

ESTTA Tracking number: **ESTTA424600**

Filing date: **08/11/2011**

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

Proceeding	92054165
Party	Defendant Children's Apparel Network, Ltd.
Correspondence Address	Chester Rothstein, Esq. Amster, Rothstein & Ebenstein LLP 90 Park Avenue New York, NY 10016 UNITED STATES ptodocket@arelaw.com
Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Chester Rothstein
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Date	08/11/2011
Attachments	Motion re 92054165.pdf (3 pages)(20467 bytes)

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

EYAL BALLE,)	
)	Cancellation No. 92054165
Petitioner,)	
)	In the Matter of:
vs.)	Registration No. 3811758
)	for the mark BABY REBELS
CHILDREN’S APPAREL)	
NETWORK, LTD.,)	
)	
Registrant.)	

**MOTION TO REOPEN AND EXTEND TIME TO ANSWER OR MOVE
WITH RESPECT TO THE PETITION, AND REINSTATEMENT
OF ALL OTHER ORIGINAL DATES INADVERTENTLY CLOSED/EXTENDED
IN PREVIOUSLY FILED MOTION**

Registrant’s Time to Answer or otherwise move in the referenced matter was originally set to close on August 7, 2011. Due to a docketing error, Registrant missed the August 7 deadline, and subsequently, on August 10, 2011, requested consent from Petitioner’s attorney to reopen and seek a 30-day extension of its Time to Answer or otherwise move with respect to the Petition. Petitioner’s attorney consented in an email dated August 10, 2011. The parties are engaged in settlement discussions.

The Board granted Registrant’s August 10, 2011 Motion for a 30-day extension, which was filed using ESTTA and the standard Motion for Extension online form, thus incorrectly extending and/or closing the unclosed dates, yet not extending Registrant’s time to file its Answer or otherwise move with respect to the Petition. Registrant apologizes to the Board and to Petitioner for this error, and respectfully requests from the Board that the Time to Answer or otherwise move, as agreed to by the parties, be reopened and extended 30-days, and that all other dates be reinstated to the originally scheduled dates as set in the June 28, 2011 Notice, as follows:

Proposed Rescheduled Dates

Time to Answer	9/6/11
Deadline for Discovery Conference	9/6/11
Discovery Opens	9/6/11
Initial Disclosures Due	10/6/11
Expert Disclosures Due	2/3/12
Discovery Closes	3/4/12

Plaintiff's Pretrial Disclosures	4/18/12
Plaintiff's 30-day Trial Period Ends	6/2/12
Defendant's Pretrial Disclosures	6/17/12
Defendant's 30-day Trial Period Ends	8/1/12
Plaintiff's Rebuttal Disclosures	8/16/12
Plaintiff's 15-day Rebuttal Period Ends	9/15/12

Registrant has provided an email address in the attached Certificate of Service for counsel for Petitioner so that any Order on this Motion may be issued electronically by the Board.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

Attorneys for Petitioner

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Date: August 11, 2011

By /Chester Rothstein/
Chester Rothstein

CERTIFICATE OF SERVICE

I hereby certify that on this day, August 11, 2011, a true and correct copy of the foregoing document entitled MOTION TO REOPEN AND EXTEND TIME TO ANSWER OR MOVE WITH RESPECT TO THE PETITION, AND REINSTATEMENT OF ALL OTHER ORIGINAL DATES INADVERTENTLY CLOSED/EXTENDED IN PREVIOUSLY FILED MOTION was served upon Petitioner's counsel by email and by prepaid, first class U.S. Mail addressed as follows:

Susan L. Heller, Esq.
Greenberg Traurig LLP
2450 Colorado Avenue STE 400E
Santa Monica, CA 90404
HellerS@gtlaw.com

/Chester Rothstein/
Chester Rothstein

Dated: New York, NY
August 11, 2011