

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

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Mailed: August 26, 2015

Opposition No. **91219570**

*John Paul Uceda, Mario Uceda,  
Doris Uceda, Juan J. Uceda,  
Ines Uceda and Charo Uceda*

*v.*

*Uceda Institute, Inc.*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On August 25, 2015, the Board held a telephone conference to hear argument and rule on Applicant's motion (filed August 4, 2015) to extend its time to answer. The motion is contested. Arthur R. Lehman, Esq., of Arthur R. Lehman LLC appeared as counsel for Opposers<sup>1</sup> and Nikki Siesel, Esq., of Law Offices of Joseph C. Messina appeared as counsel for Applicant.

This matter was instituted on December 2, 2014.<sup>2</sup> Shortly thereafter on December 4, 2014, Applicant filed a consented motion to extend all dates by ninety (90) days for the purpose of settlement discussions. The motion was granted and Applicant's time to answer was reset to April 11, 2015.

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<sup>1</sup> The change of correspondence filed by Opposers' counsel on August 25, 2015, has been noted and entered.

<sup>2</sup> By the Board's institution order, Applicant's time to answer was set to January 11, 2015.

On March 27, 2015, Applicant filed a second consented motion to extend dates by sixty (60) days for settlement purposes. The motion was granted and Applicant's time to answer was reset to June 10, 2015.

A third request for extension was filed by Applicant on June 8, 2015, for settlement purposes but without the consent of Opposers. The motion went uncontested and was granted by the Board as conceded. Applicant's time to answer was reset to August 10, 2015.

A fourth request for extension was filed by Applicant on August 4, 2015, for settlement purposes again without the consent of Opposers. This time, however, Opposers objected to the motion and filed a brief in opposition on August 6, 2015.

As Applicant's motion was filed prior to the expiration of Applicant's time to answer, Applicant need only show good cause for the requested extension. *See* Fed. R. Civ. P. 6(b); TBMP § 509.01 (2014). To show good cause, the moving party must set forth with particularity the facts said to constitute good cause and must demonstrate that the requested extension is not necessitated by the moving party's own lack of diligence or unreasonable delay. *See National Football League v. DNH Management LLC*, 85 USPQ2d 1852, 1854 (TTAB 2008) ("the Board is liberal in granting extensions of time before the period to act has elapsed so long as the moving party has not been guilty of negligence or bad faith and the privilege of extension is not abused").

Here, although there is disagreement as to whether the parties were truly “moving towards settlement” at the time Applicant filed its motion, there is agreement between the parties’ counsels that settlement discussions did not definitively terminate until August 5, 2015, when Opposers rejected Applicant’s latest proposal. As settlement discussions were ongoing at the time Applicant filed its motion, the Board finds good cause to extend Applicant’s time to answer and, therefore, **GRANTS** Applicant’s motion for extension to the extent that the Board does not find Applicant to be in default. With that being said, as the parties are no longer in settlement discussions, Applicant is hereby ordered to serve and file its answer no later than **SEPTEMBER 15, 2015**, following which the parties are to hold their discovery conference no later than **SEPTEMBER 29, 2015**.

Dates are **RESET** as follows:

Time to Answer	<b>9/15/2015</b>
Deadline for Discovery Conference	<b>9/29/2015</b>
Discovery Opens	<b>9/29/2015</b>
Initial Disclosures Due	<b>10/29/2015</b>
Expert Disclosures Due	<b>2/26/2016</b>
Discovery Closes	<b>3/27/2016</b>
Plaintiff’s Pretrial Disclosures Due	<b>5/11/2016</b>
Plaintiff’s 30-day Trial Period Ends	<b>6/25/2016</b>
Defendant’s Pretrial Disclosures Due	<b>7/10/2016</b>
Defendant’s 30-day Trial Period Ends	<b>8/24/2016</b>
Plaintiff’s Rebuttal Disclosures Due	<b>9/8/2016</b>
Plaintiff’s 15-day Rebuttal Period Ends	<b>10/8/2016</b>

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

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Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).  
An oral hearing will be set only upon request filed as provided by Trademark  
Rule 2.129.

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