

ESTTA Tracking number: **ESTTA470796**

Filing date: **05/03/2012**

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

Proceeding	92052576
Party	Defendant The Lester M. Griffin & Lavaniel W. Griffin Partnership
Correspondence Address	LESTER M GRIFFIN 314 WEST 223 STREET, APT 12 CARSON, CA 90745 UNITED STATES patentlaw@ursuladay.net
Submission	Motion to Extend
Filer's Name	Brian P. Kinder
Filer's e-mail	bkinder@tklglaw.com
Signature	/BPK/
Date	05/03/2012
Attachments	2012.05.03 - motion for 90 day extension of deadlines.pdf (4 pages)(12730 bytes)

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

In the Matter of Trademark Registration No. 3104426
For the Mark: CINQUE
Date Registered: June 13, 2006

CINQUE MODA GMBH,

Petitioner,

v.

LESTER M GRIFFIN,

Registrant.

Cancellation No. 92052576

MOTION FOR NINETY (90) DAY
EXTENSION OF DEADLINES

Registrant, by and through counsel, hereby moves for a ninety (90) day extension of time of deadlines set by the Trademark Trial and Appeal Board in connection with the above-identified Cancellation proceeding. If granted, the new deadlines are as follows:

Discovery period to close:	:	CLOSED
Time to Answer	:	CLOSED
Deadline for Discovery Conference	:	CLOSED
Discovery Opens	:	CLOSED
Initial Disclosures Due	:	CLOSED
Expert Disclosure Due	:	CLOSED
Discovery Closes	:	CLOSED
Plaintiff's Pretrial Disclosures	:	CLOSED
Plaintiff's 30-day Trial Period Ends	:	CLOSED
Defendant's Pretrial Disclosures	:	08/01/2012
Defendant's 30-day Trial Period Ends	:	09/15/2012
Plaintiff's Rebuttal Disclosures	:	09/30/2012
Plaintiff's 15-day Rebuttal Period Ends	:	10/30/2012

Registrant submits that good cause exists for this motion. This extension is the second 90 day extension request¹ – the first was filed on February 3, 2012 when the undersigned legal counsel first appeared in the case. As set forth in the Declaration of Brian Kinder filed concurrently herewith, Counsel for Registrant prays that the Board will mercifully grant a second short extension of time in this matter due to the unexpected death of Counsel’s mother. Counsel’s mother fell very ill shortly after the first 90 day extension was filed in this case, and then unexpectedly passed away last month. As a result, Counsel’s workload for March has been pushed into April and May – and counsel now needs a short extension to address this matter.

In light of the above, Registrant’s legal counsel requests that the Board provide legal counsel with additional time in these proceedings as requested.

Dated: May 3, 2012

Respectfully submitted,

THE KINDER LAW GROUP, APC

s/Brian P. Kinder/
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Lester Griffin

¹ The first motion remains pending, but was unopposed.

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DECLARATION OF BRIAN KINDER IN SUPPORT OF MOTION FOR
NINETY (90) DAY EXTENSION OF DEADLINES

I, Brian Kinder, hereby submit this declaration in support of Registrants' Motion For Ninety (90) Day Extension Of Deadlines in this case. I am a duly licensed attorney authorized to practice law and am presently counsel for Registrant. All of the factual statements made herein are based upon my own personal knowledge, and, if called upon to do so, I would testify as follows:

1. Shortly after I filed the first 90 day extension in this matter on February 3, 2012, my mother became very ill. She was hospitalized towards the middle of February 2012 and passed away on March 5, 2012. As a solo practitioner, much of my March 2012 workload had to be pushed into April and May. Accordingly, I require another short extension in order to fully prepare this matter.

2. In light of the above, I am requesting that the Board provide me with additional time in these proceedings.

On this 3rd day of May, 2012, I hereby declare under penalty of perjury that the foregoing is true and correct.

s/Brian P. Kinder/
Brian P. Kinder

CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that on May 3, 2012, the foregoing MOTION FOR NINETY (90) DAY EXTENSION OF DEADLINES is being electronically filed via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals ("ESTTA").

It is further certified that on May 3, 2012, the foregoing MOTION FOR NINETY (90) DAY EXTENSION OF DEADLINES is being served by mailing a copy thereof by U.S. first-class mail addressed to:

URSULA B. DAY, ESQ.
THE LAW OFFICES OF URSULA B. DAY
708 THIRD AVENUE, SUITE 1501
NEW YORK, NY 10017

Executed this 3rd day of May, 2012, in Irvine, California.

THE KINDER LAW GROUP, APC

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