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

Proceeding	91237294
Party	Defendant JB International Holdings Limited
Correspondence Address	MATTHEW D. ASBELL LADAS & PARRY LLP 1040 AVENUE OF THE AMERICAS NEW YORK, NY 10018 Email: nyustmp@ladas.com
Submission	Motion to Extend
Filer's Name	Matthew D. Asbell
Filer's email	masbell@ladas.com, hbrodsky@ladas.com, mkirkorian@ladas.com
Signature	/ma/
Date	11/27/2017
Attachments	Opposition No. 91237294 LP Ref. C117697985.pdf(134472 bytes)

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

Bassike Pty Ltd Opposer,	)	Opposition No: 91237294 Ser. No. 86883226
JB International Holdings Limited Applicant.	)	Applicant's File No: C117697985

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Motion for an Extension of Time to Answer Without Consent

The Applicant's Time to Answer is currently set to close on November 27, 2017. Applicant requests that such date be extended for 60 days, or until January 26, 2018, and that all subsequent dates be reset accordingly.

The grounds for this request are as follows:

According to the Trademark Trial and Appeal Board Manual of Procedure ("TBMP") § 509.01(a), a party moving to extend time must set forth with particularity the facts said to constitute good cause for the requested extension and must demonstrate that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor.

Applicant respectfully submits that an extension of time to Answer is warranted based on its ongoing negotiations with Opposer. Prior to issuance of the Notice of Opposition for the subject application in the United States, Canadian counsel for Applicant had been negotiating with Canadian counsel for the Opposer in relation to the parties' respective marks, including a Canadian application for a mark corresponding to the mark in the opposed U.S. application. Throughout the entirety of the period during which Applicant could have filed an Answer to the

Notice of Opposition, negotiations with Canadian counsel were ongoing. Canadian counsel for Applicant and Canadian counsel for Opposer briefly met in person and discussed their negotiations at a conference in Washington, D.C. held between November 7 and 10, 2017. Canadian counsel for Applicant also corresponded with Canadian counsel for Opposer as recently as November 24, 2017. The proposed terms of settlement apparently include the acquisition by Opposer for a particular fee of a mark for which Applicant applied to register in Canada.

As of November 21, 2017, the parties' Canadian settlement negotiations were seemingly fruitful, and consequently, Applicant sought Opposer's consent to an extension of the deadline to file an Answer to the U.S. Notice of Opposition. Opposer denied the Applicant's request based on its contention that any settlement would require Applicant's abandonment of the opposed application. Applicant submits that the Opposer's failure to consent to the extension was intended as a means to gain advantage over the Applicant in the negotiations, for example, by using a favorable outcome of the TTAB proceedings in the United States to threaten similar proceedings in Canada and/or to lower the offering price for the Canadian application to be acquired by Opponent.

Applicant telephoned opposing counsel when their respective offices opened after the Thanksgiving holiday weekend to again request consent to the extension of time to file an Answer in view of the ongoing negotiations to settle. Opposing counsel advised that he could not provide the consent without his client's permission, and as Opponent is located in Australia, the time difference would likely prevent him from obtaining such consent prior to the expiration of the deadline.

Applicant respectfully submits that in view of its ongoing settlement efforts with the Opposer in Canada and Opposer's unwillingness to consent to an extension as a means of gaining leverage in such negotiations, good cause exists for an extension of time to file an Answer. Moreover, the requested extension of time is not necessitated by the Applicant's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted

therefor. *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".

By:  Date: 11/27/17

Matthew D. Asbell
Counsel for JB International Holdings Limited
Ladas & Parry LLP
1040 Avenue of the Americas
New York, NY 10018-3738
212-708-1800
masbell@ladas.com

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by email to rlskoglund@rennerkenner.com and mjudd@rennerkenner.com on this date.

By:  Date: 11/27/17

Matthew D. Asbell
Counsel for Applicant
Ladas & Parry LLP
1040 Avenue of the Americas
New York, NY 10018-3738
212-708-1800
masbell@ladas.com