

ESTTA Tracking number: **ESTTA659122**

Filing date: **03/04/2015**

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

Proceeding	91210259
Party	Defendant Gerry Weber International AG
Correspondence Address	THILO C AGTHE WUERSCH & GERING LLP 100 WALL STREET, 21ST FLOOR NEW YORK, NY 10005 UNITED STATES tm-group@wg-law.com
Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Thilo C. Agthe
Filer's e-mail	tm-group@wg-law.com
Signature	/Thilo C. Agthe/
Date	03/04/2015
Attachments	Consent Motion and Response to Notice of Default_03042015.pdf(90381 bytes)

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

In the Matter of Application Serial No. 79108876

<hr/>)	
Gucci America, Inc.)	
Opposer)	
)	
v.)	Opposition No. 91210259
)	
Gerry Weber International AG)	
Applicant)	
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**CONSENTED MOTION TO REOPEN AND TO EXTEND TIME TO ANSWER AND
EXTEND DISCOVERY AND TRIAL PERIODS**

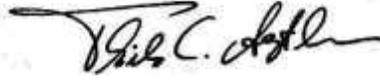
Applicant, Gerry Weber International AG, respectfully requests that the time period to answer the Notice of Opposition be reopened, and that the time to answer and all subsequent discovery and trial dates be extended for a period of six (6) months. The parties have been and continue to be engaged in amicable settlement discussions on this matter and counsel for Petitioner, Gucci America, Inc., has consented to this motion.

Since this request is made for good cause and not made simply for purposes of delay, it is respectfully requested that the trial dates be reset as indicated below:

Time to Answer:	05/18/2015
Deadline for Discovery Conference:	06/18/2015
Discovery Opens:	06/18/2015
Initial Disclosures Due:	07/20/2015
Expert Disclosure Due:	11/20/2015
Discovery Closes:	12/21/2015
Plaintiff's Pretrial Disclosures:	02/04/2016
Plaintiff's 30-day Trial Period Ends:	03/17/2016
Defendant's Pretrial Disclosures:	04/01/2016
Defendant's 30-day Trial Period Ends:	05/16/2016
Plaintiff's Rebuttal Disclosures:	05/31/2016
Plaintiff's 15-day Rebuttal Period Ends:	06/30/2016

The Applicant now files concurrently herewith its Response to the Notice of Default issued on February 4, 2015.

Respectfully submitted:



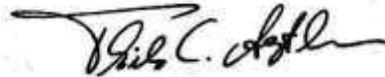
Date: March 4, 2015

Thilo C. Agthe
Counsel for Applicant
WUERSCH & GERING LLP
100 Wall Street, 10th Floor
New York, NY 10005
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **CONSENTED MOTION TO REOPEN AND TO EXTEND TIME TO ANSWER AND EXTEND DISCOVERY AND TRIAL PERIODS** was served via the United States Postal Service on March 4, 2015, with sufficient postage as First Class Mail in an envelope addressed to the following counsel for Opposer:

Andrea L. Calvaruso, Esq.
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178

A handwritten signature in black ink, appearing to read "Thilo C. Agthe", written over a horizontal line.

Thilo C. Agthe

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

In the Matter of Application Serial No. 79108876

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Gucci America, Inc.)	
Opposer)	
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v.)	Opposition No. 91210259
)	
Gerry Weber International AG)	
Applicant)	
)	

RESPONSE TO NOTICE OF DEFAULT

Applicant, Gerry Weber International AG, hereby files its Response to the Notice of Default issued on February 4, 2014, and respectfully submits good cause exists as to why judgment by default should not be entered against it.

In this case, the filing delay was inadvertent. Because the Opposer’s parent company and the Applicant have been in fruitful and ongoing negotiations in Europe concerning the settlement of this matter, as well as the settlement of similar actions pending in other jurisdictions, it was decided to hold the above-captioned matter in abeyance during the negotiations. In advance of the November 18, 2014, due date, the Applicant’s counsel neglected to request an additional six (6) months suspension and extension of time from Opposer’s counsel. The subsequent delay in filing a Motion for An Extension of Time was inadvertent and unintentional. Applicant’s undersigned counsel regrets the error. Additionally, because the Opposer now consents to the extension and suspension request filed concurrently herewith, the Opposer is not prejudiced in any way by the delay. Lastly, the Applicant has a meritorious defense to the action, which will be set forth in connection with an answer to the opposition, should it become necessary to file one.

The Board is further informed that Applicant's undersigned counsel has been advised by Applicant's counsel in Europe that the Applicant and Opposer's parent company in Europe have in principle agreed on settlement terms. Because the settlement is to be global in nature, details are currently being worked out between the parties. As such, the Applicant expects that this proceeding will be settled shortly, though the Applicant cannot with certainty predict the exact time frame. Because (1) the parties have not finally determined whether the mark in the application that is the subject of the instant opposition proceeding will survive the final settlement between the parties, and because (2) Opposer, having consented to the concurrently filed Motion to Reopen And Extend Time to Answer And to Extend Discovery and Trial Periods, is not prejudiced, it is respectfully submitted that it is in the interest of justice and of the parties that these proceedings be reopened and that default against the Applicant should not be entered.

Respectfully submitted:



Date: March 4, 2015

Thilo C. Agthe
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100 Wall Street, 10th Floor
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Tel: 212-509-5050
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Andrea L. Calvaruso, Esq.
Kelley Drye & Warren LLP
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