

ESTTA Tracking number: **ESTTA93841**

Filing date: **08/09/2006**

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

Proceeding	92044330
Party	Plaintiff Charleston Child, LLC ,
Correspondence Address	Scott J. Fields NATIONAL IP RIGHTS CENTER, LLC 550 Township Line Road, Suite 400 Blue Bell, PA 19422
Submission	Motion to Extend
Filer's Name	Scott J. Fields
Filer's e-mail	sfields@niprc.com
Signature	/Scott J. Fields/
Date	08/09/2006
Attachments	charleston v Hunter.pdf (7 pages)(128362 bytes)

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

In the matter of trademark Registration No.: **2,790,535**

For the mark: A CHARLESTON CHILD

Date Registered: December 9, 2003

CHARLESTON CHILD, LLC

v.

ILUMINADA PATIO HUNTER and
RONALD LEWIS HUNTER

TRANSMITTAL LETTER

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

Petitioner submits herewith the following documents for filing:

1. Motion to Amend Scheduling Order;
2. Order;
3. Memorandum in Support of Motion to Modify Scheduling Order; and
4. Certificate of Service.

Respectfully submitted,


Scott J. Fields

Date: 8/9/06

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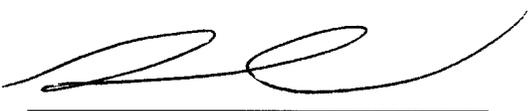
MOTION TO AMEND SCHEDULING ORDER

COMES NOW the Petitioner in the above-captioned matter, and hereby requests that the case be reopened and that the Scheduling Order be mended, granting the parties a period of forty five (45) days in which to take discovery and a forty five (45) day period thereafter in which to file Briefs under Rule 2. 128 Ca.

The matter was subject to the entry of default. The Petitioner never received the Order indicating that the default had lifted and that the case had been reopened. Registrant never served discovery or contact Petitioner. For this reason, the Petitioner requests that the Scheduling Order be amended as attached.

Respectfully submitted,

NATIONAL IP RIGHTS CENTER, LLC

By: 

SCOTT J. FIELDS
550 Township Line Road, Ste. 400
Blue Bell, PA 19422
610-680-2301

Attorney for Petitioner

Dated: 2-9-06

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ORDER

Having come upon the Motion of Petitioner, it is hereby ordered as follows.

The scheduling order is modified as follows

a. the parties are granted a period of forty five (45) days for
discovery, or until _____.

b. the parties are granted a period of forty five (45) days or until
_____ following discovery, for the submission of Briefs under Rule
2.128(a).

Dated: _____

TTAB

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**MEMORANDUM IN SUPPORT OF MOTION TO MODIFY
SCHEDULING ORDER**

Introduction

The Petitioner respectfully requests that the scheduling order in present case be reopened and that the parties be provided with an additional forty five (45) days for discovery, thereafter a forty five (45) day briefing schedule.

The matter was subject to Default which was entered on July 7, 2005 based upon the failure of Registrant to file a timely answer. On September 1, 2005, the Default was lifted. The Petitioner never received a copy of the Order reopening the case. In addition, the Petitioner never received any further discovery for notification of any sort from the Registrant which would have alerted the Petitioner that the case had been reinstated.

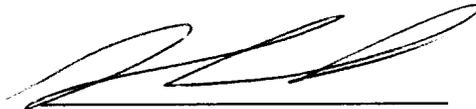
The Petitioner has compelling and strong grounds for bringing the above cancellation. There is evidence suggesting that the Registrant in this matter is not presently using the mark and has never utilized the market in interstate commerce. For this reason, the Petitioner respectfully requests an additional period in which to take discovery and to prepare and file a final brief. The Petitioner did not intend to default.

The requested 90 day period represents the approximate period of time which was lost during the period of default. The attached Declaration of attorney Scott J. Fields is attached hereto.

Conclusion

For the foregoing reasons, the Petitioner respectfully requests the entry of the attached Order.

Respectfully submitted,



Scott J. Fields, Esq.
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Blue Bell, PA 19422
(610) 680-2301
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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing Motion to Amend
Scheduling Order, Order, and Memorandum in Support of Motion to Modify
Scheduling Order was sent via United States First Class mail to:

Christopher Chan
Kilpatrick & Stockton
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530

Dated: 8/9/06



Scott J. Fields
Attorney for Petitioner