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

Proceeding	92054956
Party	Defendant Frederic Rambaud and Alan Ceppos
Correspondence Address	ALAN CEPPOS AND FREDERIC RAMBAUD 153 LITTLE ROCK NOYAK PATH WATER MILL, NY 11976 UNITED STATES
Submission	Opposition/Response to Motion
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Date	12/16/2012
Attachments	PYLONES - Response in Opposition to Counsel Request for Extension of Discovery Period - 12.16.12.pdf (4 pages)(162283 bytes)

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

**Jacques Henri Francois Guillemet
and Léna Iréne Hirzel,**
Petitioners,

v.

Alan Ceppos and Frederic Rambaud,
Registrants.

Cancellation No.: 92054956

PETITION TO CANCEL
Registration No. 3,200,271
Issued: Jan. 23, 2007
Mark: **PYLONES**

**REGISTRANTS' RESPONSE IN OPPOSITION TO PETITIONERS'
COUNSEL'S MOTION TO WITHDRAW AS COUNSEL**

Pursuant to 37 CFR § 2.127(a) and TBMP § 509, Registrants, Alan Ceppos and Frederic Rambaud ("Registrants"), hereby oppose Petitioners' counsel's Motion to Withdraw as Counsel [DE 11] in so far as the motion requests a 60-day extension of the discovery period.

As grounds for opposition, Registrants state:

1. On December 20, 2011, Petitioners filed their Petition for Cancellation [DE 1], thereby initiating the instant action.
2. On April 27, 2012, Petitioners served their First Set of Interrogatories and First Request for Production on Registrants.
3. On September 10, 2012, the Board issued an Order [DE 9] resetting pre-trial and trial dates. Per the Board's Order, the close of discovery was set for December 6, 2012.
4. On October 8, 2012, Registrants served written responses and responsive documents on Petitioners in response to Petitioners' First Set of Interrogatories and First Request for Production.

5. On December 5, 2012, one day before the close of discovery, counsel for Petitioners contacted Registrants requesting a 60-day extension of the discovery period. As Registrants had provided their responses to Petitioners' First Set of Interrogatories and First Request for Production nearly two months before the close of discovery, and Registrants had no intention of serving discovery requests on Petitioners, Registrants respectfully declined to consent to the request for 60-day extension of the discovery period.

6. After learning that Registrants were unwilling to consent to an extension of time, Petitioners' counsel, Mark I. Peroff, filed his Motion to Withdraw as Counsel on December 6, 2012 [DE 11]. In his Motion to Withdraw, Mr. Peroff requests a 60-day extension of the discovery period following the end of the automatic 30-day suspension that will occur if the Board grants his request to withdraw as counsel of record.

7. Registrants maintain that a 60-day extension of the discovery period is unwarranted in this case because Petitioners have not shown good cause for such an extension. In order to obtain an extension of the discovery period, Petitioners must show good cause as to why the extension should be granted. Fed.R.Civ.P. 6(b); TBMP § 509.01. Counsel for Petitioners has requested a 60-day extension of the discovery period so as "to afford time for resolution of . . . discovery issues and to complete Petitioners' discovery." The "discovery issues" Petitioners' counsel refers to are counsel's contentions that Registrants responses to Petitioners' First Set of Interrogatories and First Request for Production are inadequate and incomplete. However, the mere fact that Petitioners are not fully satisfied with Registrants' responses does not constitute good cause to extend the discovery period. This is because, even without the 60-day extension

requested by Petitioners' counsel, Registrants have a duty to supplement and/or correct all discovery responses they have provided. See TBMP § 408.03 and Fed.R.Civ.P. 26(e)(1). The close of the discovery period does not alter that obligation. Likewise, the extension of the discovery period will not affect Registrants' obligation to supplement and correct their discovery responses. Rather, the only thing extending the discovery period will do is to give Petitioners more time to propound additional discovery requests on Registrants. This would be prejudicial to Registrants because it would cause further delay and prevent the timely resolution of the proceeding. Registrants served their discovery responses on Petitioners nearly two months before the end of the discovery period. Petitioners had from October 8, 2012 to December 6, 2012 to serve additional discovery requests, and they chose not to do so. Thus, Petitioners have had more than enough time "to complete Petitioners' discovery." Therefore, Registrants request that the Board deny Petitioners' counsel's request for a 60-day extension of the discovery period as that request is nothing more than a dilatory tactic that unfairly prejudices Registrants by causing further delay and preventing the timely resolution of the current Cancellation proceeding.

PRAYER FOR RELIEF

WHEREFORE, Registrants respectfully request that the Board deny Petitioners' counsel's Motion to Withdraw as Counsel to the extent that the motion requests a 60-day extension of the discovery period.

Date: December 16, 2012

Respectfully submitted,

/s/ Alan Ceppos and Frederic Rambaud
Alan Ceppos and Frederic Rambaud

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **RESPONSE IN OPPOSITION** was served upon Petitioners by delivering true and correct copies of same to Petitioners and Counsel of Record for Petitioners via U.S. Mail on December 16, 2012 as follows:

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/s/ Alan Ceppos and Frederic Rambaud
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