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

Proceeding	91225379
Party	Plaintiff OpenTV, Inc.
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Submission	Motion to Extend
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Signature	/Britt L. Anderson/
Date	06/17/2016
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OPEN TV, INC.

Opposer

v.

AMERICA DIRECTO CORP.,

Applicant.

Opposition No. 91225379

Opposer's Motion to Extend Time

Mark: OPEN TV

Serial No.: 86/391,585

App Date: Sep. 11, 2014

OPPOSER'S MOTION TO EXTEND TIME

Opposer, through its counsel, hereby respectfully requests a ninety (90) day extension of all dates and deadlines in Opposition Proceeding No. 91225379. Good cause exists for this extension: Opposer filed a Notice of Substitution of Counsel in this proceeding on June 1, 2016. Due to this substitution of counsel, Opposer would be highly prejudiced by the deadlines of the Board's original trial schedule, as filed on December 16, 2015.

A party to a proceeding may motion for an extension of the time in which an act is required to be done. Fed. R. Civ. P. 6(b). The moving party need only show good cause for the requested extension. T.B.M.P. § 509.01. Such party must set forth with particularity the facts said to constitute good cause for the requested extension. T.B.M.P. § 509.01(a). "Ordinarily, 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 extensions has not been abused." *American Vitamin Products Inc. v. DowBrands Inc.*, 22 USPQ2d 1313, 1314 (TTAB 1992).

Here, Opposer has not previously requested an extension from the Board. The reasoning behind this first request is simple: Opposer substituted counsel for this proceeding on June 1, 2016. Opposer's newly appearing counsel, mindful that the close of discovery in this proceeding is rapidly approaching, has diligently worked on this case. However, the trial schedule, as it stands, affords its newly appearing counsel with insufficient time to conduct discovery. Opposer contacted Applicant in writing on multiple occasions to obtain Applicant's stipulation for this extension in deadline. *See* Declaration of Britt Anderson, ¶ 5. Unfortunately, Applicant failed to respond to Opposer's reasonable requests. *Id.*

For these reasons, Opposer submits that it has shown good cause for an extension of dates and deadlines in this proceeding, and respectfully requests that the Board grant this Motion. Pursuant to the Board's preferences as detailed in T.B.M.P. Section 509.02, Opposer requests that the 90 day extension of all dates and deadlines be set to run from the date of the Board's decision on this motion.

Date: June 17, 2016

/s/ Britt L. Anderson
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DECLARATION OF BRITT ANDERSON
IN SUPPORT OF OPPOSER'S MOTION TO EXTEND TIME

I, Britt Anderson, being warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the applications or any resulting registrations, declare as follows:

1. I am the Attorney of Record for Opposer Open TV, Inc. ("Opposer") in Opposition Proceeding No. 91225379 (the "Opposition").
2. Opposer filed a Notice of Substitution of Counsel in this Opposition on June 1, 2016.
3. The close of discovery in this Opposition, as originally scheduled by the Trademark Board, is August 22, 2016.
4. Due to the fact that I am a newly appearing attorney in this Opposition, which is already underway, I sought the consent of Applicant America Directo Corp. ("Applicant") for a ninety (90) day extension of all dates and deadlines in the Opposition.
5. I sent electronic mail messages to Applicant's counsel at the electronic mail (mswyers@thetrademarkcompany.com) address on file with the Trademark Trial and Appeal Board (mswyers@thetrademarkcompany.com) for this proceeding on June 10, 2016 and June 15, 2016 requesting this consent in clear and concise terms. I did not receive any response from Applicant's counsel in response to either my June 10, 2016 or June 15, 2016 requests.

6. All statements made in this Declaration are true, and are believed to be true as of the date of the signing of this Declaration.

Date: June 17, 2016

/s/ Britt L. Anderson
Britt L. Anderson
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Britt L. Anderson, hereby certify that, on June 17, 2016, this Motion to Extend Time was served via first class mail with postage prepaid to the following party or authorized party representative:

Matthew H Swyers
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mswers@thetrademarkcompany.com

Date: June 17, 2016

/s/ Britt L. Anderson

Britt L. Anderson, Esq.
Attorney for Opposer