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

Proceeding	92059809
Party	Plaintiff Specialised Imaging Ltd.
Correspondence Address	DARIN L BROWN HOLLAND & HART LLP PO BOX 8749 DENVER, CO 80201 UNITED STATES docket@hollandhart.com, dlbrown@hollandhart.com, jshajek@hollandhart.com, lmroot@hollandhart.com
Submission	Motion to Extend
Filer's Name	Janet Shih Hajek
Filer's e-mail	docket@hollandhart.com, jshajek@hollandhart.com, lmroot@hollandhart.com, dlbrown@hollandhart.com
Signature	/Janet Shih Hajek/
Date	06/08/2015
Attachments	Motion to Extend the Discovery Period (KIRANA).pdf(12801 bytes )

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

<p>SPECIALISED IMAGING LTD.,</p> <p style="text-align:center">Petitioner,</p> <p>v.</p> <p>HADLAND IMAGING LLC,</p> <p style="text-align:center">Respondent.</p>	<p>Cancellation No.: 92059809</p> <p>Mark: KIRANA</p> <p>Reg. No.: 4,395,912</p>
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**PETITIONER’S MOTION TO EXTEND THE DISCOVERY PERIOD**

Specialised Imaging Ltd. (“Petitioner”), by and through its counsel, hereby respectfully requests an extension of the discovery period in Cancellation Proceeding No. 92059809 (the “Proceeding”) for the reasons set forth below.

In order to seek an enlargement or extension of the discovery period, Petitioner need only show “good cause” for the extension sought. Fed. R. Civ. P. 6(b); TBMP § 509.01(a). The Trademark Trial & Appeal Board (the “Board”) typically liberally grants extensions before the period to act has lapsed, so long as the moving party is not guilty of negligence or bad faith and the privilege of extensions is not abused. *See American Vitamin Prods., Inc. v. DowBrands Inc.*, 22 U.S.P.Q.2d 1313 (T.T.A.B. 1992).

Petitioner has been diligent in taking action and respecting all deadlines in this Proceeding. On January 21, 2015, Petitioner timely served its initial disclosures and first set of written discovery requests upon Respondent. After multiple attempts to obtain initial disclosures and responses to discovery requests from Respondent, Petitioner filed a motion to compel on April 8, 2015. On May 19, 2015, the Board granted Petitioner’s Motion to

Compel because Respondent has not served initial disclosures or responses to Petitioner's first set of written discovery in this Proceeding.

The May 19, 2015 Order (the "Order") provides that Respondent must serve initial disclosures and responses without objection to Petitioner's first set of interrogatories and first set of document requests within 30 days of the order, *i.e.*, by June 18, 2015.<sup>1</sup> The Order also reset the Proceeding schedule such that expert disclosures are due on June 17, 2015 – one day prior to the deadline for Respondent to serve initial disclosures and responses to Petitioner's first set of discovery requests. Under the current discovery schedule, Petitioner must decide whether to engage an expert witness in this Proceeding prior to obtaining any initial disclosures or prior to receiving any written discovery responses from Respondent. Moreover, Petitioner will have less than 30 days (from the initial disclosure and discovery response deadline) to prepare and serve any further written discovery requests and the current schedule provides a limited amount of time for Petitioner take deposition testimony. With only 29 days between the current initial disclosure and written discovery response deadline (June 18, 2015) and the close of discovery (July 17, 2015), the current schedule does not permit Petitioner to meaningfully take discovery and review written responses beyond the initial written discovery requests which are the subject of the Board's May 19, 2015 Order.

Accordingly, Petitioner submits that, due to this compressed schedule, Petitioner has shown good cause to enlarge the current discovery schedule. Petitioner hereby respectfully requests a 90-day extension of the current discovery and trial schedule as set forth below:

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<sup>1</sup> To date, Petitioner has not received Respondent's initial disclosures or written responses to the first set of interrogatories or first document requests with only 39 days remaining in the discovery period.

<b>Description</b>	<b>Deadline</b>
Expert Disclosures Due	September 15, 2015
Discovery Closes	October 15, 2015
Plaintiff's Pretrial Disclosures	November 29, 2015
Plaintiff's 30-day Trial Period Ends	January 13, 2016
Defendant's Pretrial Disclosures	January 28, 2016
Defendant's 30-day Trial Period Ends	March 13, 2016
Plaintiff's Rebuttal Disclosures	March 28, 2016
Plaintiff's 15-day Rebuttal Period Ends	April 27, 2016

Dated: June 8, 2015

Respectfully submitted,

*/Janet Shih Hajek/*

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Janet Shih Hajek  
Darin Brown  
HOLLAND & HART LLP  
P.O. Box 8749  
Denver, CO 80201  
(303) 295-8119 (phone)  
(303) 957-5583 (fax)

**Attorneys for Petitioner  
Specialised Imaging Ltd.**

**CERTIFICATE OF SERVICE**

I certify that on June 8, 2015, I served a true and correct copy of the above Petitioner's Motion to Extend the Discovery Period to the following by U.S. First Class Mail, postage prepaid to:

Mr. Todd Rumbaugh  
Hadland Imaging LLC  
802 Seabright Avenue  
Santa Cruz, CA 95062

*/Janet Shih Hajek/*\_\_\_\_\_

Janet Shih Hajek

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