

ESTTA Tracking number: **ESTTA311739**

Filing date: **10/15/2009**

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

Proceeding	91191371
Party	Defendant Dale D. Goldschlag, D.D.S., P.C.
Correspondence Address	ADAM B. KAUFMAN 585 STEWART AVE., STE 302 GARDEN CITY, NY 11530-4701 UNITED STATES abk@abkattorneys.com
Submission	Other Motions/Papers
Filer's Name	Simon Bock
Filer's e-mail	sbock99@yahoo.com, abk@abkattorneys.com
Signature	/sb/
Date	10/15/2009
Attachments	MOTION TO SET ASIDE JUDGMENT AND EXTEND.pdf ( 3 pages )(22890 bytes )

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

-----X	:	
CLEARCHOICE HOLDINGS LLC,	:	
	:	
	:	
Opposer,	:	
	:	Opposition No.: 91191371
v.	:	Serial No.: 77685491
	:	
DALE D. GOLDSCHLAG,	:	
D.D.S., P.C.,	:	
	:	
Applicant.	:	
	:	
-----X	:	

**APPLICANT’S MOTION TO SET ASIDE JUDGMENT BY DEFAULT AND  
MOTION TO EXTEND TIME TO ANSWER**

Applicant hereby requests that the Judgment by Default issued against Applicant on September 30, 2009 be set aside. Specifically, Applicant’s counsel has retained special outside intellectual property counsel, Simon Bock, Esq., to assist in this Opposition due to his experience with the procedures in the United States Patent and Trademark Office Trademark Trial and Appeal Board (the “TTAB”). Mr. Bock has contacted Opposer’s counsel who has agreed that the Default Judgment should be withdrawn and has consented and agreed to additional time to file an Answer in this Opposition. Opposer has also proposed a settlement to this dispute which is being reviewed and considered by Applicant. Therefore, Applicant respectfully requests that the default be vacated.

Furthermore, subject to the approval of the TTAB, the parties hereto, by and through their respective attorneys, consent and agree to extend the time for Applicant to file an Answer to the

Notice of Opposition for forty five (45) days, until October 27, 2009. In addition, the parties hereto, consent and agree to extend all the remaining dates by thirty (30) days as follows

Deadline for Discovery Conference – 11/14/2009 (from 10/15/2009)  
Discovery Opens – 11/14/2009 (from 10/15/2009)  
Initial Disclosures Due – 12/14/2009 (from 11/14/2009)  
Expert Disclosures Due – 4/13/2010 (from 3/14/2010)  
Discovery Closes – 5/13/2010 (from 4/13/2010)  
Plaintiff's Pretrial Disclosures – 6/27/2010 (from 5/28/2010)  
Plaintiff's 30-day Trial Period Ends – 8/11/2010 (from 7/12/2010)  
Defendant's Pretrial Disclosures – 8/27/2010 (from 7/27/2010)  
Defendant's 30-day Trial Period Ends – 10/10/2010 (from 9/10/2010)  
Plaintiff's Rebuttal Disclosures – 10/25/2010 (from 9/25/2010)  
Plaintiff's 15-day Rebuttal Period Ends – 11/24/2010 (from 10/25/2010)

Katherine Compton, Esq., attorney for Opposer, has consented and agreed to the extensions of time set forth above, by telephone conference with Simon Bock, Esq., Special IP Counsel to Adam B. Kaufman & Associates, PLLC, attorneys for Applicant on October 12, 2009.

Dated: New York, New York  
October 15, 2009

ADAM B. KAUFMAN & ASSOCIATES, PLLC  
Attorneys for Applicant  
585 Stewart Avenue, Suite 302  
Garden City, New York 11530  
(516) 228-8823



By: \_\_\_\_\_  
Adam B. Kaufman

**CERTIFICATE OF SERVICE**

This will certify that on the 15<sup>th</sup> day of October, 2009 a true and correct copy of the **APPLICANT'S MOTION TO SET ASIDE JUDGMENT BY DEFAULT AND MOTION TO EXTEND TIME TO ANSWER** was mailed, first class, postage prepaid to attorney for Opposer as follows:

Katherine Compton, Esq.  
Greenberg Traurig LLP  
2200 Ross Avenue, Suite 5200  
Dallas, TX 75201

A handwritten signature in dark ink, appearing to read "Adam Kaufman", written in a cursive style.

---

Adam B. Kaufman