

ESTTA Tracking number: **ESTTA620047**

Filing date: **08/07/2014**

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

Proceeding	91204122
Party	Defendant Michael Liang
Correspondence Address	DAVID YAN LAW OFFICES OF DAVID YAN 136-20 38TH AVENUE, SUITE 11E FLUSHING, NY 11354 4232 UNITED STATES davidyanlawfirm@yahoo.com
Submission	Motion to Extend
Filer's Name	David Yan
Filer's e-mail	davidyanlawfirm@yahoo.com
Signature	/David Yan/
Date	08/07/2014
Attachments	Motion to Enlarge Time to accept filed Answer to Amended Notice of Opposition_Empire State Building Company LLC v Michael Liang.pdf(10825 bytes)

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

In re Application Serial No. 85/213,453
Filed: January 8, 2011
For Mark: NYC BEER LAGER and Design
Published in the Official Gazette: December 6, 2011

----- X
: EMPIRE STATE BUILDING COMPANY L.L.C., : Opposition No.: 91204122
: :
: Opposer, :
: :
: v. : **MOTION TO ENLARGE TIME**
: : **TO ACCEPT ANSWER FILED**
: MICHAEL LIANG, : **12 MINUTES LATE AS TIMELY**
: : **FILED**
: Applicant. :
: :
----- X

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

The undersigned is the counsel of record for Applicant. Pursuant to the Board's June 28, 2014 decision, Defendant caused a true and complete copy of the Defendant's Answer to the Opposer's Amended Notice of Opposition to be served upon the Opposer's counsel of record, William M. Borchard, Esq., Cowan Liebowitz, & Latman, P.C., located at 1133 Avenue of the Americas, New York, NY 10036 via U.S. Post First Class Letter in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York addressed to the last known address of the addressees as indicated above on August 6, 2014.

When undersigned realized that a true and complete copy of the Defendant's Answer to the Opposer's Amended Notice of Opposition was also needed to file electronically to the

Trademark Trial and Appeal Board, the filing was late about 1 minute to the ESTTA. After found out that the first filing was not the one hand signed by Applicant Michael Liang, the undersigned scanned the Answer signed by Michael Liang and filed the scanned copy to the ESTTA again at 12:12 A.M. on August 7, 2014, which is about 12 minutes late.

The prejudice to Opposer, *if any*, caused by the 1 minute or the 12-minute delay in filing the said Answer to the ESTTA is minimal.

THEREFOR, Applicant, *via the undersigned counsel*, moves this tribunal of the Trademark Trial and Appeal Board to enlarge the time for one day until August 7, 2014 to accept the Answer to the Opposer's Amended Notice of Opposition as timely filed.

Dated: Flushing, New York
August 7, 2014

Respectfully submitted,

/David Yan/
David Yan, Esq.
Attorney for Defendant
136-20 38th Avenue, Suite 11E
Flushing, New York 11354
Telephone: (718) 888-7788

AFFIRMATION OF SERVICE

I hereby certify that, on August 7, 2014, I caused a true, complete and accurate copy of the foregoing Motion to Enlarge Time to Accept the Answer to Opposer's Amended Notice of Opposition as timely filed to be served upon the Opposer's counsel of Record, William M. Borchard, Esq., Cowan Liebowitz, & Latman, P.C., located at 1133 Avenue of the Americas, New York, NY 10036 *via* U.S. Post First Class Letter in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York addressed to the last known address of the addressees as indicated above.

/David Yan/

David Yan