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

Proceeding	92051140
Party	Plaintiff Leonid Nahshin
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Submission	Opposition/Response to Motion
Filer's Name	Vera Chernobytsky
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Date	03/26/2011
Attachments	Response to D's Opposition to Motion to Resume Proceedings March 26, 2011.pdf (4 pages)(172168 bytes)

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

Leonid Nahshin,
HAZVI st. 153/36
Beer-Sheva, 84746 ISRAEL

Plaintiff-Petitioner

vs.

Product Source International, LLC
13 Coleman Road
Berlin, NJ 08009
UNITED STATES
Defendant-Respondent

Petition No.: 92/051,140
Registration No.: 3,350,041
Mark: NIC-OUT
Interlocutory Attorney:
Ann Linnechan, Esq.

**PETITIONER'S RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S
MOTION TO RESUME PROCEEDINGS**

I. INTRODUCTION

COMES NOW the Petitioner, Leonid Nahshin and replies to Respondent's Product Source International, LLC ("PSI") Opposition to Motion to Resume Proceedings and moves this Honorable Court to grant Respondent's Product Source International, LLC ("PSI") its request of 25 days for cross-examination of witnesses Leonid Nahshin and Alexander Slobidker from the date that Petitioner served the deposition questions on the Respondent.

II. BACKGROUND

On January 12, 2011, Petitioner served Respondent with the Notice of Reliance that it would take two depositions upon written questions of Leonid Nahshin and Alexander Slobidker. However, due to substantial distance in locations between Petitioner, Leonid Nahshin, residing in

Israel, witness for Petitioner, Alexander Slobidker, residing in Canada and counsel for

Petitioner, Vera Chernobylsky, residing in United States, Petitioner was unable to provide

Respondent with the proposed questions at that time. However, on February 22, 2011 Petitioner

served Respondent with the proposed questions for depositions of Leonid Nahshin and

Alexander Slobidker.

III. ARGUMENT

IN RESPECT TO THE TRADEMARK RULES 37 CFR §1.124 Depositions upon written questions:

(d)(1) Every notice given under the provisions of paragraph (b) of this section shall be accompanied by the name or descriptive title of the officer before whom the deposition is to be taken. (d)(1) Every notice served on any adverse party under the provisions of paragraph (b) of this section shall be accompanied by the written questions to be propounded on behalf of the party who proposes to take the deposition. Within twenty days from the date of service of the notice, any adverse party may serve cross questions upon the party who proposes to take the deposition; any party who serves cross questions shall also serve every other adverse party. Within ten days from the date of service of the cross questions, the party who proposes to take the deposition may serve redirect questions on every adverse party. Within ten days from the date of service of the redirect questions, any party who served cross questions may serve recross questions upon the party who proposes to take the deposition; any party who serves recross questions shall also serve every other adverse party. Written objections to questions may be served on a party propounding questions; any party who objects shall serve a copy of the objections on every other adverse party. In response to objections, substitute questions may be served on the objecting party within ten days of the date of service of the objections; substitute questions shall be served on every other adverse party.

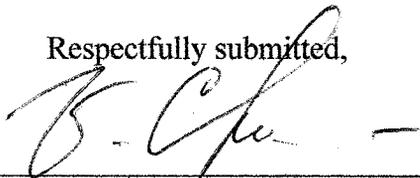
Petitioner states that he never intended to disregard the Rules, but made a mistake in serving proposed questions with the answers on the Respondent and this Honorable Court.

IV. CONCLUSION

To rectify its mistake Petitioner respectfully request this Honorable Court to grant Respondent's Product Source International, LLC ("PSI") its request of 25 days for cross-examination of witnesses Leonid Nahshin and Alexander Slobidker from the date that Petitioner served the deposition questions on the Respondent.

DATED: March 26, 2011

Respectfully submitted,



By:

Vera Chernobylsky, Esq.

Attorney of Record for Leonid Nahshin

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration 3,350,041,
For the mark NIC OUT,
Registered on the Principal Register on December 4, 2007.

Leonid Nahshin,

Petitioner,

vs.

Petition No. 92051140

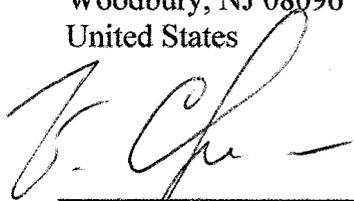
Product Source International, LLC,

Registrant.

CERTIFICATE OF SERVICE

I HERBEY CERTIFY that a true and accurate copy of the foregoing Proceedings was submitted, this 26 day of March, 2011, to the following via first-class U.S. Mail, postage pre-paid:

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Vera Chernobylsky, Esq.