

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Serial No. 77/767677

Mark: EAST SIDE SOCIAL CLUB

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,

Opposer

v.

OMRI S. SHELLEF, an individual,

Applicant.

Proceeding No.: 91194772

APPLICANT'S REQUEST TO EXPEDITE TRADEMARK REGISTRATION

This letter is a request to expedite the process and the registration of the mark "EAST SIDE SOCIAL CLUB" and to strike the opposition by Cannery Casino Resorts, LLC.

The back of the application and registration periods for "ESSC" and its opposer "CCR" are as follows:

1. June 24, 2009: The application was filed by Omri Shellef for the mark "EAST SIDE SOCIAL CLUB". This mark was published for opposition on January 5, 2010.
2. January 6, 2010: CCR requested, and was granted by the USPTO, an extension of 30 days, until March 6, 2010.
3. March 8, 2010: CCR requested, and was granted by the USPTO, a second extension period for a 60 day period until May 5, 2010
4. May 5, 2010: Opposition to the mark "EAST SIDE SOCIAL CLUB" was filed by CCR.
5. July 14, 2010: A response to the Letter of Opposition was filed by Omri Shellef, the defendant and applicant, for the mark "EAST SIDE SOCIAL CLUB".
6. A USPTO deadline for a Discovery Conference was set for July 15, 2010. This conference took place between ESSC and CCR on July 13, 2010.

7. July 13 2010: A conference was held over the telephone between ESSC and CCR. An agreement was made to send a formal request describing the information needed from the other party during the initial disclosure period. These disclosures were then to be provided to the other party by August 13, 2010.

The current situation between the two parties is described in the following:

1. CCR filed for an extension immediately after "EAST SIDE SOCIAL CLUB" was published for opposition; ESSC was contacted by CCR just days before the end of the initial extension. ESSC agreed to read and consider a settlement with CCR. This agreement was to be drafted and delivered by CCR to ESSC before the end of the first extension on Friday, March 5, 2010. This was not delivered.
2. The USPTO granted CCR a second extension for "additional time to investigate the claim," per CCR's request. Contact was not made by CCR, with ESSC, until the end of this term when ESSC, again, upon the insistence of CCR, agreed to consider a settlement that CCR would draft and deliver. This was not drafted and delivered to ESSC. An opposition was then filed.
3. After this time, CCR promised twice more to draft and deliver an agreement, and repeatedly, deadlines were set, but never met.
4. ESSC filed a response to the Opposition in a timely manner and serviced the opposition as was required and promised.
5. On Tuesday, July 13, 2010, a phone conversation took place to discuss the initial disclosures and deadlines. The terms for these were discussed, set, and agreed to by both parties. A deadline was set and agreed to for making the request of requirements and information desired for the disclosures for Friday, July 16, 2010.
6. During this same phone conversation that took place on July 13, 2010 CCR reintroduced their request for ESSC to consider a settlement that CCR would draft and deliver. ESSC again agreed to consider a settlement. CCR and ESSC agreed to a deadline for this draft to be delivered. This deadline was to be the same date as the request for initial disclosure requirements, July 16, 2010.
7. Neither a draft of the agreement nor the requirements (the information and documents requested by ESSC) for the initial disclosures were delivered to ESSC by CCR by the deadline set and agreed to by both parties.
8. CCR has made little attempt to contact ESSC. CCR delivered a package by mail of "disclosures". These "disclosures" contained none of the information that was requested by ESSC.

9. Most recently, CCR contacted ESSC regarding the matter of disclosure requirements. The CCR email, dated December 21, 2010, states, "To date, we have not received any discovery requests from you". Discovery requests were sent by email as was agreed upon, on July 16, 2010

It has been well over a year since the application for the mark "EAST SIDE SOCIAL CLUB" has been filed and any real progress has yet to be seen. There has been no effort made by the opposition, CCR to reach a resolution. The opposition's words have been little more than empty promises.

Furthermore, the opposition has taken it upon itself to dictate the way this matter should be handled; CCR has made an effort to assume the duties of the USPTO throughout this process.

At this point I must make this formal request for the USPTO to take matters regarding the registration of the mark "EAST SIDE SOCIAL CLUB" back into its own hands and accelerate the registration process for the "EAST SIDE SOCIAL CLUB" trademark and reject the CCR opposition.

If the USPTO would like any more information regarding the ESSC application and registration, ESSC will gladly supply it.

Sincerely,

Omri Shellef

Date: 27 December 2010

By: 

Omri Shellef

135 Station Rd

Great Neck, NY 11023

Telephone: 516.773.4301

Facsimile: 516.466.3941

E.mail: TKOmri@soulpushernyc.com

Individual, Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **APPLICANT'S REQUEST TO EXPEDITE TRADEMARK REGISTRATION** has been served on the Opposer Canner Casino Resorts, LLC on the 27th day of December, 2010, via E-mail, to the Opposer's council at the following address:

Bryce K. Earl, Esq.

bearl@nevadafirm.com

Date of Signature: 27 December 2010

By: _____



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Great Neck, NY 11023

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The undersigned hereby certifies that a true and correct copy of the foregoing **APPLICANT'S REQUEST TO EXPEDITE TRADEMARK REGISTRATION** has been served on the Opposer Canner Casino Resorts, LLC on the 27th day of December, 2010, via First Class Mail to the Opposer's council at the following address:

Bryce K. Earl, Esq.

Santoro, Driggs, Walch, Kearney, Holley & Thompson

400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

Date of Signature: 27 December 2010

By:  _____

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135 Station Rd

Great Neck, NY 11023

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Facsimile: 516.466.3941

E.mail: TKOmri@soulpushernyc.com

Individual, Applicant

Re: The registration of the Trademark "EAST SIDE SOCIAL CLUB" in the USPTO

27 December 2010

To Ms. Winter,

The following is a request to expedite the registration of my trademark. If you have any questions, I may be reached by phone, email and the address listed on the application.

Sincerely,

Omri Shellef

Individual, Applicant.

Proceeding Number: 91194772

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01-03-2011