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

Proceeding	91220573
Party	Plaintiff Miss Universe L.P., LLLP
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Date	01/29/2016
Attachments	Motion to Extend Discovery.pdf(1794412 bytes)

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

MISS UNIVERSE L.P., LLLP,

Opposer,

v.

LINDA GRANDIA,

Applicant.

Opposition No.: 91220573

**OPPOSER'S MOTION TO
EXTEND DISCOVERY AND TRIAL DATES**

I. Introduction

Pursuant to TBMP §509.01(a), Opposer, Miss Universe L.P., LLLP ("Opposer") hereby moves the Board for 1) an extension of the deadline to submit expert disclosures and close of discovery for sixty (60) days to April 30, 2016, and corresponding extension of all testimony periods as set forth below, and 2) an order suspending the above referenced opposition proceeding with respect to all matters not germane to the motion, pursuant to 37 CFR §2.120 (e), including a corresponding extension of all discovery and testimony periods.. As detailed herein, the requested extension of time is not the result of Opposer's lack of diligence or unreasonable delay in taking action within the existing discovery period. This request for a sixty day extension is based upon good cause and is necessary for Opposer to complete necessary depositions and to procure outstanding discovery responses and documents that Applicant has refused to produce. Applicant has refused to address outstanding discovery disputes in good faith, making it impossible for Opposer to complete discovery necessary to adequately prepare

its case. In fact, Applicant rejected Opposer's request to stipulate to this sixty day extension of time.

II. History of Proceedings to Date

Opposer filed a Notice of Opposition in this proceeding on February 11, 2015. Applicant filed her Answer on July 6, 2015. Counsel for the respective parties held a discovery conference in August 2015. On September 2, 2015, Applicant's counsel of record filed a motion to withdraw and the Board approved Applicant's pro se request. The parties exchanged Initial Disclosures in September 2015.

Opposer served Applicant with Requests for the Production of Documents and Things ("Opposer's Document Requests") and Interrogatories ("Opposer's Interrogatories") on November 10, 2015 (collectively, "Opposer's Discovery Requests"). Pursuant to TMBP §403.03, Applicant's responses to Opposer's Discovery Requests were due December 15, 2015. Applicant failed or refused to respond to Opposer's Discovery Requests. On December 17, 2015, counsel for Opposer sent Applicant a letter reminding Applicant of her discovery obligations and requesting that Applicant provide responses to Opposer's Discovery Requests by December 21, 2015 and consent to a sixty day extension of the discovery period. On December 20, 2015, Applicant served written responses and objections to Opposer's Discovery Requests, which provided nearly no responsive information, and produced only thirteen pages of documents. Applicant's responses fail to state that she conducted a diligent search for the requested information and that she was not in possession of the requested information. Applicant refused to consent to a sixty day extension of time and stipulated only to a thirty day extension of discovery and trial dates, which was requested and granted by the Board on December 21, 2015 to allow the parties additional time to gather evidence

and prepare responses. Applicant thereafter served Opposer with Requests for Admission to which Opposer timely responded.

Via letter dated January 12, 2016, Opposer's counsel requested that Applicant revise her responses and objections and produce responsive documents. Opposer's letter detailed the many deficiencies with Applicant's responses to Opposer's Discovery Requests and again requested appropriate responses and the production of all responsive documents by January 20, 2016. On January 19, 2016, Applicant provided revised responses and objections to Opposer's Discovery Requests (which were dated January 18, 2016) via email, together with two additional pages of documents. Unfortunately, Applicant's supplemental responses remain wholly nonresponsive and inadequate.

Counsel for Opposer thereafter sent Applicant an email informing her that the supplemental responses and objections to Opposer's Discovery Requests were not in accordance with the requirements of the TTAB and Federal Rules. Opposer requested that Applicant consent to a sixty day extension of the discovery period in order for the parties to meet and confer to attempt to resolve the discovery issues. Applicant responded the same day in an email wherein she rejected the request to meet and confer and denied to consent to any extension of the existing TTAB deadlines. Opposer requires additional time in which to detail the many deficiencies in Applicant's supplemental responses and objections to the Discovery Requests and to attempt to confer further with Applicant regarding the remaining discovery deficiencies, or move to compel proper responses.

Expert disclosures are due on January 31, 2016 and discovery closes on March 1, 2016. Without the requested information and documents, it is impossible for Opposer to prepare its claims and evidence.

III. Good Cause Exists for Requested Extension of Time

As set forth with particularity above, Opposer has been diligent in its attempts to complete necessary discovery within the existing discovery deadline. Nevertheless, for the reasons detailed above, Opposer requests a sixty day extension of time of the expert disclosures and discovery deadlines, which are necessary for Opposer to move to compel appropriate discovery responses from Applicant, examine evidence produced, prepare expert disclosures, if any, prepare for and conduct depositions and prepare Opposer's evidence for trial. This extension of time is not necessitated by unreasonable delay by Opposer or its counsel. Indeed, the extension of time is necessary because Applicant has repeatedly refused to meet her discovery obligations and is preventing Opposer from obtaining information necessary to prove its claims.

For all of the foregoing reasons and upon good cause shown pursuant to TBMP §509.01(a), Opposer requests an extension of the discovery deadline and resetting of all subsequent deadlines as follows:

Expert Disclosures Due:	March 31, 2016
Close of Discovery:	April 30, 2016
Plaintiff's Pretrial Disclosures:	June 14, 2016
Plaintiff's 30-day Trial Period Ends:	July 29, 2016
Defendant's Pretrial Disclosures:	August 13, 2016
Defendant's 30-day Trial Period Ends:	September 27, 2016
Plaintiff's Rebuttal Disclosures:	October 11, 2016
Plaintiff's 15-day Rebuttal Period Ends:	November 10, 2016

Opposer further respectfully requests the Board issue an Order suspending the above referenced opposition proceeding with respect to all matters not germane to the motion, pursuant to 37 CFR §2.120 (e), including a corresponding extension of all discovery and testimony periods.

Dated: New York, New York
January 29, 2016

Respectfully submitted,

KELLEY DRYE & WARREN LLP

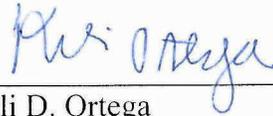


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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Motion to Extend Discovery and Trial Dates to be served on Applicant, this 29th day of January 2016, via email and first class mail, postage prepaid and to:

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Kelli D. Ortega