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

Proceeding	92053501
Party	Plaintiff Christian M. Ziebarth
Correspondence Address	RICHARD F CHRISTESEN 6905 S 1300 E #233 MIDVALE, UT 84047-1817 UNITED STATES rchristesen_now@yahoo.com, trademark.vgt@gmail.com
Submission	Motion to Extend
Filer's Name	Kelly K. Pfeiffer
Filer's e-mail	kelly@amalaw.net, kelpfeiffer@aol.com
Signature	/Kelly K. Pfeiffer/
Date	01/23/2013
Attachments	Motion to Ext Deadlines - Pfeiffer Declaration 1-23-13-cw.pdf (4 pages)(34313 bytes)

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

In the Matter of Registration No. 1043729
Date of Registration: July 13, 1976

CHRISTIAN M. ZIEBARTH
Petitioner,

Cancellation No.: 92053501

v.

DEL TACO, LLC
Registrant.

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**DECLARATION OF KELLY K. PFEIFFER FILED IN SUPPORT OF
PETITIONER’S MOTION TO EXEND ALL REMAINING DEADLINES BY 30 DAYS;
IN THE ALTERNATIVE, MOTION TO ALLOW PETITIONER 30 ADDITIONAL
DAYS TO AMEND OR SUPPLEMENT PRETRIAL DISCLOSURES**

I, Kelly K. Pfeiffer, hereby declare as follows:

1. I am the attorney of record for Petitioner CHRISTIAN M. ZIEBARTH (hereinafter “Petitioner”) in this pending Cancellation Proceeding No. 92053501.
2. This declaration is submitted to show that Petitioner’s instant motion is supported by good cause and is not for the purpose of delay.
3. On the evening of Monday, January 21, 2013 at approximately 9:00 p.m., I spoke with Petitioner for the first time regarding potentially representing him in this proceeding.

4. Yesterday, January 22, 2013, at approximately 3:30 p.m., Pacific Standard Time, I received signed authorization from Petitioner to represent him in this proceeding.

5. Since Monday evening, I have diligently worked to obtain all prior documentation in this proceeding from both Petitioner and prior counsel, Richard Christensen, in order to get up to speed as quickly as possible.

6. At approximately 2:00 p.m. (PST) today, I spoke with Ms. April Besl, counsel for Registrant DEL TACO (“Registrant”). While discussing this matter, Ms. Besl informed me that, back in early 2011, tens of thousands of pages of documents were produced to Petitioner by Registrant via a CD. After speaking with prior counsel, Mr. Christensen, I do not believe that he nor Petitioner himself, are in possession of these documents. To date, I do not have possession of said documents and intend to formally request a reproduction of those documents from Registrant. Without possession of that vast document production from Registrant, I do not feel that I can adequately prepare and serve Pretrial Disclosures on behalf of Petitioner by tomorrow, January 24, 2013.

7. Petitioner and I respectfully request that the Board issue an order extending all remaining deadlines in this proceeding by a period of 30 days in light of the fact that I am appearing the day before Petitioner’s Pretrial Disclosures are due to Registrant. I request more time to get up to speed on this matter and prepare all necessary documents, as well as time to request and obtain the tens of thousands of pages of documents produced by Del Taco to Petitioner’s original counsel back in early 2011.

8. Petitioner and I request that the Board re-set all remaining deadlines as follows:

Petitioner’s Pretrial Disclosures Due	2/24/13
Petitioner’s 30-day Trial Period Ends	4/10/13

Registrant's Pretrial Disclosures Due	4/25/13
Registrant's 30-day Trial Period Ends	6/9/13
Petitioner's Rebuttal Disclosures Due	6/24/13
Petitioner's 15-day Rebuttal Period Ends	7/23/13

9. In the event that the Board is unable to review this Motion and make a ruling prior to the current January 24, 2013 deadline for Petitioner's Pretrial Disclosures, Petitioner and I hereby request in the alternative that we be given an additional 30 days within which to amend and/or supplement his Pretrial Disclosures to Registrant. We request that the Board order that Petitioner be given a deadline of February 24, 2013 to amend and/or supplement his Pretrial Disclosures to Registrant.

I declare under penalty of perjury and the laws of the the United States of America that the foregoing is true and correct. Executed on the 23rd day of January 2013, at Aliso Viejo, California.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.

 /Kelly K. Pfeiffer/

Kelly K. Pfeiffer

Counsel for Petitioner CHRISTIAN M. ZIEBARTH

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **DECLARATION OF KELLY K. PFEIFFER FILED IN SUPPORT OF PETITIONER'S MOTION TO EXEND ALL REMAINING DEADLINES BY 30 DAYS; IN THE ALTERNATIVE, MOTION TO ALLOW PETITIONER 30 ADDITIONAL DAYS TO AMEND OR SUPPLEMENT PRETRIAL DISCLOSURES** was served upon April L. Besl, DINSMORE & SHOHL, LLP, attorney of record for the Registrant in this action by depositing one copy thereof in the United States mail, first-class postage prepaid on January 23, 2012 and addressed as follows:

April L. Besl, Esq.
DINSMORE & SHOHL, LLP
255 East Fifth Street
Cincinnati, OH 45202

/Kelly K. Pfeiffer/ _____
Kelly K. Pfeiffer
AMEZCUA-MOLL & ASSOCIATES, P.C.
Lincoln Professional Center
1122 E. Lincoln Ave., Suite 203
Orange, CA 92865

Attorney for Petitioner CHRISTIAN M. ZIEBARTH