUSPENSION OF PROCEEDINGS AND EXTENSION OF TIME  
FOR DISCOVERY AND TESTIMONY PERIODS

Opposer Natural Couture, Inc. (“Opposer”) hereby responds to the Order to Show Cause issued by the Board on December 28, 2012 (the “Order”).

Opposer hereby moves that these proceedings be suspended for three (3) additional months due to the parties’ settlement discussions and that the discovery and testimony periods be extended and reset as set forth below. Since the Board issued its Order, the parties have held multiple settlement conferences. More recently, there has been an apparent change of counsel for Applicant, and the parties continue to be involved in **intensive** settlement negotiations, which

they expect to reach fruitful resolution in the near future.<sup>1</sup> As such, it would be wasteful of the Board's and the parties' resources to prepare this case for trial at this time.

The requested suspension and these extensions are requested to allow the parties to pursue discovery and to discuss ongoing settlement discussions, and are not for the purpose of undue delay. Accordingly, Opposer hereby requests a brief ninety (90) day suspension of these proceedings and extension of the remaining dates in order to complete the settlement negotiations.

On that basis, Opposer proposes that the following dates and deadlines be put in place:

Deadline for Discovery Conference	May 6, 2013
Discovery Opens	May 6, 2013
Initial Disclosures Due	May 20, 2013
Expert Disclosures Due	June 3, 2013
Discovery Closes	July 15, 2013
Plaintiff's Pretrial Disclosures Due	July 29, 2013
Plaintiff's 30-day Trial Period Ends	August 26, 2013
Defendant's Pretrial Disclosures Due	September 9, 2013
Defendant's 30-day Trial Period Ends	October 14, 2013
Plaintiff's Rebuttal Disclosures	October 28, 2013
Plaintiff's 15-day Rebuttal Period Ends	November 18, 2013

Respectfully submitted,



DATED: January 28, 2013

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<sup>1</sup> The parties have been engaged in protracted settlement negotiations for many months involving a highly complex business dispute, only a small part of which involves the trademarks at issue in this proceeding. The parties were previously unable to proceed in connection with this opposition and the trademark issues raised herein based on the larger unresolved business issues involved in the dispute. However, Opposer anticipates that the parties will be able to agree on a settlement of all claims in the near future.

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is: 660 Newport Center Drive, Suite 1600, Newport Beach, CA 92660.

On January 28, 2013, I served the following described as RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR SUSPENSION OF PROCEEDINGS AND EXTENSION OF TIME FOR DISCOVERY AND TESTIMONY PERIODS on the interested parties in this action by e-mail, and by regular mail, placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Michael Bassiri  
1799 Apollo Court  
Seal Beach, California 90740  
United States  
[bassiri@afflictionclothing.com](mailto:bassiri@afflictionclothing.com)  
[lmix@afflictionclothing.com](mailto:lmix@afflictionclothing.com)

**(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

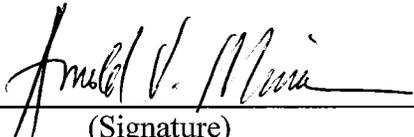
**(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**(FEDERAL)** I declare that I am employed in the offices of a member of this court at whose direction the service was made.

XX

Executed on January 28, 2013 at Newport Beach, California.

Arnold Mina  
(Print Name)

  
\_\_\_\_\_  
(Signature)