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

Proceeding	91196445
Party	Plaintiff Penske System, Inc.
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Date	01/13/2011
Attachments	PENSKEI MOTOR OIL - Opp No 91196445 - US - TTAB.pdf (3 pages)(518140 bytes)

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

PENSKE SYSTEM, INC.)	
)	
Opposer,)	
)	Opposition No. 91196445
)	
v.)	
)	Application No. 77/883,738
)	
JONATHAN A. NAGUIT)	
)	Mark: PENSKEI MOTOR OIL
Applicant.)	
)	
)	

**OPPOSER PENSKE SYSTEM, INC.’S OPPOSITION TO APPLICANT’S
STIPULATED MOTION FOR AN 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 Extension of Discovery and Trial Periods with Consent:

Recitation of Facts

On September 9, 2010, Penske filed its Notice of Opposition against the mark 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 Answer and Affirmative Defenses to Penske’s Notice of Opposition. On December 9, 2010, an Unopposed Motion to Withdraw as Counsel was filed by Applicant’s counsel with the Board. On December 22, 2010, the Board ruled that the Unopposed Motion to Withdraw as Counsel of Record is 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 Motion to Withdraw as Counsel. Thereafter, on January 8, 2011, Applicant himself filed the above-mentioned 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 and to deny the same.

Respectfully submitted,

PENSKE SYSTEM, INC.

Dated: January 13, 2011

By:



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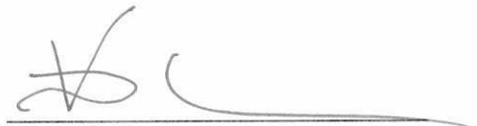
Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing OPPOSER PENSKE SYSTEM, INC.'S OPPOSITION TO APPLICANT'S STIPULATED MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL PERIODS WITH CONSENT has been served on this 13th day of January 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
Patents, Trademarks, Copyrights & Cyberlaw
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