

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: July 19, 2012

Opposition No. 91203191

Future Ads LLC

v.

Kent G. Anderson

**Robert H. Coggins,
Interlocutory Attorney:**

This case comes up on applicant's motion (filed May 3, 2012) for an extension of time to retain counsel and to file an answer to the notice of opposition.¹

Telephone Conference

On July 18, 2012, at approximately 3:30 p.m. EDT, the Board exercised its discretion and conducted a telephone conference to resolve the motion. Participating in the conference were Kent G. Anderson, applicant, appearing *pro se*; Christopher J. Palermo, counsel for opposer; and the above-referenced Board attorney responsible for resolving interlocutory matters in this case.

¹ Although the motion was received on May 3, 2012, it was accompanied by a certificate of mailing dated April 30, 2012. See Trademark Rules 2.196 and 2.197.

The Board considered the arguments raised by both parties in the supporting motion and brief in opposition. The Board presumes familiarity with the issues, and for the sake of efficiency this order does not summarize the parties' arguments raised in the motion or brief, or the parties' statements made during the telephone conference. Instead, this order lists the decisions made by the Board.

Change of Correspondence Address

The Board noted opposer's change of correspondence address (filed May 9, 2012).

Motion for an Extension of Time

The Board granted applicant's motion to the extent that applicant was allowed thirty days from the date of the conference (i.e., until August 17, 2012) in which to retain counsel, and sixty days from the date of the conference (i.e., until September 17, 2012²) in which to file an answer or otherwise properly respond to the notice of opposition. The extension of time to answer effectively provides applicant with additional time in which to find counsel.

The Board noted that this opposition proceeding was instituted almost seven months ago, but no answer is yet of record. Proceedings have been suspended since January 30,

² Although sixty days from July 18, 2012, is September 16, 2012, that day is Sunday; therefore, pursuant to Trademark Rule 2.196, applicant is allowed until September 17, 2012 (i.e., the next business day) in which to answer.

2012, pending resolution of issues related to applicant's counsel. While applicant has shown that he has actively searched for counsel, the Board, in balancing applicant's desire for counsel with opposer's right to have proceedings advance, stated that any future extension of time to answer based on applicant's search for counsel must be accompanied by a showing of extraordinary circumstances, failing which the Board may not grant an extension.

In addition to permitting representation by counsel, the Patent and Trademark Office Rules permit a party to a Board proceeding to represent himself. See Patent and Trademark Office Rule 11.14, 37 C.F.R. § 11.14.

Schedule

Proceedings were resumed, and dates were reset on the following schedule:

Applicant's Time to Retain Counsel	8/17/2012
Time to Answer	9/17/2012
Deadline for Discovery Conference	10/17/2012
Discovery Opens	10/17/2012
Initial Disclosures Due	11/16/2012
Expert Disclosures Due	3/16/2013
Discovery Closes	4/15/2013
Plaintiff's Pretrial Disclosures	5/30/2013
Plaintiff's 30-day Trial Period Ends	7/14/2013
Defendant's Pretrial Disclosures	7/29/2013
Defendant's 30-day Trial Period Ends	9/12/2013
Plaintiff's Rebuttal Disclosures	9/27/2013
Plaintiff's 15-day Rebuttal Period Ends	10/27/2013

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.