

ESTTA Tracking number: **ESTTA599403**

Filing date: **04/18/2014**

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

Proceeding	91212004
Party	Plaintiff PRL USA Holdings, Inc.
Correspondence Address	DANIEL I SCHLOSS GREENBERG TRAUIG LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES schlossd@gtlaw.com, kertzners@gtlaw.com, biancoc@gtlaw.com, nairm@gtlaw.com, NYTMDKT@GTLAW.com
Submission	Motion to Extend
Filer's Name	Daniel I. Schloss
Filer's e-mail	schlossd@gtlaw.com
Signature	/Daniel I. Schloss/
Date	04/18/2014
Attachments	18April2014MotExtend91212004.pdf(129562 bytes)

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

-----x

PRL USA HOLDINGS, INC.,

Opposition No. 91212004

Opposer,

-against-

XINGTANG REN,

Applicant.

-----x

MOTION TO EXTEND DISCOVERY AND TRIAL PERIODS

Opposer herein moves that the Board extend by at least ninety (90) days the discovery and trial periods in this proceeding. Under the Board's original August 2013 scheduling Order, discovery is currently scheduled to close on April 21, 2014.

On September 20, 2013, Applicant filed an Answer purporting to assert multiple counterclaims. When counterclaims are asserted, the Board's practice is to institute the counterclaims and issue a new scheduling order, or to issue an order explaining why the counterclaims have not been instituted. The presence or absence of counterclaims materially impacts not only scheduling in a proceeding, but also the focus and conduct of discovery.

In this case, despite numerous calls to Board personnel by the undersigned over the course of several months to inquire about the status of the purported counterclaims, the Board gave no indication of the status of Applicant's purported counterclaims for nearly seven months, until today, April 18, 2014. The Board's April 18 Order noted that Applicant did not pay the requisite filing fees for asserting counterclaims and gave Applicant 20 days to respond.

However, pending Applicant's response, the Order provided that the discovery and trial dates would remain as originally set in the August 2013 scheduling Order. As discovery is currently set to close on April 21, 2014, Opposer respectfully submits that additional time is needed to conduct discovery in the event that Applicant ultimately chooses not to pay the required filing fees to assert its purported counterclaims.

Opposer therefore respectfully requests that, pending Applicant's response to the Board's April 18 Order, the discovery period be extended until at least July 20, 2014, with subsequent trial dates reset accordingly. This request will not be prejudicial to Applicant, nor is it being made for the purpose of delay. This is the first extension of any kind being requested in this proceeding. Finally, as noted in the April 18 Order, in the event that Applicant's counterclaims are ultimately instituted, the Board will in any event reschedule conferencing, disclosure, discovery and trial dates.

Respectfully submitted,

Dated: April 18, 2014

By:

/Daniel I. Schloss/
Daniel I. Schloss
GREENBERG TRAUIG, LLP
200 Park Avenue, 34th
New York, New York 10166
(212) 801-9200
Attorneys for Opposer

CERTIFICATE OF SERVICE

Date: April 18, 2014

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Extend Discovery and Trial Periods has been served by courier with a courtesy copy by email, this 18th day of April 2014 upon Applicant at the following correspondence address of its counsel of record:

George G. Wang
Bei & Ocean
Fanling Town Center, Suite 17a, Tower 7
Fanling
Hong Kong
georgewang@bei-ocean.com

/Daniel I. Schloss/

Daniel I. Schloss