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

Proceeding	91195509
Party	Defendant The International Group, Inc.
Correspondence Address	HARRY SCHOCHAT LAW OFFICE OF HARRY SCHOCHAT 8 LUNAR DRIVE WOODBIDGE, CT 06525 UNITED STATES harry@harryschochat.com, hs214@aol.com
Submission	Motion to Extend
Filer's Name	Harry Schochat, Esq.
Filer's e-mail	harry@harryschochat.com
Signature	/Harry Schochat, Esq./
Date	05/29/2013
Attachments	Motion for Extension of Time 5.29.doc.pdf(305493 bytes )

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

DENISE SNACKS, INC. and	)	
DENISE DISTRIBUTION CORP.	)	
	)	
Opposers,	)	OPPOSITION
	)	No. 91195509
v.	)	
	)	
THE INTERNATIONAL GROUP, INC.	)	
	)	
Applicant.	)	

**MOTION FOR EXTENSION OF TIME**

The Applicant, The International Group, Inc., by and through its undersigned counsel and pursuant to the Federal Rules of Civil Procedure and trademark Rules of Practice, requests that the Board, for good cause, extend the discovery and trial period in the above matter by fifteen (15) days.

The Applicant makes this motion on the consent of the opposer for such extension. A copy of an email indicating Opposer's consent to extension is attached hereto as Exhibit "A".

In support of this motion, the Applicant respectfully shows as follows:

Section 2.116(a) of the Trademark Rules of Practice provides that "except as otherwise provided, and wherever applicable and appropriate, procedure and practice in inter partes proceedings shall be governed by the Federal Rules of Civil Procedure." Rule 6(b) of the Federal Rules of Civil Procedure is therefore applicable to the instant proceeding. Rule 6(b) provides, in relevant part, as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires...

Fed.R.Civ.P. 6(b). “In determining a motion to extend time, the Board must look to whether the moving party has shown good cause therefore.” Sunkist Growers, Inc. v. Benjamin Ansehl Co., 229 U.S.P.Q. 147, 149 (T.T.A.B. 1985). As stated in American Vitamin Products Inc. v. Dow Brands Inc., 22 U.S.P.Q.2d 1313, 1315 (T.T.A.B. 1992), “ordinarily, the Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.”

In an Order dated January 1, 2013, the Board stated that it would not grant additional extensions of time without a detailed report on the progress made towards completing discovery. As discussed below, good cause exists for this extension request.

The parties have already commenced one deposition and must now complete that deposition and one additional deposition. The parties have had several conversations about the scheduling of these depositions, but have been unable to complete discovery within the assigned period due to scheduling conflicts. The discovery period was previously extended, since one of the Opposers’ principal attorneys in this matter was on maternity leave since September and, therefore, was unavailable until she returned to work in January 2013. When Opposers’ attorney returned to work, Applicant’s counsel was then unavailable because Applicant’s counsel is also a Certified Public Accountant and tax attorney and was heavily tied up with time sensitive tax matters. Accordingly, the parties filed a joint motion for extension on April 1, 2013, which was granted. Both parties and their counsel anticipated that they would be available in May to finalize the remaining depositions and any other discovery issues, however exigent circumstances have delayed the commencement of such depositions. The parties scheduled the remaining depositions for May 29, 2013 and May 30, 2013. Unfortunately, the undersigned Applicant’s counsel is required to attend hearings in the matters of *Tissa v. Winchester, CV -09-*

5006686-S, *Berkshire Bank v. CLC Realty, LLC et. al.*, CV-12-6031584-S, and *State of New York Unemployment Insurance Appeals Board Administrative Law Judge Case # 013-15744*. These hearings could not be adjourned as anticipated. This extension request is not the result of negligence or lack of diligence by Opposers or Applicant, but rather due to unforeseeable scheduling conflicts. This extension request has been agreed to by Opposers and Applicant.

Discovery is currently set to close on May 30, 2013. Applicant requests that such date be extended for fifteen (15) days, through and including June 14, 2013, and that all subsequent dates be reset as follows:

Discovery Period to Close:	06/14/2013
Plaintiff Pretrial Disclosures:	07/31/2013
Plaintiff's 30-day Trial Period Ends:	09/12/2013
Defendant's Pretrial Disclosures:	09/27/2013
Defendant's 30-day Trial Period Ends:	11/12/2013
Plaintiff's Rebuttal Disclosures:	11/27/2013
Plaintiff's 15-day Rebuttal Period Ends:	12/27/2013

Accordingly, the Applicant respectfully requests the entry of an order extending the discovery and trial periods for fifteen (15) days as set forth above.

/s/ Harry Schochat  
Harry Schochat, Esq.  
Law Offices of Harry Schochat  
Attorney for Applicant  
8 Lunar Drive  
Woodbridge, CT 06525  
203-397-0052  
212-766-1427

CERTIFICATE OF SERVICE

This is to certify, in accordance with Rule 2.101(b) of the Trademark Rules of Practice, that on May 29, 2013, I served the foregoing Motion to Extend on the Opposers, by depositing a true and correct copy of same, enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service and by overnight courier service, Federal Express, addressed to:

Bruce W. Baber, Esq.  
King & Spalding  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309-3521

Dated: Woodbridge, Connecticut  
May 29, 2013

/s/ Harry Schochat  
Harry Schochat, Esq.  
8 Lunar Drive  
Woodbridge, CT 06525

***EXHIBIT "A"***

## William Fuchsman

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**From:** Shane Sevier [shane@harryschochat.com]  
**Sent:** Wednesday, May 29, 2013 1:41 PM  
**To:** william@harryschochat.com  
**Subject:** FW: Denise Snacks v International Group  
**Attachments:** Shane Sevier.vcf

Regards,

Shane Sevier  
Law Office of Harry Schochat  
8 Lunar Drive  
Woodbridge, CT 06525  
Office: (203) 397-0052  
Fax: (203) 397-1172  
[shane@harryschochat.com](mailto:shane@harryschochat.com)

-----Original Message-----

**From:** Brown, Emily [mailto:EBrown@KSLAW.com]  
**Sent:** Tuesday, May 28, 2013 6:24 PM  
**To:** 'harry@harryschochat.com'  
**Cc:** 'shane@harryschochat.com'; Brown, Emily; Baber, Bruce  
**Subject:** Denise Snacks v International Group

Harry,

This email will confirm a discussion I had with your associate Shane this afternoon.

Due to your scheduling conflict with the previously noticed and scheduled deposition of The International Group tomorrow, Shane advised that you would like to reschedule the deposition for a day in the first week or two of June that works for both parties.

We will agree to push the deposition back. Please note that when we do reschedule, we expect that you will confirm that you are free the entire day so that we do not run into this problem yet again.

Shane confirmed that you will file a motion with the Board before the discovery deadline to extend the discovery period to allow for the rescheduling. We would prefer to finalize the deposition schedule before you file the motion.

Shane also confirmed that you will serve a proper 30(b)(6) deposition notice if you plan to take a 30(b)(6) deposition of Opposers. We expect to receive the notice (which must include a list of topics) at least two full days before the deposition. As we have mentioned before, we will not produce Mr.

Hernandez until after we finish the deposition of The International Group.

Best,

Emily

**King & Spalding Confidentiality Notice:**

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