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

Proceeding	91196444
Party	Plaintiff Penske Systems, Inc.
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Date	02/15/2011
Attachments	Penske System v Jonathan Naguit - PENSKEI and PENSKEI MOTOR OIL - Opposition proceedings.pdf (4 pages)(78114 bytes)

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

PENSKE SYSTEM, INC.)	
)	
Opposer,)	
)	Opposition Nos. 91196444 (Parent)
)	91196445
v.)	
)	Application Nos. 77/883,789
)	77/883,738
JONATHAN A. NAGUIT)	
)	Marks: PENSKEI TOOLS
Applicant.)	PENSKEI MOTOR OIL
)	
)	

**OPPOSER PENSKE SYSTEM, INC.'S OPPOSITION TO APPLICANT'S
STIPULATED MOTION FOR AN ADDITIONAL EXTENSION OF DISCOVERY AND
TRIAL PERIODS WITH CONSENT**

Opposer, Penske System, Inc. (hereinafter "Penske"), by and through its undersigned attorneys, responds to Applicant's Stipulated Motion for an Additional Extension of Discovery and Trial Periods with Consent:

Factual Background

On September 9, 2010, Penske filed its Notices of Opposition against the marks PENSKEI TOOLS, Serial No. 77/883,789 and PENSKEI MOTOR OIL, Serial No. 77/883,738, in the U.S. Trademark Trial and Appeal Board ("Board"). On September 16, 2010, Jonathan A. Naguit through counsel (hereinafter "Applicant") filed his Answers and Affirmative Defenses to Penske's Notices of Opposition. On December 9, 2010, Unopposed Motions to Withdraw as Counsel were filed by Applicant's counsel with the Board. On December 22, 2010, the Board ruled that the Unopposed Motions to Withdraw as Counsel of Record were Denied without prejudice. As such, the Opposition was suspended for a period of thirty days. On January 3, 2011, Applicant's counsel filed his Second Motions to Withdraw as Counsel. Thereafter, on

January 8 and 9, 2011, respectively, Applicant himself filed the above-mentioned Motions for an Extension of Discovery and Trial Periods, in which he stated that “Jonathan A. Naguit has secured the express consent of all other parties to these proceedings for the extension and resetting of dates requested herein.” This statement was incorrect, in that no such consent was sought by Mr. Naguit, no such consent was given by Opposer or its counsel, and Opposer does not so consent.

Statement of Facts

On January 13, 2011, Penske filed its Oppositions to Applicant’s Stipulated Motions for Extension of Discovery and Trial Periods with consent stating that Applicant did not receive consent from Penske for its motions and that no such consent will be given. As such, Penske requested the Board to withdraw its entering of Applicant’s Motions and to deny the same. On that same day, the Board issued an Order consolidating these proceedings under Opposition No. 91196444, and also suspended the consolidated proceeding whereby Applicant had until February 12, 2011 either to appoint new counsel or to file a paper stating that he chooses to represent himself. Thereafter, on February 12, 2011, Applicant himself filed the above-captioned Additional Motion for an Extension of Discovery and Trial Periods, in which he stated that “Jonathan A. Naguit has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.” This statement is incorrect, in that no such consent was sought by Mr. Naguit, no such consent was given by Opposer or its counsel, and Opposer does not so consent.

WHEREFORE, based on the foregoing, it is submitted that Applicant did not receive consent from Opposer for its motion and that no such consent will be given. As such, it is requested the Board to withdraw its entering of Applicant’s Motion in this consolidated proceeding and to deny the same.

Respectfully submitted,

PENSKE SYSTEM, INC.



Dated: February 15, 2011 By:

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing OPPOSER PENSKE SYSTEM, INC.'S OPPOSITION TO APPLICANT'S ADDITIONAL STIPULATED MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL PERIODS WITH CONSENT has been served on this 15th day of February 2011, via first class mail, postage prepaid, on the following:

Jonathan A. Naguit
389 Arden Avenue Unit 1
Glendale, California 91203-4070

Rick Ruz, Esq.
AMAURY CRUZ & ASSOCIATES
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