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Filing date: **06/10/2016**

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

Proceeding	91212653
Party	Defendant Majestique Corporation
Correspondence Address	GINO NEGRETTI GINO NEGRETTI LAW OFFICES 670 PONCE DE LEON AVE CARIBBEAN TOWERS, STE 17 SAN JUAN, PR 00907-3207 UNITED STATES gnl@prtc.net
Submission	Motion to Dismiss 2.132
Filer's Name	Gino Negretti
Filer's e-mail	ginonegretti@gmail.com
Signature	/gino negretti/
Date	06/10/2016
Attachments	MOTION FOR INVOLUNTARY DISMISSAL OF OPPOSITION FOR FAILURE TO COMPLY WITH USPTO SCHEDULE ORDER.pdf(273300 bytes)

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

NAUTICA APPAREL, INC.

Opposer

Vs.

MAJESTIQUE CORPORATION

Applicant

OPP. NO. 91212653
SERIAL NO. 85883577

**MOTION FOR INVOLUNTARY DISMISSAL OF OPPOSITION FOR FAILURE TO
COMPLY WITH USPTO SCHEDULE ORDER**

COMES NOW Applicant, Majestique Corporation, by and through its counsel, and very respectfully avers and prays:

1. On March 10, 2016 the Honorable USPTO entered an Order denying Applicant's Motion Requesting Summary Judgment. *Inter alia* the Honorable USPTO ordered a new Trial schedule of the proceedings.

2. Opposer failed to comply with the scheduled order issued by the USPTO.

3. Opposer has failed during the proceedings to provide the discovery requested by Opposer. Opposer was forced to file Motion to Compel Discovery on 2/19/2014 and on 10/31/2014.

4. The procedure history of the above caption case shows consistent requests of Opposer to delay and extent the trial schedule. Opposer has generated discovery controversies and to this date has not answered any of Applicant's discovery. On or around August 18, 2015

Opposer requested Applicant's consent for the extension and discovery of trial periods. Attorney Neil B. Friedman, Counsel for Opposer, represented that the scheduled dates were in conflict with his vacation schedule. As a professional courtesy, we consented to the last extension of time requested by Nautica. The trial schedule was further extended pursuant to the request of Opposer's counsel. (See Exhibit A.) To Applicant's surprise, Nautica's counsel withdraws the legal representation on October 19, 2015, after the extension of time was granted.

5. Opposer once again has not complied with an express scheduling order issued by the USPTO on March 10, 2016.

6. The above caption case has been pending since 2013 and the record shows that Applicant has complied with all the rules and the case has been delayed for actions generated by Opposer.

7. Applicant requests the dismissal of this case for failure of Opposer to comply with the schedule order without just cause.

WHEREFORE Applicant respectfully moves for a dismissal of the Opposition, pursuant to Rules 2.116, 37 C.F.R. and Rule 2.120.

Dated: June 10, 2016.

Respectfully submitted for
Applicant Majestique Corporation

BY: /gino negretti/
Gino Negretti
670 Ponce de Leon, Avenue Suite 17
Caribbean Towers Condominium
San Juan, Puerto Rico 00907-3207
(787)725-5500

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was sent to Opposer's Attorney this 10th day of June, 2016 via first class mail, postage prepaid, to the following address and by electronic mail:

John M. Rannells, Esq.
92 East Main St., Suite 302
Somerville, New Jersey 08876
Email: jmr@br-tmlaw.com

/s/ /gino negretti/
Gino Negretti



EXHIBIT 1
Gino Negretti <ginonegretti@gmail.com>

APPLICATION SERIAL NO. 85883577 / OPPOSITION NO. 91212653
NAUTICA APPAREL, INC. VS. MAJESTIQUE CORPORATION

P. Chang <P.Chang@br-tmlaw.com>
To: "ginonegretti@gmail.com" <ginonegretti@gmail.com>
Cc: Neil Friedman <N.Friedman@br-tmlaw.com>

Mon, Aug 17, 2015 at 8:20 PM

Dear Mr. Negretti:

I write on behalf of Mr. Friedman as he is leaving for vacation.

We are in receipt of your letter dated August 17, 2015. Although we respectfully disagree with your opinion regarding your improper service of initial disclosure, we are ready to accept the latest served initial disclosure and your discovery requests provided that the Applicant will stipulate to allow Opposer to respond to Applicant's discovery requests within 60 days from today. As advised in our August 7 letter, we needed the extra time in light of Mr. Friedman's upcoming vacationing schedule.

