

ESTTA Tracking number: **ESTTA567599**

Filing date: **10/28/2013**

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

Proceeding	91204897
Party	Defendant Laguna Lakes Community Association, Inc.
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Submission	Opposition/Response to Motion
Filer's Name	Chad R. Rothschild
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Signature	/s/ Chad R. Rothschild
Date	10/28/2013
Attachments	Response to Motion to Extend Discovery.pdf(156882 bytes)

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

John Gerard Marino,)	
)	Consolidated Opp. No. 91/204,897
Opposer,)	91/204,941
)	
v.)	OPPOSITION TO MOTION TO
)	EXTEND TRIAL DEADLINES
)	
Laguna Lakes Community Association,)	
Inc.,)	
)	
Applicant.)	

Applicant, Laguna Lakes Community Association, Inc. (“Laguna Lakes”) opposes the latest request to extend the trial deadlines filed by Opposer, John Gerard Marino (“Marino”). The only basis for Marino’s request is his contemporaneously filed Motion to Compel Deposition of Corporate Representative or Donna Flammang, Esq. and For Sanctions (“Motion to Compel”). However, as explained in Laguna Lakes’ Opposition to the Motion to Compel (which is fully incorporated by reference as if rewritten herein), there is no need to conduct any additional depositions. Consequently, Marino presents no viable support for his request to extend the trial deadlines.

Furthermore, any feigned allegations that Marino needs more time for “full discovery” is no one’s fault but his own. *See, e.g.*, TBMP § 403.04 (“Mere delay in initiating discovery does not constitute good cause for an extension of the discovery period.”); *Luehrmann v. Kwik Kopy Corp.*, 2 U.S.P.Q.2d 1303 (TTAB 1987) (“If a party believes that issues in a case are complex and may involve lengthy discovery, it is his responsibility to begin taking discovery early in the discovery period. To allow an extension for all purposes herein would be to reward [the party taking discovery] for its delay in initiating discovery, a result which is to be discouraged.”). Marino is in possession of “full and complete” copies of discovery responses from Laguna

Lakes, a point which Marino did not dispute prior to filing this request. See 9-10-2013 letter to Scott Behren (attached hereto as Exhibit 1). Furthermore, Marino took not only the Rule 30(b)(6) deposition of Laguna Lakes on thirteen (13) topics which the deponent knowledgeably testified to, but also the deposition of three (3) additional current and former members of the Laguna Lakes' Board of Directors. Any claim from Marino that he does not have "full discovery" at this point is his own fault.

Therefore, for each and every reason explained herein and in Laguna Lakes' Opposition to the Motion to Compel, Marino's Motion to Extend Trial Deadlines should be denied.

Respectfully submitted,

/s/ Chad R. Rothschild

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Attorneys for Applicant

Dated: October 28, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of October 2013, a copy of the foregoing *Opposition to Motion to Extend Trial Deadlines* was served by e-mail upon:

Scott Behren, Esq.
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/s/ Chad R. Rothschild

One of the Attorneys for Applicant

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September 10, 2013

CONFIDENTIAL COMMUNICATION

VIA EMAIL ONLY (scott@behrenlaw.com; scott.behren@gmail.com)

Scott Behren, Esq.
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Re: *Marino v. Laguna Lakes Community Association, Inc.*
TTAB Consolidated Opposition Proceeding No. 91/204,897

Dear Attorney Behren:

Please accept this letter and the attached documents bates-labeled LL 171 - LL 472 as supplemented discovery responses from Laguna Lakes Community Association, Inc. ("Applicant") issued pursuant to the agreement reached by the parties during the telephonic conference held with the Interlocutory Attorney on Tuesday, August 27, 2013. This letter and the attached documents are in addition to the supplemental information you obtained during the deposition of Applicant's Fed. R. Civ. P. 30(b)(6) witness.

The attached documents bates-labeled LL 171 - LL 472 represent the board of director meeting minutes you requested following the depositions on Friday, August 23, 2013. The documents have been marked as **CONFIDENTIAL** pursuant to the TTAB's Standard Protective Order and rules. See TBMP § 412.01 (explaining that "the Board's standard protective order is automatically in place to govern the exchange of information . . ."); see also Standard Protective Order (attached hereto). Given the **CONFIDENTIAL** designation, these documents (in addition to this letter) are to be shielded by you and Mr. Marino from public access.

REDACTED - CONFIDENTIAL

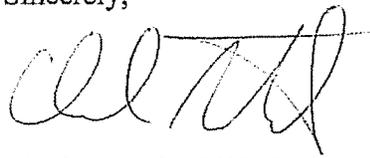
REDACTED - CONFIDENTIAL

In the interests of resolving this discovery dispute, Applicant recently obtained the attached discovery documents LL 171 – LL 472 from Alliant Association Management and is now producing the same to you. Together with LL 1 – LL 170 (along with Applicant's website www.lagunalakesassociation.com and two application files), you should be in possession of all documents responsive to your Requests for Production of Documents, and should have full and complete discovery responses.

Last, the deposition transcripts for Patrick Tardiff, Jeff Kelly, Mary Ann Cowart and Robert Hajicek were sent to the parties today. While we are assessing the "highly confidential" nature of these transcripts for purposes of the Board's Standard Protective Order, in the interim please treat these as **CONFIDENTIAL** at the minimum.

If you have any questions or comments following your review of this letter and the attached, please do not hesitate to contact us.

Sincerely,



Chad R. Rothschild, Esq.

encl.

cc: W. Scott Harders (via e-mail)
Donna M. Flammang (via e-mail)