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

Proceeding	91213286
Party	Defendant SIS Resources Ltd.
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Submission	Motion to Extend
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Date	09/22/2014
Attachments	Motion for 90-Day EOT .pdf(121131 bytes)

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

In the matter of Trademark
Application Serial No. 85/846,992
Mark: MOCHA MIST
Filed: February 12, 2013
Published: July 9, 2013

STARBUZZ TOBACCO, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91213286
)	
SIS RESOURCES LTD.)	
)	
Applicant.)	
)	

**MOTION FOR A NINETY-DAY EXTENSION OF THE CLOSE OF
THE DISCOVERY PERIOD AND RE-SET ALL REMAINING CASE DEADLINES**

Commissioner for Trademarks
Post Office Box 1451
Alexandria, Virginia 22313-1451

Applicant SIS Resources Ltd. (“Applicant”), by and through the undersigned counsel, submits this Motion for a Ninety-Day Extension of the Close of the Discovery Period and Re-Set All Remaining Case Deadlines with the Trademark Trial and Appeal Board (“Board”), respectfully requesting that the Board grant an extension of time through and including December 26, 2014 for the Close of the Discovery Period, and that all subsequent case deadlines be re-set by ninety days, pursuant to TBMP § 509.01.

The new case deadlines would be as follows:

Expert Disclosures Due:	CLOSED
Discovery Period to Close:	December 26, 2014
Plaintiff Pretrial Disclosures:	February 9, 2015
Plaintiff's 30-Day Trial Period Ends:	March 26, 2015
Defendant's Pretrial Disclosures:	April 10, 2015
Defendant's 30-Day Trial Period Ends:	May 25, 2015
Plaintiff's Rebuttal Disclosures:	June 9, 2015
Plaintiff's 15-Day Rebuttal Period Ends:	July 9, 2015

At present, the next deadline is the Close of the Discovery Period on September 27, 2014. The Parties have engaged in written discovery, with each side having served requests and written responses, and additional time is needed for the Parties to complete discovery, including producing documents.

On September 15, 2014 and again on September 17, counsel for Applicant sent an email to counsel for Opposer Starbuzz Tobacco, Inc. ("Opposer") requesting consent to a sixty-day extension of the discovery period and subsequent pending case deadlines. On September 18, counsel for Opposer responded with a proposal for "90 days extension of all deadlines." On September 19, Applicant agreed to a ninety-day extension of the close of the discovery period (the next pending case deadline) and subsequent pending case deadlines, and provided a draft Consented Motion with the same dates set out above. Opposer then expressly requested an extension of the deadline for expert disclosures, too; however, that deadline had already expired on August 28, 2014, and cannot be extended simply by consent of the parties (*cf.* TBMP §§ 509.01(a) and (b)). Applicant also made clear that it was not agreeable to moving to re-open the

expert disclosures deadline. At this time, it is unclear whether Opposer consents to a ninety-day extension of the close of the discovery period and subsequent pending case deadlines.

WHEREFORE, in light of the foregoing, Applicant has shown good cause as to why the instant Motion should be granted. This Motion is made in good faith and not for the purpose of delaying proceedings with the Board. As such, Applicant requests that further appropriate action be taken in this proceeding, including the granting of an extension of the deadline for the Close of the Discovery Period through and including December 26, 2014, and that all subsequent case deadlines be re-set by ninety days accordingly.

Respectfully submitted,

Dated: September 22, 2014 By: /s/ John M. Nading
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **MOTION FOR A NINETY-DAY EXTENSION OF THE CLOSE OF THE DISCOVERY PERIOD AND RE-SET ALL REMAINING CASE DEADLINES** was served via electronic mail, as agreed to be the Parties, to Opposer's counsel of record:

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this 22nd day of September, 2014.

/s/ John M. Nading

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