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

Proceeding	91192102
Party	Defendant Lagina, Martin G.
Correspondence Address	LAGINA, MARTIN G. 121 E FRONT ST STE 200 TRAVERSE CITY, MI 49684-2570 lois@rockmi.com
Submission	Motion to Extend
Filer's Name	Martin G. Lagina
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Signature	/Martin G. Lagina/
Date	11/05/2009
Attachments	Motion to Extend.pdf (3 pages)(387298 bytes)

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

PINE RIDGE WINERY, LLC.
OPPOSER,

OPPOSITION NO. 91192102

v.

MARTIN G. LAGINA,
APPLICANT

MOTION TO EXTEND TIME TO ANSWER

Applicant, Martin G. Lagina (“APPLICANT”) hereby respectfully moves the Board pursuant to Fed. R.Civ. 6 (b)(2) and 37 CFR § 2.116(a), to extend the time for the filing of APPLICANT’S Answer to the Notice of Opposition filed by Pine Ridge Winery, LLC (hereinafter, “Opposer”), a company organized under the laws of California.

In support of this Motion, APPLICANT states as follows:

1. The record in the application reveals that the mark ARCUS VINETUM was published for opposition on June 2, 2009, and that the opposition period expired on September 30, 2009. A Notice of Opposition was filed by Opposer via the Board's Electronic System for Trademark Trials and Appeals (ESTTA), on September 29, 2009, which required that the Opposer check the applicable box on the ESTTA form to indicate that it had effected service on APPLICANT. Service was not effectuated prior to the filing of the Notice of Opposition via ESTTA, as required by the Trademark Rules.

2. On November 5, 2009, APPLICANT served Opposer a Motion to Dismiss for failure to effect service on Applicant in accordance with the Trademark Rules at 37

CFR 2.101(b) and 2.119. The Motion to Dismiss was filed on November 5, 2008 via the Board's Electronic System for Trademark Trials and Appeals (ESTTA) and is pending before the Board.

3. APPLICANT'S Answer to Opposer's Notice of Opposition is currently due November 9, 2009, as adjusted. Trademark Rule 1.7. As the Motion to Dismiss is pending before the Board and the Board has not yet issued a suspension order, APPLICANT requests the Board extend APPLICANT'S time to Answer by thirty 30-days until December 8, 2009 and that all subsequent dates be reset accordingly.

4. This extension is necessitated by the Board's consideration of APPLICANT'S Motion to Dismiss, pending the Board's issuance of a suspension order.

WHEREFORE, Applicant respectfully requests that the Board extend Applicant's time to Answer the Notice of Opposition by 30-days and that all subsequent dates be reset accordingly, pending the Board's consideration of the Motion to Dismiss.

MARTIN G. LAGINA

A handwritten signature in blue ink, appearing to read 'Martin G. Lagina', written over a horizontal line.

Martin G. Lagina, Applicant

DATED: NOVEMBER 5, 2009

CERTIFICATE OF SERVICE

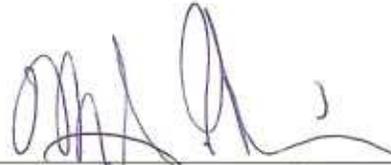
The undersigned hereby certifies that the attached Motion to Extend Time to Answer was served by depositing the same with the U.S. Postal Service, First Class Mail, addressed to the appointed attorney of record for the Opposer PINE RIDGE WINERY, LLC. as follows:

Heather A. Dunn, Esq.
DLA Piper LLP (US)
555 Mission Street, Suite 2400
San Francisco, CA 94105-2933

Attorney for PINE RIDGE WINERY, LLC.

Date of Service: November 5, 2009

MARTIN G. LAGINA



Martin G. Lagina, Applicant