

ESTTA Tracking number: **ESTTA577078**

Filing date: **12/17/2013**

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

Proceeding	91208855
Party	Plaintiff Greater Louisville Convention & Visitors Bureau
Correspondence Address	JOHN A GALBREATH GALBREATH LAW OFFICES PC 2516 CHESTNUT WOODS CT REISTERSTOWN, MD 21136 UNITED STATES jgalbreath@galbreath-law.com
Submission	Motion to Strike
Filer's Name	John A. Galbreath
Filer's e-mail	jgalbreath@galbreath-law.com
Signature	/John A. Galbreath/
Date	12/17/2013
Attachments	91208855-Opposer's Motion to Strike.pdf(96095 bytes)

**Greater Louisville Convention
and Visitors Bureau**

Opposer

v.

The Wine Group LLC

Applicant

) **IN THE UNITED STATES**
) **PATENT AND TRADEMARK OFFICE**
)
)
) **TRADEMARK TRIAL AND APPEAL BOARD**
)
)
) **APPL. NO. 85/736,374**
)
) **OPPOSITION NO. 91208855**
)

**OPPOSER’S MOTION TO STRIKE APPLICANT’S UNTIMELY
RESPONSE TO OPPOSER’S MOTION TO COMPEL**

Greater Louisville Convention and Visitor’s Bureau (“Louisville”, “Opposer”, or “Plaintiff”), by and through its below-identified attorneys, hereby moves to strike The Wine Group LLC’s (“Wine Group”, “Applicant”, or “Defendant”) untimely response to Louisville’s motion to compel, and states as follows:

I. Wine Group Filed and Served Its Response Well After The Deadline, And The Response Is Thus Untimely.

Louisville filed and served its motion to compel on November 13, 2013. Rule 2.127 states that “a brief in response to a motion shall be filed within fifteen days from the date of service of the motion”. The only exception is a response to a summary judgment motion, which is not applicable here.

With the five additional days provided by Rule 2.119(c), that gave Wine Group a full twenty days, or until December 3, 2013, to respond to the motion. Wine Group did not file and serve its response until December 13, 2013, which is well after the deadline. Wine Group’s response is thus untimely.

CONCLUSION

For all the above reasons, Louisville's motion to strike Wine Group's untimely response should be granted.

Respectfully submitted,

/John A. Galbreath/

John A. Galbreath
Galbreath Law Offices
2516 Chestnut Woods Ct.
Reisterstown, MD 21136-5523
TEL: 410-628-7770
FAX: 410-666-7274
EMAIL: jgalbreath@galbreath-law.com

Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Motion to Strike, and referenced attachments, if any, were deposited with the United States Postal Service as first-class mail addressed to:

PAUL W. REIDL
LAW OFFICE OF PAUL W. REIDL
241 EAGLE TRACE DRIVE, SECOND FLOOR
HALF MOON BAY, CA 94019

17 December 2013

/John A. Galbreath/
John A. Galbreath