

ESTTA Tracking number: **ESTTA570232**

Filing date: **11/11/2013**

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

Proceeding	91212768
Party	Defendant Disidual Clothing, LLC
Correspondence Address	TEJPAL S. HANSRA HANSRA INTELLECTUAL PROPERTY LAW 1313 E MAPLE ST STE 223 BELLINGHAM, WA 98225-5708 paul@hansralaw.com
Submission	Motion to Extend
Filer's Name	Michael Dell Long
Filer's e-mail	mlong@longlawpc.com
Signature	/Michael Dell Long/
Date	11/11/2013
Attachments	Applicant Defendants Motion to Extend Time fully-executed 20131111173133490.pdf(99567 bytes) Declaration of Brendan Pape In Support of Motion to Extend Time Fully- executed 20131111173150249.pdf(143936 bytes) Proof of Service Motion and BP Declaration fully-executed 20131111173203926.pdf(56279 bytes)

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

**In the matter of Trademark Application
No. 85/836,544 for the Mark: DISIDUAL
Date Published in Official Gazette: August
27, 2013**

INTS It Is Not The Same, GmbH,

Opposer/Plaintiff,

vs.

Disidual Clothing, LLC,

Applicant/Defendant.

Opposition No.: 91212768
Serial No. 85/836,544

**APPLICANT/DEFENDANT'S
MOTION TO EXTEND TIME
TO FILE ANSWER OR OTHER
INITIAL RESPONSIVE PLEADING**

Applicant/Defendant Disidual Clothing, LLC respectfully requests the Board for a forty (40) day extension of time to file an answer or other initial responsive pleading to Opposer/Plaintiff's Notice of Opposition, and to reset the discovery deadlines and trial date accordingly, because there is good cause for Applicant/Defendant's delay in filing its answer or appearing in this proceeding by the November 11, 2013 due date.

Applicant/Defendant's Members were not informed of the filing of this Opposition by counsel Paul Hansra until October 18, 2013. After meeting with Mr. Hansra on Monday, October 21, 2013, Applicant/Defendant's Members instructed Mr. Hansra to contact Opposer/Plaintiff's counsel and seek an Extension of Time, thus allowing the Applicant/Defendant to prepare and transmit a proposal intended to secure a negotiated resolution to the Opposition. Applicant/Defendant's Members were informed of Opposer/Plaintiff's refusal to grant an Extension of Time on or about November 4, 2013.

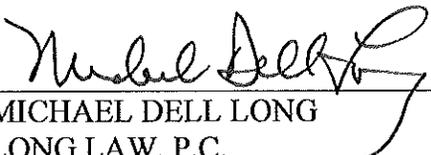
Shortly thereafter, and following conferral with Mr. Hansra, Applicant/Defendant's Members determined that they must secure more experienced trademark counsel to represent Applicant/Defendant before the Trademark Trial and Appeal Board. Applicant/Defendant subsequently retained the Long Law, P.C. and Law Office of Joseph Kaufman law firms to represent it in this Opposition proceeding on or about Saturday, November 9, 2013. Pursuant to Applicant/Defendant's instructions, a Revocation of Original Attorney and Appointment of New Attorneys filed was executed and filed electronically with the Board this instant date.

Applicant/Defendant has filed this Motion to Extend in an attempt to provide new counsel the time necessary to prepare an appropriate response and to prevent the entry of a default against it due to the failure to file an answer or other initial responsive pleading.

Based upon the above reasons, the Applicant/Defendant respectfully prays the Board to grant its request for a forty (40) day extension of time to file an answer or other initial responsive pleading, and to reset the discovery dates and trial dates accordingly.

DATED: November 11, 2013

Respectfully submitted,


MICHAEL DELL LONG
LONG LAW, P.C.
1841 NW 23rd Avenue
Portland, OR 97210
Office: 503.459.4023
Fax: 503.208.7187
Email: mldell@longlawpc.com

OF ATTORNEYS FOR
APPLICANT/DEFENDANT
DISIDUAL CLOTHING, LLC

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

**In the matter of Trademark Application
No. 85/836,544 for the Mark: DISIDUAL
Date Published in Official Gazette: August
27, 2013**

INTS It Is Not The Same, GmbH,

Opposer/Plaintiff,

vs.

Disidual Clothing, LLC,

Applicant/Defendant.

