

ESTTA Tracking number: **ESTTA466270**

Filing date: **04/10/2012**

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

|                           |   |
|---------------------------|---|
| Proceeding                | 91204122  |
| Party                     | Defendant<br>Liang, Michael   |
| Correspondence<br>Address | DAVID YAN, ESQ.<br>LAW OFFICES OF DAVID YAN<br>13620 38TH AVE STE 11E<br>FLUSHING, NY 11354-4232<br><br>davidyanlawfirm@yahoo.com |
| Submission                | Other Motions/Papers  |
| Filer's Name              | David Yan   |
| Filer's e-mail            | davidyanlawfirm@yahoo.com   |
| Signature                 | /David Yan/   |
| Date                      | 04/10/2012  |
| Attachments               | Motion to Enlarge Time to File Answer.pdf ( 3 pages )(10763 bytes )<br>Facsmile Receipt.pdf ( 1 page )(32150 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., :  
Opposer, :  
v. : **MOTION TO ENLARGE TIME**  
MICHAEL LIANG, : **TO FILE ANSWER**  
Applicant. :  
----- X

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

Defendant, Michael Liang, has recently retained the undersigned to represent him before The Trademark Trial and Appeal Board of the United States Patent and Trademark Office in connection with the Opposition filed by Empire State Building Company, L.L.C. against the registration of the NYC BEER LAGER and Design mark.

The undersigned is a sole practitioner. The undersigned is very busy in the 2011 tax season as a tax counsel. In addition, the undersigned is engaged in several litigation matters, including a multi-million dollar personal injury matter, in the extensive depositions, EBT, and discovery proceedings these days on behalf of his victim clients. Therefore, the undersigned cannot finish on or before the due day on April 10, 2012 the answer to the Opposition filed by

the Opposer against the registration of the NYC BEER LAGER and Design mark. In addition, the undersigned will be out of the country for 10 days in the month of May, 2012. In order to meaningfully prepare the answer to the said opposition, the undersigned will have to arrange time in next 60 days to complete the answer.

**THEREFOR**, defendant, *via the undersigned counsel*, moves this tribunal of the Trademark Trial and Appeal Board to enlarge the time for 60 days until June 11, 2012 to allow defendant to file the answer to opposition to the registration of the NYC BEER LAGER and Design mark.

Dated: Flushing, New York  
April 10, 2012

Respectfully submitted,

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

**AFFIRMATION OF SERVICE**

I hereby certify that, on April 10, 2012, I caused a true and correct copy of the foregoing motion to enlarge time to file answer to the opposition to be sent by the U.S. Post First Class Mail, postage prepared, to the plaintiff's Attorney of Record, Maya L. Tarr, Esquire, Cowan Liebowitz, & Latman, P.C., located at 1133 Avenue of the Americas, New York, NY 10278.

Dated: Flushing, New York  
April 10, 2012

/David Yan/  
\_\_\_\_\_  
David Yan

TRANSMISSION VERIFICATION REPORT

TIME : 04/08/2012 16:16  
NAME :  
FAX : 7188880870  
TEL :  
SER.# : BROJ5J347204

DATE, TIME 04/08 16:15  
FAX NO./NAME 12125750671  
DURATION 00:00:48  
PAGE(S) 04  
RESULT OK  
MODE STANDARD  
ECM

136-20 38<sup>th</sup> Avenue, Suite 11E  
Flushing, NY 11354

Tel: 718-888-7788  
Fax: 718-688-0870 (Not for Service)

**LAW OFFICES OF  
DAVID YAN**

# Fax

**To:** Maya L. Tarr, Esquire  
Cowan Liebowitz & Latman P.C.

**From:** David Yan

---

**Fax:** (212) 575-0671

**Pages:** 4

---

**Phone:** (212) 790-9200

**Date:** 4/10/2012

---

**Re:** Empire State Building Co LLC v  
Michael Liang

**CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

Motion to Enlarge of Time to file answer to the opposition.