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

Proceeding	91213057
Party	Defendant Hylete LLC
Correspondence Address	KYRIACOS TSIRCOU TSIRCOU LAW PC 515 S FLOWER ST , FL 36 LOS ANGELES, CA 90071 2221 UNITED STATES kyri@tsircoulaw.com
Submission	Motion to Extend
Filer's Name	Kyriacos Tsircou
Filer's e-mail	kyri@tsircoulaw.com, tyler@tsircoulaw.com
Signature	/kyri tsircou/
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Attachments	HYLETE_MOTION_TO_EXTEND_1-2-2015.pdf(109473 bytes)

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

HYBRID ATHLETICS, LLC,

Opposer,

v.

HYLETE, LLC,

Applicant.

Opposition No.: 91213057

Application Serial No.: 85/837,045

APPLICANT HYLETE'S MOTION
TO EXTEND DISCOVERY
PERIOD

APPLICANT'S MOTION TO EXTEND DISCOVERY DEADLINE

Applicant respectfully requests the Trademark Trial and Appeal Board (“Board”) for an extension of the discovery period for the limited purpose of allowing Applicant time to review Opposer’s discovery responses, to pursue follow up discovery, if necessary, and, to potentially move to compel further responses, if needed. Applicant also requests that the testimony period be re-set to follow close of discovery.

I. MOTION TO EXTEND

In accordance with Fed. R. Civ. P. 6(b), Applicant hereby moves the Board for a thirty (30) day extension of the discovery period for the purpose of allowing Applicant time to review Opposer’s new discovery responses, to pursue follow up discovery, if necessary, and to potentially move to compel further responses, if needed. Applicant also requests that the testimony period be re-set to follow close of discovery.

Applicant has been diligent during the discovery period. Applicant served discovery as ordered by the Board to Opposer soon after taking over the case. Applicant understands that previous delays by previous counsel have led to the current situation; however, given the following facts, Applicant asks for leniency in the Board’s decision to grant an extension for Discovery:

(A) Opposer sent over 5,000 discovery documents and images to Applicant on December 31, 2014.

(B) Under the current circumstances, Applicant will be prejudiced if required to proceed. A two day time period is not sufficient to effectively review the thousands of newly received discovery documents and to pursue follow-up discovery, if necessary.

(C) The undersigned attorney is retaining additional counsel to address this workload. Counsel for Applicant will only be able to effectively represent the interest of Applicant with this thirty (30) day extension.

(D) Opposer will not be prejudiced by a granting of this extension of time for Applicant to effectively review the discovery documents recently received. Additionally, Applicant spoke with Opposer on the phone the morning of January 2, 2015. Opposer stated he did not have authority to consent to an extension, but if Applicant filed a motion for extension with this Board, that Opposer might consider consenting.

Applicant does not seek an extension of time for purposes of delay. It is requested that the thirty (30) day extension run from the date of the Board's decision to grant the extension.

DATE: January 2, 2015

By: /kyri tsircou/
Kyriacos Tsircou, Esq.
Attorneys for Applicant HYLETE, LLC

