

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

Mailed: April 26, 2013

Opposition Nos. 91205687 (parent)
91206135

David D'Amato

v.

ECHL, Inc.

Veronica P. White, Paralegal Specialist:

Appearance of New Counsel

On April 12, 2013, opposer's attorneys filed a request to withdraw as counsel of record in this case, and a stipulated declaration in support of the motion. The Board also notes the appearance of new counsel for opposer (filed April 15, 2013), specifically, Vincent G. LoTempio of the law firm of Kloss, Stenger & LoTempio. In view of the foregoing, Anthony N. Elia and The Law Office of Anthony N. Ellia, P.C. no longer represent opposer in this proceeding. Accordingly, the proceeding file has been updated with opposer's new correspondence information (also submitted on April 15, 2013).

Extension

Now before the Board is opposer's motion (filed April 15, 2013) to extend the closing date of discovery for an

additional forty-five (45) days to provide adequate time for new counsel to gather and review all documents and to answer any outstanding discovery requests. Although opposer did not provide applicant's consent to its motion, the Board finds it appropriate to consider the merits of opposer's request to extend the close of discovery. See Trademark Rule 2.127(a).

The standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. See Fed. R. Civ. P. 6(b)(1). The Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. On review, the Board finds the basis for finding good cause acceptable. In view of the foregoing, opposer's motion to extend the close of discovery is granted.

Schedule

The close of discovery is extended until **May 24, 2013** and all subsequent dates remain as previously set, the schedule is reproduced below.

Plaintiff's Pretrial Disclosures	6/8/2013
Plaintiff's 30-day Trial Period Ends	7/23/2013
Defendant's Pretrial Disclosures	8/7/2013
Defendant's 30-day Trial Period Ends	9/21/2013
Plaintiff's Rebuttal Disclosures	10/6/2013
Plaintiff's 15-day Rebuttal Period Ends	11/5/2013

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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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

cc:

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