

ESTTA Tracking number: **ESTTA482003**

Filing date: **07/06/2012**

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

Proceeding	92053424
Party	Defendant World Nutrition, Inc.
Correspondence Address	LAILA S WOLFGRAM STINSON MORRISON HECKER LLP 7700 FORSYTH BLVD SUITE 1100 ST LOUIS, MO 63105 UNITED STATES TRADEMAR.STL@stinson.com, lwolfgram@stinson.com
Submission	Motion to Extend
Filer's Name	Laila S. Wolfgram
Filer's e-mail	Trademark@stinson.com,lwolfgram@stinson.com
Signature	/laila s. wolfgram/
Date	07/06/2012
Attachments	VITALZYME - MOtion to Extend Resp Test Per.pdf (3 pages)(16465 bytes) Ex A in support of Motion to Extend Respondent_s Testimony Period - Use This One.PDF (2 pages)(36373 bytes)

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

PROTHERA, INC.,	:	
	:	
Petitioner,	:	
	:	In re Registration No. 3,783,555
v.	:	Cancellation No. 92053424
	:	
WORLD NUTRITION, INC.	:	
	:	
Respondent.	:	
	:	

BOX TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION TO EXTEND RESPONDENT'S TESTIMONY PERIOD

Respondent World Nutrition, Inc., by its attorneys, hereby requests that all remaining testimony periods be extended for a period of 30 days, as follows:

Defendant's 30 day trial Period Ends:	August 5, 2012
Plaintiff's Rebuttal Disclosures:	August 20, 2012
Plaintiff's 15-day Rebuttal Period Ends:	September 19, 2012

This extension is being requested for the reasons set forth below and not for purposes of delay. Respondent has recently learned that Petitioner filed testimony on May 7, 2012 with the Trademark Trial and Appeal Board. Respondent's attorney was never served with a copy of Petitioner's Testimony. Respondent notes that Petitioner's May 7th filing does not contain a Certificate of Service. Respondent has concurrently filed a Motion to Strike Petitioner's Testimony for failure to obtain consent to file testimony in the form of a declaration and failure to serve Respondent with copies of said testimony. Respondent would like to extend its

testimony period in order to allow the Board to consider its Motion to Strike and how the Board's decision may affect Respondent's standing in this action.

Furthermore, Respondent still hopes to settle this matter. Petitioner's attorney contacted Respondent's attorney in April of this year. Respondent thought this communication would result in some type of settlement talks. Instead, Petitioner's attorney never responded to Respondent's last communication regarding availability for a conference call. (Please see Exhibit A, attached hereto). The next action taken by Petitioner was to file testimony on May 7, 2012, unbeknownst to Respondent. Upon discovering the filing of Petitioner's testimony, Respondent's attorney, on July 3, 2012, requested that Petitioner consent to an extension of Respondent's testimony period. Petitioner denied Respondent's request. Respondent would still like to explore the possibility of settlement, but would like to preserve its right to submit testimony in the event that Respondent's Motion to Strike is denied and/or settlement cannot be reached between the parties.

Approval of this Request for Extension of Respondent's Testimony Period is respectfully requested.

Respectfully submitted,

Dated: July 6, 2012

By: s/Laila S. Wolfgram

Karen L. Liepmann
Laila S. Wolfgram
STINSON MORRISON HECKER LLP
1850 N. Central Avenue, Suite 2100
Phoenix, AZ 85004-4584
602.212.8532 (Telephone)
602.586.5278 (Facsimile)
Trademark@stinson.com
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Request for Board Participation was served this 6th day of July, 2012, by depositing a copy thereof in the U.S. mail, postage prepaid, addressed to the Petitioner and its Attorney of Record as follows:

ProThera, Inc.
10439 Double R Blvd.
Reno, NV 89521

Bruce Methven, Esq.
Methven & Associates
2232 Sixth Street
Berkeley, CA 94710

s/Laila S. Wolfgram
Attorney for Respondent

Wolfgram, Laila Sengupta

From: Liepmann, Karen L.
Sent: Tuesday, April 10, 2012 2:03 PM
To: Ken Priore
Cc: Wolfgram, Laila Sengupta; Beard, Suzanne
Subject: RE: Prothera/World Nutrition

Ken,
Can we do 1:30 Az time on Wednesday?
Thanks

Karen L. Liepmann, Esq.
602.212.8532
x68532

From: Ken Priore [<mailto:kenpriore@priorelawgroup.com>]
Sent: Tuesday, April 10, 2012 10:09 AM
To: Liepmann, Karen L.
Cc: Wolfgram, Laila Sengupta; Beard, Suzanne
Subject: Re: Prothera/World Nutrition

Hi Karen:

Sorry I was pulled into a client matter and did not get back to you. Is 1 AZ time on Wed open?

-Ken

Ken Priore, Esq.

Methven & Associates
2232 Sixth Street
Berkeley, CA 94710

Phone: 510-649-4019 #202
Fax: 510-649-4024
Google Voice: 415.669.4323
IM: kennethpriore@yahoo.com
Skype: kenpriore

On Apr 6, 2012, at 5:56 PM, Liepmann, Karen L. wrote:

Ken,
How about 1:00 on Tuesday?
Karen

Karen L. Liepmann, Esq. | Partner | Stinson Morrison Hecker LLP
1850 N. Central Avenue, Suite 2100 | Phoenix, AZ 85004-4584
T: 602.212.8532 | F: 602.586.5278 | M: 602.710.0371
kliedmann@stinson.com | www.stinson.com

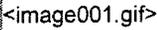
From: Ken Priore [<mailto:kpriore@methvenlaw.com>]
Sent: Friday, April 06, 2012 10:34 AM
To: Liepmann, Karen L.
Subject: RE: Prothera/World Nutrition

Hi Karen:

Hope this email finds you well. I wanted to reach out to you to see if you had availability on Monday or Tuesday to speak by phone. Please let me know.

Thanks,

-Ken

Kenneth Priore Attorney Methven & Associates 2232 Sixth Street Berkeley, CA 94710		Work: 510.649.4019 Mobile: 415.601.6658 Fax: 510.649.4024 Email: kpriore@methvenlaw.com IM: kenpriore (Skype) <image002.gif> http://www.linkedin.com/in/kennethpriore
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