Please advise if you are agreeable to our proposal.

Best Regards,

Mr. Pei-Lun Chang, Esq.

張晉倫



Baker and Rannells, PA



Gino Negretti <ginonegretti@gmail.com>

**APPLICATION SERIAL NO. 85883577 / OPPOSITION NO. 91212653
NAUTICA APPAREL, INC. VS. MAJESTIQUE CORPORATION**

Neil Friedman <N.Friedman@br-tmlaw.com>

Tue, Aug 18, 2015 at 3:59 PM

To: "P. Chang" <P.Chang@br-tmlaw.com>, "ginonegretti@gmail.com" <ginonegretti@gmail.com>

Cc: "K. Hnasko" <K.Hnasko@br-tmlaw.com>

Dear Gino,

This email shall serve to follow our agreement during our conversation this afternoon.

1. We agree to accept the previously served Applicant's Initial Disclosures (previously served 2/20/14, see attached) as being properly served after the prior suspension period on behalf of Nautica. Effective 7/7/2015, the date you served your discovery requests.

2. You have agreed to allow us an additional 60 days to respond to Applicant's combined discovery requests which were served on 7/7/2015 due to my vacation schedule. The 60 days to run from our request yesterday (as shown below). As such, it is agreed that Nautica's responses to Applicant's combined discovery requests shall be due on or before 10/16/2015.

Please contact me if there is any misunderstanding. I just realized however that the remaining dates on the schedule from the Board must be adjusted as well.

The dates are currently as follows:

Plaintiff's Pretrial Disclosures Due 9/19/2015

Plaintiff's 30-day Trial Period Ends 11/3/2015

Defendant's Pretrial Disclosures Due 11/18/2015

Defendant's 30-day Trial Period Ends 1/2/2016

Plaintiff's Rebuttal Disclosures Due 1/17/2016

Plaintiff's 15-day Rebuttal Period Ends 2/16/2016

Would you agree to extend these dates 60 days as well?

Neil B. Friedman, Esq.,



Attorneys at Law

575 Route 28

Raritan, NJ 08869

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Facsimile: (908) 725-7088

E-mail: n.friedman@br-tmlaw.com

www.tmlawworldwide.com

This email is confidential and may be legally privileged. If you received it in error please notify us immediately. If you are not the intended recipient you should not copy it, disclose its contents to others, or use it for any purpose.

From: P. Chang

Sent: Monday, August 17, 2015 8:20 PM

To: ginonegretti@gmail.com

Cc: Neil Friedman

Subject: APPLICATION SERIAL NO. 85883577 / OPPOSITION NO. 91212653 NAUTICA APPAREL, INC. VS. MAJESTIQUE CORPORATION

Importance: High

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➤ **Applicant's Initial Discl. 2.20.14.pdf**
132K



Gino Negretti <ginonegretti@gmail.com>

**APPLICATION SERIAL NO. 85883577 / OPPOSITION NO. 91212653
NAUTICA APPAREL, INC. VS. MAJESTIQUE CORPORATION**

Neil Friedman <N.Friedman@br-tmlaw.com>

Tue, Aug 18, 2015 at 5:13 PM

To: "ginonegretti@gmail.com" <ginonegretti@gmail.com>

Cc: "P. Chang" <P.Chang@br-tmlaw.com>, "K. Hnasko" <K.Hnasko@br-tmlaw.com>

Dear Gino,

As agreed, I have filed the stipulated motion below. You will receive confirmation once ordered by the Board.

Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Plaintiff's Trial Period is currently set to close on 11/03/2015. Nautica Apparel, Inc. requests that such date be extended for 60 days, or until 01/02/2016, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	11/18/2015
Plaintiff's 30-day Trial Period Ends :	01/02/2016
Defendant's Pretrial Disclosures :	01/17/2016

Defendant's 30-day Trial Period Ends : 03/02/2016

Plaintiff's Rebuttal Disclosures : 03/17/2016

Plaintiff's 15-day Rebuttal Period Ends : 04/16/2016

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

Nautica Apparel, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Nautica Apparel, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/Neil B. Friedman/

Neil B. Friedman

n.friedman@br-tmlaw.com, p.chang@br-tmlaw.com, k.hnasko@br-tmlaw.com

ginonegretti@gmail.com

08/18/2015

Neil B. Friedman, Esq.



Attorneys at Law

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From: ginonegretti@gmail.com [mailto:ginonegretti@gmail.com]

Sent: Tuesday, August 18, 2015 4:48 PM

To: Neil Friedman

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