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

Proceeding	91121980
Party	Defendant ROBERT NOBLE & BONGO, S.A., DE C.V. ROBERT NOBLE & BONGO, S.A., DE C.V. ,
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Submission	Motion to Extend
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Date	03/27/2007
Attachments	MF Enlargement - And MT Preclude Testimony.pdf (3 pages)(75067 bytes)

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

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ESTEFAN ENTERPRISES, INC.

Petitioner/Opposer,

Opposition No.: 91121980

Cancellation No.: 92042251

vs.

BONGO, S.A. de C.V. and
ROBERTO NOBLE

Registrant/Applicant.

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DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME

COMES NOW Registrant/Applicant ROBERTO NOBLE, and his predecessor-in-interest, BONGO, S.A. de C.V. (hereinafter "Defendants") by and through the undersigned counsel and hereby respectfully requests the Board to enlarge the period within which Defendants would otherwise have had to respond to Petitioner/Opposer ESTEFAN ENTERPRISES, INC.'s (hereinafter "Plaintiff") Motion to Preclude Testimony of Late Disclosed Witnesses.

1. On March 12, 2007 Plaintiff filed a Motion to Preclude Testimony of Late Disclosed Witnesses (hereinafter "Motion to Preclude").

2. Since long before the filing thereof, the undersigned counsel for Defendants has proposed various options to resolve the issues raised in the Motion to Preclude, and have made suggestions to mitigate or eliminate the claimed prejudice including a stipulated motion to permit limited depositions prior to, or during the testimony periods.

3. Given the recent suspension of these proceedings, caused by two (2) motions filed by Plaintiff, counsel for Plaintiff indicated that she is expecting the rescheduling of the testimony periods. This will give the Plaintiff even more time to depose the subject witnesses.

4. Immediately upon learning of the suspension last week, the undersigned renewed his efforts and offers to resolve the issues raised in the Motion to Preclude, and to take actions to mitigate and eliminate any claimed prejudice.

5. To date, the undersigned has sent two separate emails to Plaintiff's counsel (one last week, and one this week), and have not received a final substantive response to the recent version of the proposals.

6. Today, the undersigned placed a phone call to Plaintiff's counsel to elicit Plaintiff's position and response to the undersigned's various proposals. The undersigned reached attorney Meredith Frank who indicated that she need to contact Karen Stetson, who was out of the office in order to provide a substantive response to the proposals, and also for a response to the undersigned's request for an enlargement of time to respond to the Motion to Preclude as is being requested herein.

7. Defendants and the undersigned sincerely believe that in light of the suspension, it would be prudent to exhaust all reasonable efforts to resolve the issues relative to the Motion to Preclude, and to give Plaintiff's counsel more time to provide a substantive response to the undersigned's proposals to resolve issues.

8. Plaintiff's response to the recent proposals will dictate the selection of issues needed to be addressed in Defendants' response to the Motion to Preclude.

9. The herein motion is therefore made in good faith, and not for the purpose of delay.

WHEREFORE, Defendant respectfully requests the Board to enlarge the period for the Defendant to respond to the Motion to Preclude by five (5) business days.

CERTIFICATE OF GOOD FAITH

Pursuant to 37 C.F.R. §2.120 (e), counsel for Defendant has conferred with counsel for Plaintiff in a good faith effort to resolve the issues raised in the herein Motion, and has been unable to obtain a substantive response from Plaintiff's counsel.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was served on Karen L. Stetson, Esquire, by TTAB electronic filing service and by regular mail to P.O. Box 403023, Miami, Florida 33140 on this 27th day of March, 2007.

Respectfully submitted,

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