

ESTTA Tracking number: **ESTTA611954**

Filing date: **06/25/2014**

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

Proceeding	91207836
Party	Plaintiff Volvo Trademark Holding AB
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Date	06/25/2014
Attachments	H00124ExecutedReplyinSupportofOpposersMotiontoExtendTrialDatesasfiled.pdf(40230 bytes)

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

Volvo Trademark Holding AB,

Opposer,

v.

Wolvol Inc.,

Applicant.

Opposition No.: 91207836

REPLY IN SUPPORT OF OPPOSER'S MOTION TO EXTEND TRIAL DATES

Opposer, by its attorney, hereby files this reply in support of its motion to extend the trial dates in this proceeding for ninety (90) days.

Applicant has filed an opposition to Opposer's motion of June 19, 2014 on grounds that Opposer sought an extension on May 8, 2014 for 30 days. At that time, Opposer should have been aware of Opposer's employee's schedule for testimony purposes, according to Applicant.

Opposer sought and obtained a 30 day extension of the discovery and remaining dates in the proceeding on May 8, 2014. As Opposer stated in its June 19, 2014 Motion, Opposer filed the May 8, 2014 motion to ensure that it had an opportunity to conduct follow up discovery if needed. Opposer did not need a 90-day extension for those purposes. Moreover, when Opposer sought Applicant's consent to the May 8 Motion, Opposer and its counsel had not discussed vacation schedules for the summer.¹ In fact, the extension of the discovery period benefitted Applicant in that it served its first and only discovery requests on June 2, 2014.

At the time Opposer sought Applicant's consent to the May 8, 2014 Motion, Applicant had

¹ Opposer's counsel vacation schedule was not set by that date.

not responded to Opposer's discovery as ordered by the Board on March 5, 2014.² When Applicant did not respond to the discovery requests by the April 4 deadline, Opposer followed up with Applicant and agreed to a 30-day extension until May 4, 2014 for responding. Applicant failed to respond by that extended date and did not seek Opposer's consent to a further request. Opposer continued to contact Applicant about these responses which were finally served on May 19, 2014. Opposer resolved the issue of Applicant's failure to timely respond to the discovery requests with Applicant instead of seeking Board intervention and delaying the proceedings for an additional six months or more.

On June 5, 2014, Opposer's counsel contacted Applicant's counsel regarding a further extension of the trial dates as Opposer's testimony period was to fall in August. The parties' counsels corresponded about an extension request but could not agree to one.

Opposer's deponent is not available for deposition during the assigned testimony period. Applicant has provided no logical or legal reason for denying Opposer's request. This case has been pending since November 5, 2012. All delays in the proceedings have been due to Applicant: failure to respond to the answer properly, failure to respond to discovery which required Opposer to file a motion to compel, and appointment of counsel on April 2, 2014, almost eighteen months after the notice of opposition was filed.

In sum, Opposer has established good cause for a 90-day extension of the trial dates. Opposer's deponent is simply not available.

² Given Applicant's repeated delays in responding to the discovery requests, it was conceivable that Opposer might have to file a motion for sanctions which would of course have suspended the proceedings.

Favorable action is respectfully requested.

Respectfully submitted,

VOLVO TRADEMARK HOLDING AB



By:

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Date: June 25, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **REPLY IN SUPPORT OF OPPOSER'S**
MOTION TO EXTEND TRIAL DATES has been mailed this 25th day of June, 2014, via mail
and email to:

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