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Filing date: **11/09/2015**

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

Proceeding	91221324
Party	Plaintiff Nintendo of America, Inc.
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Submission	Motion to Extend
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Signature	/katherine keating/
Date	11/09/2015
Attachments	Ext_Req_Decl.pdf(16227 bytes)

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

NINTENDO OF AMERICA INC.,

Opposer,

v.

MARIO JONES,

Applicant.

Opposition No. 91,221,324

Serial No.: 86/283,191

Mark: SUPAH MARRIO

Filed: May 16, 2014

Published: December 2, 2014

Classes: 41

OPPOSER’S MOTION TO EXTEND DEADLINE FOR EXPERT DISCLOSURES

Pursuant to 37 C.F.R. § 2.120(A) and TBMP § 509.01(a), Opposer Nintendo of America Inc. (“Nintendo”) hereby moves for an order extending the deadline for expert disclosures from November 9, 2015 to December 9, 2015, or to such other date as the Board may set.

Good cause for this extension exists because Applicant Mario Jones (“Applicant”) has not responded to communications from Nintendo and has not responded to Nintendo’s outstanding discovery requests (interrogatories, requests for production, and requests for admission). *See* Declaration of Katherine Keating (“Keating Decl.”) at ¶ 2. On October 19, 2015, Applicant served initial disclosures that had been due on July 1. *Id.* at ¶ 3.

Extension of the deadline for expert disclosures is necessary so that Nintendo can first obtain discovery responses from Applicant. The extension would not prejudice Applicant or delay the proceedings.

For these reasons, Nintendo respectfully requests that the Board grant its motion and extend the deadline for expert disclosures to December 9, 2015, or to such other date as the Board may set.

Respectfully submitted,

BRYAN CAVE LLP

Dated: November 9, 2015

/katherine keating/

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**DECLARATION OF KATHERINE KEATING IN SUPPORT OF
OPPOSER'S MOTION TO EXTEND DEADLINE FOR EXPERT DISCLOSURES**

I, Katherine Keating, declare as follows:

1. I am an attorney in the law firm of Bryan Cave LLP, counsel of record for Opposer Nintendo of America Inc. ("Nintendo") in the above-captioned proceedings. I have personal knowledge of the facts set forth in this declaration and if called to do so, I could and would testify competently to such facts.

2. Over the past five months, Applicant Mario Jones has not responded to any communications sent on behalf of Nintendo regarding these opposition proceedings. Mr. Jones' responses to Nintendo's written discovery requests were due on October 21, 2015. Nintendo has received no responses to the requests and no responses to its communications about the overdue discovery responses.

3. Extension of the deadline for expert disclosures is necessary so that Nintendo can first obtain discovery responses from Mr. Jones. The extension would not prejudice Mr. Jones or delay the proceedings.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Dated: November 9, 2015

/katherine keating/
Katherine Keating

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing OPPOSER’S MOTION TO EXTEND DEADLINE FOR EXPERT DISCLOSURES and DECLARATION OF KATHERINE KEATING IN SUPPORT OF OPPOSER’S MOTION TO EXTEND DEADLINE FOR EXPERT DISCLOSURES has been served on Applicant Mario Jones by mailing said copy on November 9, 2015, via First Class Mail, postage prepaid to:

Mario Jones
355 Crescendo Way
Silver Spring, MD 20901-5020

Executed on November 9, 2015, at San Francisco, California.

/katherine keating/
Katherine Keating