Opposition No.: 91212768
Serial No. 85/836,544

**DECLARATION OF BRENDAN
PAPE IN SUPPORT OF
APPLICANT/DEFENDANT'S
MOTION TO EXTEND TIME
TO FILE ANSWER OR OTHER
INITIAL RESPONSIVE PLEADING**

I, Brendan Pape, declare as follows:

1. I am an LLC Member of the named Applicant/Defendant in the above-entitled proceeding.
2. I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.
3. On or about Friday, October 18, 2013, I received a telephone call from Paul Hansra, the attorney of record for the underlying trademark application for the mark "DISIDUAL", informing me that he had been served with the Notice of Opposition from Opposer/Plaintiff.
4. Pursuant to my request, Mr. Hansra met with fellow LLC Member Robert Harkson and me on Monday, October 21, 2013. Following our attorney/client conference, we instructed Mr. Hansra to seek an extension of time from Mr. Swartz, attorney for Opposer/Plaintiff, thus allowing us time to prepare and transmit a proposal to potentially resolve the Opposition. In the event that the parties could not resolve the

matter amicably, the extension of time would have allowed us time to secure more experienced trademark counsel to represent Applicant/Defendant before the Trademark Trial And Appeal Board.

5. Upon information and belief, between October 21, 2013 and October 31, 2013, Mr. Hansra and Mr. Swartz exchanged communications concerning the requested extension of time to respond. During those conversations, Mr. Swartz informed Mr. Hansra that he had no authority to negotiate on behalf of Opposer/Plaintiff, as he was operating under the direction of foreign patent counsel for Opposer/Plaintiff. Mr. Swartz further confirmed that he would simply forward proposals to/from said foreign attorney. On or about Monday, November 4, 2013, Mr. Hansra informed us that he had received an email from Mr. Swartz confirming Opposer/Plaintiff's refusal to grant an Extension of Time.

6. During that same time period, we began considering our business options, including the need to search for and secure more experienced trademark counsel to represent Applicant/Defendant before the Trademark Trial and Appeal Board. On November 4, 2013, I received a referral for Joseph Q. Kaufman of the Law Office of Joseph Kaufman.

7. Following additional telephone conversations and discussions, I retained Mr. Kaufman and co-counsel Michael Dell Long, of the Long Law, P.C. law firm, to represent Applicant/Defendant in this Opposition proceeding, effective Saturday, November 9, 2013. I instructed Mr. Long to prepare a Revocation of Old Attorney and Appointment of New Attorneys, which I executed this instant date, and which document

was filed by Mr. Long with the Board this instant date, via the Electronic System for Trademark Trials and Appeals (ESTTA).

8. Based upon Applicant/Defendant's need to secure new counsel to represent it in this opposition proceeding, and the lack of time available for new counsel to prepare and file an initial responsive pleading by today's specified due date, I found it necessary to instruct my new attorneys to request a forty (40) day extension to file an answer or other initial responsive pleading, thus ensuring that Applicant/Defendant does not miss the opportunity to prepare and file a timely response to the Notice of Opposition.

9. I have no reason to believe Opposer/Plaintiff will suffer prejudice if the Trademark Trial and Appeal Board grants this Motion.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: November 11, 2013 in Bellingham, Washington.


BRENDAN PAPE, LLC MEMBER

on behalf of Applicant/Defendant
DISIDUAL CLOTHING, LLC
4298 Meridian Street
Bellingham, WA 98226

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

**In the matter of Trademark Application
No. 85/836,544 for the Mark: DISIDUAL
Date Published in Official Gazette: August
27, 2013**

Opposition No.: 91212768
Serial No. 85/836,544

PROOF OF SERVICE BY MAIL

INTS It Is Not The Same, GmbH,

Opposer/Plaintiff,

vs.

Disidual Clothing, LLC,

Applicant/Defendant.

I, Michael Dell Long, declare as follows:

My firm's address is Long Law, P.C., 1841 NW 23rd Avenue, Portland, Oregon, 97210, which is located in the county where the mailing described below took place.

On Monday, November 11, 2013, I served the following document(s) described as:

1. Motion to Extend Time to File Answer or Other Initial Responsive Pleading; and
2. Declaration of Brendan Pape in Support of Motion to Extend;

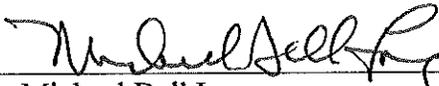
on all interested parties in this action by placing a true and correct copy thereof in a sealed envelope, with first-class postage prepaid thereon, and deposited said envelope in the United States Mail at or in Portland, Oregon, addressed to:

John S. Egbert
Egbert Law Offices, PLLC
1314 Texas, 21st Floor
Houston, TX 77002

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of November, 2013 at Portland, Oregon.

LONG LAW, P.C.

By: 
Michael Dell Long
Of Attorneys for Applicant/Defendant