

ESTTA Tracking number: **ESTTA522833**

Filing date: **02/21/2013**

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

Proceeding	91189169
Party	Defendant Xtreme Couture, Inc
Correspondence Address	JANET ROBERTSON KAUFMAN 462 STEVENS AVE., STE. 310 SOLANA BEACH, CA 92075 UNITED STATES jank@wknjlaw.com, lmix@afflictionclothing.com
Submission	Opposition/Response to Motion
Filer's Name	Janet Kaufman
Filer's e-mail	jank@wknjlaw.com
Signature	/Janet Kaufman/
Date	02/21/2013
Attachments	Xtreme Couture.pdf (5 pages)(903233 bytes)

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

NATURAL COUTURE, INC.

Opposer,

v.

OPPOSITION NO. 91189169

XTREME COUTURE, INC.

Applicant.

**APPLICANT'S RESPONSE TO OPPOSER'S RESPONSE TO ORDER TO SHOW
CAUSE AND MOTION FOR SUSPENSION OF PROCEEDINGS AND EXTENSION OF
TIME FOR DISCOVERY AND TESTIMONY PERIODS**

Applicant Xtreme Couture, Inc. opposes the Opposer's motion and response to the Order to Show Cause on the grounds that Applicant is aware of NO settlement discussions that have taken place in this matter for at least the last six months. (See Declaration of Janet Kaufman submitted herewith.) Pursuant to TBMP Rule 509, the Opposer must establish good cause as to why a delay in the proceeding is necessary. Here, the Opposer has not been diligent in this matter in that no discussions of settlement have been held for at least the last six months with the real party in interest. Accordingly, the motion to extend time should be denied and the opposition should be dismissed for lack of diligent prosecution.

CONCLUSION

Considering Plaintiff has not been diligent in prosecuting this matter, the Opposition should be dismissed.

RESPECTFULLY SUBMITTED

Dated: 2/20/13



Janet Robertson Kaufman
Weeks, Kaufman, Nelson & Johnson
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Solana Beach, CA 92075
Cal. State Bar No. 116143
858-794-2140
858-794-2141 (fax)

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing **RESPONSE TO OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR SUSPENSION OF PROCEEDINGS AND EXTENSION OF TIME FOR DISCOVERY AND TESTIMONY PERIODS** and **DECLARATION OF JANET KAUFMAN IN SUPPORT OF RESPONSE TO OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR SUSPENSION OF PROCEEDINGS AND EXTENSION OF TIME FOR DISCOVERY AND TESTIMONY PERIODS** was served upon the person listed below by way of first class mail, postage prepaid on February 20, 2013.

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Thomas Speiss
Stradling Yocca Carlson & Rauth P.C.
100 Wilshire Blvd., Suite 440
Santa Monica, CA 90401
With a courtesy copy to: tspeiss@ycr.com



Janet Kaufman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NATURAL COUTURE, INC.

Opposer,

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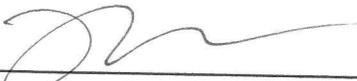
Applicant.

**DECLARATION OF JANET KAUFMAN IN SUPPORT OF APPLICANT'S RESPONSE
TO OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR
SUSPENSION OF PROCEEDINGS AND EXTENSION OF TIME FOR DISCOVERY AND
TESTIMONY PERIODS**

I, Janet Kaufman declare as follows:

1. I am the attorney for the majority owners of the Applicant herein. I make this declaration based upon my own personal knowledge and, if called upon, I could competently testify to the facts contained herein.
2. Michael Bassiri was the former counsel for Applicant, an affiliate company of Affliction Holdings LLC.
3. Mr. Bassiri left the employment of Affliction in August of 2012, and at that time I was retained to handle trademark and other corporate matters for Affliction and for affiliated companies sharing the same ownership, including the Applicant herein.

4. I have not received any communications from counsel for the Opposer in this matter since being retained by Affliction and have never engaged in any settlement negotiations in this matter.
5. I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on February 14, 2013 in Solana Beach, California.



Janet Kaufman