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

Proceeding	91204456
Party	Defendant NTRUST CORP.
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Submission	Stipulated/Consent Motion to Extend
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Date	06/16/2015
Attachments	nTrust Consent Motion to Extend Trial Briefing Schedule.pdf(15318 bytes )

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

Intrust Financial Corporation,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91204456
	)	Application Serial No.: 85/250992
nTrust Corp.,	)	Mark: NTRUST
	)	
Applicant.	)	
	)	

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Honorable Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 220235-14

**APPLICANT’S MOTION TO EXTEND**

**THE TRIAL BRIEFING SCHEDULE WITH CONSENT**

Applicant nTrust Corp. (“nTrust” or “Applicant”), by its attorneys, hereby moves the Trademark Trial and Appeal Board (the “Board”) for an Order extending the briefing schedule for the above-captioned opposition proceedings (“Opposition”) as set forth below. Applicant has secured the express consent of Opposer Intrust Financial Corporation (“Opposer” or “Intrust”) for this request.

The parties seek a mutual extension of the trial brief schedule as set forth below:

Event	Current Deadline	Proposed Deadline
Opposer’s Trial Brief Due	<b>Not later than 07/17/2015</b>	<b>Not later than 08/14/2015</b>
Applicant’s Trial Brief Due	<b>Not later than 08/14/2015</b>	<b>Not later than 10/13/2015</b>
Opposer’s Reply Brief Due	<b>Not later than 08/28/2015</b>	<b>Not later than 11/12/2015</b>

Good cause exists to grant the proposed mutual extension of the trial brief deadlines at this time because: (1) Opposer consents to this extension; (2) Applicant’s counsel are out of the

country on business, on vacation and/or unavailable during July and August 2015, during the time when Applicant's trial brief would have to be prepared under the current schedule; and (3) the requested extension is reasonable and will benefit both parties.

Pursuant to 37 C.F.R. § 2.128(a)(1), Opposer's trial brief is due not later than 60 days after the close of the rebuttal period. The rebuttal period in this matter closed on May 19, 2015 (*see* January 27, 2015 Order granting motion for extension with consent), making Opposer's trial brief due not later than July 17, 2015. Applicant's trial brief is due 30 days after Opposer's trial brief is filed, which assuming Opposer files its brief on the last day would make Applicant's trial brief due not later than August 14, 2015.<sup>1</sup> *See* 37 C.F.R. § 2.128(a)(1).

Applicant's lead counsel, James D. Nguyen, will be out of the country in July and August 2015, predominantly on business internationally during those months – and will be returning to Los Angeles in September, 2015. Meanwhile, Applicant's other counsel working on this matter, Sean M. Sullivan, has a pre-scheduled vacation out of state from the end of July, into early August 2015. The current schedule for briefing would require counsel for Applicant to work on Applicant's trial brief while both Mr. Nguyen and Mr. Sullivan are traveling and largely unavailable, and without convenient access to the parties' testimony transcripts and documentary evidence submitted during the trial period. Accordingly, the proposed extension would allow for both Mr. Nguyen and Mr. Sullivan to be available to work on Applicant's trial brief – with access to the evidentiary record - after receiving Opposer's trial brief.

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<sup>1</sup> There is some ambiguity about the actual due dates under the rules. According to 37 CFR § 2.196, when a date or deadline falls on a weekend, the date is extended to the next business day. But Section 2.128 says "not later than", making it somewhat unclear how this applies here given the last day for Opposer to file its trial brief falls on a Saturday. For purposes of this motion, the parties are assuming that the due date for Opposer's opening brief falls on the Friday before the actual due date, despite the fact that the due date falls on a Saturday, but recognize that the actual due dates may differ somewhat under the rules.

Further, the parties have expressly agreed to a modest mutual extension of deadlines that will benefit both parties. The extension would grant Opposer a four week extension of time to file its trial brief, to August 14, 2015. Applicant’s trial brief would then be due 60 days after Opposer’s brief is filed – providing Applicant with an additional 30 days to prepare its trial brief. In exchange, Opposer’s reply brief would be due 30 days later – providing Opposer with an additional 15 days to file its reply brief. *See* 37 C.F.R. § 2.128(a)(1) (Opposer’s reply brief shall be filed not later than 15 days after the filing of Applicant’s trial brief).

For the reasons set forth above, Applicant respectfully requests that the Board enter an Order granting Applicant’s motion and re-setting the briefing schedule for the parties’ trial briefs as follows:

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Opposer’s Trial Brief Due	<b>Not later than 07/17/2015</b>	<b>Not later than 08/14/2015</b>
Applicant’s Trial Brief Due	<b>Not later than 08/14/2015</b>	<b>Not later than 10/13/2015</b>
Opposer’s Reply Brief Due	<b>Not later than 08/28/2015</b>	<b>Not later than 11/12/2015</b>

Respectfully submitted,

Dated: June 16, 2015

Davis Wright Tremaine LLP  
Attorneys for Applicant nTrust Corp.

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James D. Nguyen  
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**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of this Applicant's Motion to Extend the Trial Briefing Schedule With Consent is being served by electronic mail and by depositing the same in the United States mail, first class, postage prepaid, and directed to Opposer's attorneys, William P. Matthews and Michael J. Norton of Foulston Siefkin LLP at 1551 N. Waterfront Parkway, Suite 100, Wichita Kansas 67206 on June 16, 2015.

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/James D. Nguyen/  
James D. Nguyen