

ESTTA Tracking number: **ESTTA476065**

Filing date: **06/04/2012**

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

Proceeding	91198483
Party	Plaintiff PsyBar LLC
Correspondence Address	JAMES KRETSCH KRETSCH AND GUST LLC 5151 EDINA INDUSTRIAL BOULEVARD, SUITE 650 MINNEAPOLIS, MN 55439 UNITED STATES jkretsch@kretschgust.com, jjossart@kretschgust.com, smeyman@kretschgust.com, nbowen@kretschgust.com
Submission	Motion to Strike
Filer's Name	Jaren L. Johnson
Filer's e-mail	jjohnson@kretschgust.com, jkretsch@kretschgust.com, nbowen@kretschgust.com
Signature	s/Jaren L. Johnson/
Date	06/04/2012
Attachments	AFFIDAVIT OF JJK IN SUPPORT OF PSYBAR LLCs MOTION TO STRIKE.pdf (5 pages)(216921 bytes)

5. At no time have I or my client, PsyBar, LLC, received any motion by Applicant submitted to this Court seeking an extension of time to respond to PsyBar's Motion for Summary Judgment.

6. Applicant's flagrant disregard for the rules and integrity of this Court should not be rewarded and his pleadings dated May 27, 2012, should be stricken from the record.

FURTHER AFFIANT SAYETH NOT.

Dated: June 4, 2012

s/ James J. Kretsch, Jr.

Subscribed and sworn to before me this
4th day of June, 2012.

s/ Nichole L. Bowen
Notary Public

My Commission Expires: January 31, 2015.

{SEAL}

James Kretsch

From: John Jossart
Sent: Tuesday, May 01, 2012 4:39 PM
To: James Kretsch
Subject: Fwd: Discovery

JournalPM: J

FYI - PsyBar. How goes the battle?

Sent from my iPhone
Please excuse typos and brief responses

Begin forwarded message:

From: David Mahony <drdavidmahony@gmail.com>
Date: May 1, 2012 4:33:04 PM CDT
To: John Jossart <jjossart@kretschgust.com>
Subject: Re: Discovery

John,

My response to our motion for summary judgment is due on or about 5/4/12. I am writing to request a 30 day extension due to a family illness. Please email back and confirm this stipulation. Thank you

On Tue, Oct 18, 2011 at 11:23 AM, John Jossart <jjossart@kretschgust.com> wrote:

David,

Your responses to our discovery requests are due on 10/18 (today) while Psybar's responses are due on 10/26. I propose we agree to an extension whereby your responses would be due on 11/22 and Psybar's responses would be due on 11/30. Please email back and confirm this stipulation. Thank you.

John

C. John Jossart

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James Kretsch

From: James Kretsch
Sent: Wednesday, May 02, 2012 8:53 AM
To: 'drdavidmahony@gmail.com'
Cc: Susan Stephan; John Jossart
Subject: PsyBar v. Mahony

JournalPM: J

Dr. Mahony,

John Jossart, previously of our firm, forwarded on to me, your May 1, 2012 email. Please note that until further notice, you should direct all communications to me.

With respect to your request that we stipulate to an extension of time for you to respond to PsyBar's motion; we cannot stipulate to such a request. We have provided considerable leeway to you in the past and this matter has languished for far too long. If you care to respond to PsyBar's motion, you will need to do so by the current deadline.

James J. Kretsch, Jr.

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