

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: April 17, 2016

Opposition No. 91206495

*SignalShare, LLC*

*v.*

*Amy Gurvey*

**Robert H. Coggins,  
Interlocutory Attorney:**

Now before the Board is Applicant's motion (filed March 22, 2016) for an "extension of time to comply with discovery order of 30 days." Presumably, Applicant moves for a thirty-day extension of time to respond to any discovery requests that were outstanding when proceedings in this case were resumed by Board's order dated February 22, 2016. *See* 22 TTABVUE 4 (Proceedings resumed after an extended period of suspension following the withdrawal of Applicant's counsel).

**Proof of Service: Strictly Required**

Applicant was previously advised of the requirement that all filings must include proof of service before they will be considered, and that a cc:-line is unacceptable. *See* 19 TTABVUE 1 (explaining this to Applicant over one year ago). Strict compliance with Trademark Rule 2.119 is now required of Applicant. The Board may give no

consideration to any future paper filed by Applicant that fails to appropriately indicate proof of service upon Opposer.

Format of Filings

Similarly, the Board may give no consideration to any future paper filed by Applicant that is not double-spaced, as required by Trademark Rule 2.126. *See* TBMP § 106.03.

Motion to Extend

Applicant moves for a thirty-day extension of time to respond to outstanding discovery requests. Inasmuch as Opposer did not file a brief in opposition to the motion, the extension is **granted** as conceded. Trademark Rule 2.127(a). Applicant is allowed until April 22, 2016, to respond to any discovery requests that were outstanding at the time of the Board's February 22, 2016 resumption order.

Notwithstanding this grant, Applicant is advised that a motion to extend must set forth with *particularity* the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient. Moreover, a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor. The Board will carefully scrutinize any motion to extend time, to determine whether the requisite good cause has been shown. *See* TBMP § 509.01(a).

But for its being granted as conceded, Applicant's motion would fail to establish good cause for an extension. Specifically, on October 18, 2013 (thirty months ago),

Applicant informed the Board of the events of May 5, 2009 (seven years ago) which Applicant once again used in an effort to establish good cause for an extension of time in the proceeding. *See* 14 TTABVUE 3-4. Applicant failed to allege when the discovery requests for which she now seeks an extension of time to respond were propounded upon her, and similarly fails to explain what activities she has taken since that time to respond to discovery, and how the event of 2009 relates to the relevant times and actions.

Similarly, the motion failed to state whether Applicant sought from Opposer its consent to the requested extension. It is better practice to seek consent from the other party rather than approach the Board as a first action. The Board expects parties (and their attorneys or other authorized representatives) to cooperate with one another in the discovery process. Each party and its attorney or other authorized representative has a duty to make a good faith effort to satisfy the discovery needs of its adversary. *See* TBMP § 408.01.

#### Rules 11 Obligations

Applicant should remember her Fed. R. Civ. P. 11(b) obligations which include, *inter alia*, her motions are not being presented for any improper purpose, such as to cause unnecessary delay. Applicant is also advised of Patent and Trademark Rule 11.18(b) which imposes upon Applicant similar obligations. *See* 37 C.F.R. § 11.18(b).

While the Board is usually liberal with the privilege of extending time when good cause is shown, the Board has an interest in seeing its cases conclude in a timely manner.

Applicant is encouraged to retain trademark counsel who is familiar with Board proceedings. *See* TBMP 114.01 (Although party may represent herself, trademark counsel is strongly recommended because the governing practices and procedures in proceedings before the Board are quite technical and highly specialized.). In view of the multiple mistakes made by Applicant in this proceeding, the Board expects Applicant to **review and familiarize** herself with the Trademark Rules of Practice, the Trademark Board Manual of Procedure (TBMP), and all other governing rules, regulations, and appropriate case law. The Board's web page is a good place to start; it contains links to many legal resources and may be accessed at the following URL: <http://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board-ttab>. Because Applicant must familiarize herself with the governing rules and practices involved in this proceeding, the Board expects this case to proceed to trial in an efficient manner.

Schedule

In view of the grant herein of thirty additional days for Applicant to respond to any discovery requests that were outstanding at the time of the Board's February 22, 2016 resumption order, dates are reset on the following schedule to prevent any prejudice to Opposer:

Plaintiff's Pretrial Disclosures	6/4/2016
Plaintiff's 30-day Trial Period Ends	7/19/2016
Defendant's Pretrial Disclosures	8/3/2016
Defendant's 30-day Trial Period Ends	9/17/2016
Plaintiff's Rebuttal Disclosures	10/2/2016
Plaintiff's 15-day Rebuttal Period Ends	11/1/2016

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.