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

Proceeding	92052950
Party	Plaintiff John S. Franklin
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Attachments	ttab opposition to motion 92052163-92052950 corrected page 2.pdf (1 page) (313015 bytes)

On October 25, 2010, the parties stipulated to consolidate the proceedings. On November 8, 2010 the Board granted said stipulation, but noticed that the current trial schedule if adopted would cut-off defendant's discovery period. The Board allowed the parties 10 days from the date of the order (mailed November 12, 2010) to either adopt the alternate trial schedule put forth in the order or, "the parties are free to adopt an alternate schedule for this consolidated proceeding..." (**see exhibit "A"**).

On November 17, 2010, plaintiff filed with the TTAB a Motion for an Extension of Answer or Discovery or Trial Periods with consent. Said consented motion explicitly granted a 30 day extension of time for discovery to close and all subsequent dates be reset accordingly (**see exhibit "B"**).

This is the only consented to and filed motion to extend the trial dates, and is the only such motion to extend the trial dates on the record before the TTAB (**see exhibit "C"**).

The Board granted the motion to extend as filed on November 17, 2010 (**see exhibit "D"**).

Therefore, the trial dates as consented to were extended by 30 days. Thus, the plaintiff's **trial brief was due by October 1, 2011** and not October 20, 2011 as alleged by plaintiff. According to Trademark Rule §2.128 Briefs at final hearing. (a)(1) The brief of the party in the position of plaintiff shall be due not later than sixty days after the date set for the close of rebuttal testimony. The brief of the party in the position of defendant, if filed, shall be due not later than thirty days after the due date of the first brief. A reply