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

Proceeding	91156347
Party	Plaintiff HARDCORE ENTERPRISES PTY LTD.and Globe Intl Nominees Pty Ltd. HARDCORE ENTERPRISES PTY LTD. 30-40 FLOCKHART STREET AUX ABBOSTSFORD, VICTORIA, 3067
Correspondence Address	Stacey R. Halpern Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614
Submission	OPPOSER'S REPLY TO APPLICANT'S PETITION FOR EXTENSION OF TIME TO FILE ANSWER
Filer's Name	Stacey R. Halpern
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Signature	/Stacey R. Halpern/
Date	10/28/2004
Attachments	Opposer's Reply to Applicant's Petition.pdf (5 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Hardcore Enterprises Pty Ltd. and Globe Intl Intl Nominees Pty Ltd.,	Opposition No. 91,156,347
Opposers,	I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at http://estta.uspto.gov/ on:
v.	October 28, 2004 (Date)
Raymond M. Culver, II,	Stacey R. Halpern
Applicant.	

OPPOSERS' REPLY TO APPLICANT'S PETITION FOR EXTENSION OF TIME TO FILE ANSWER

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Hardcore Enterprises Pty Ltd. and Globe Intl Nominees Pty Ltd. (collectively "Opposers") hereby oppose Raymond M. Culver, II's ("Applicant") Petition For Extension of Time To File Answer (the "Petition").

I. INTRODUCTION

In Applicant's Petition, Applicant requested that the Trademark Trial and Appeal Board (the "Board") grant Applicant a thirty (30) day extension of time to file an Answer to the Amended Notice of Opposition. However, Applicant's Petition fails to explain why he can not answer the Amended Notice of Opposition in the time period set forth in the Board's September

29, 2004 Order (the "Board's Order") or why Applicant needs thirty (30) additional days "to review the matter and contact the Opposer with respect to its pending opposition." As Applicant's unsupported and conclusory statement is not tantamount to good cause, the Board should deny Applicant's Petition.

II. APPLICABLE STANDARD

The time for filing an Answer may only be extended if the moving party "**set forth with particularity the facts constituting good cause** for the requested extension; **mere conclusory allegations lacking in factual detail are not sufficient**. Moreover, a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefore." TBMP § 509.01(a) (Emphasis added). Applicant's vague and mere conclusory allegations fail to demonstrate good cause.

III. APPLICANT HAS NOT SHOWN GOOD CAUSE

Applicant's only justification for Applicant's Petition is "to give the Applicant time to review the matter and contact the Opposer with respect to its pending opposition." Applicant does not need any additional time in which to review the matter. The newly added allegations contained in the Amended Notice of Opposition are based on Applicant's non-use of the mark and fraud on the U.S. Patent and Trademark Office. As the fraud claim arose from Applicant's own statements, as well as information provided by Applicant, Applicant is capable of responding to the Amended Notice of Opposition within the time period provided in the Board's Order. Furthermore, as Opposers filed the Amended Notice of Opposition and served Applicant

with a copy on July 29, 2004 (along with Opposers' Motion to Amend), Applicant has already had three (3) months to "review the matter."

Additionally, Applicant claims that he needs the extension "to contact the Opposer." However, in order to respond to the Amended Notice of Opposition, Applicant does not need to contact Opposers **and, to date, has not contacted Opposers**. Opposers have no information that would be relevant or necessary for Applicant to answer the Amended Notice of Opposition. Applicant has all of the information necessary to respond to the Amended Notice of Opposition.

A motion to extend must state with **particularity** the grounds therefor, including **detailed facts** constituting good cause. Applicant's Petition only provides conclusory allegations lacking in factual detail. Such conclusory "allegations" fail to demonstrate that "good cause" exists for Applicant's request for an extension of time to answer the Amended Notice of Opposition. Accordingly, Applicant's Petition should be denied. See Luemme, Inc. v. D. B. Plus Inc., 53 U.S.P.Q.2d 1758 (TTAB 1999) (denying sparse motion containing insufficient facts on which to find good cause); and Instruments SA Inc. v. ASI Instruments Inc., 53 U.S.P.Q.2d 1925, 1927 (TTAB 1999) (conclusory allegations that were denied by the nonmovant did not constitute a showing of good cause).

IV. CONCLUSION

For the foregoing reasons, Opposers respectfully request that Applicant's Petition be denied in its entirety. Opposers further request that the Board maintain the original deadline for responding to the Amended Notice of Opposition as provided for under T.B.M.P. § 509.01(a) ("[i]f a motion to extend the time for taking action is denied, the time for taking such action may

remain as previously set") and that Board deem Applicant in default for failing to answer the Amended Notice of Opposition.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 28, 2004

By: _____

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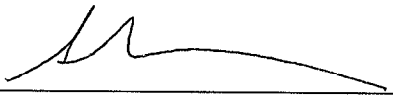
Hardcore Enterprises Pty Ltd.
and Globe Intl Nominees Pty Ltd.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSERS' REPLY TO APPLICANT'S PETITION FOR EXTENSION OF TIME TO FILE ANSWER** upon Applicant's domestic representative by depositing one copy thereof in the United States Mail, first-class postage prepaid, on October 25, 2004, addressed as follows:

Steven G. Tyson, Esq.
LAWRENCE E. FELDMAN & ASSOC.
101 Greenwood Ave., Ste. 230
Jenkintown, PA 19046



Stacey R. Halpern

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