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

Proceeding	91163527
Party	Defendant PORTER INTERNATIONAL CO., LTD. PORTER INTERNATIONAL CO., LTD. 2F, NO. 86, SEC. 1 HUAMEI WEST ST., SHI CHIU TWX TAICHUNG, TAIWAN,
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Attachments	2006-02-21 91163527 Motion for Ext of Time.pdf (5 pages)

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

YOSHIDA & COMPANY, LTD.)	Opposition No. 91163527
Opposer,)	Application S.N. 76/393,498
v.)	Mark: PORTER and Design
PORTER INTERNATIONAL CO., LTD.)	
Applicant.)	

**MOTION FOR EXTENSION OF
TIME TO RESPOND TO DISCOVERY UNDER 37 C.F.R. § 2.120(a)**

Applicant, Porter International Co., Ltd. (hereinafter "Porter" or "Applicant"), respectfully requests that the Board grant Porter a thirty (30)-day extension of time in which to respond to Yoshida & Company, Ltd.'s (hereinafter "Yoshida") First Set of Interrogatories, Yoshida's First Set of Requests for Production of Documents and Things, and Yoshida's First Set of Requests for Admission (collectively hereinafter "Yoshida's Discovery Requests"). In support of this motion, Porter states:

(1) On May 2, 2005, Yoshida served the Yoshida's Discovery Requests on Porter in this opposition proceeding by regular mail, and Porter's responses to the Yoshida's Discovery Requests were due on June 6, 2005.

(2) On May 26, 2005, Porter served the Porter Discovery Requests on Yoshida in this opposition proceeding by regular mail, and Yoshida's responses to the Porter Discovery Requests were due on June 30, 2005.

(3) The parties have been conducting, in good faith, settlement negotiations in connection with this opposition, and the two related cancellation proceedings Nos. 92044257, and 92044091, which have been on-going since at least August 2005.

(4) On or about January 17, 2006, Porter submitted a proposal to Yoshida and requested that Yoshida respond by February 19, 2006.

(5) Yoshida has yet to respond to that January 17th communication, nor indicated to Porter that any response would be forthcoming.

(6) Heretofore, Yoshida has been amenable to multiple extensions of Porter's deadline, and visa versa, and the parties have cooperated since the institution of this proceeding in December 2004, to extend the various deadlines.

(7) However, on or about February 10, 2006, the undersigned contacted counsel of Yoshida by telephone to request a further extension of time to respond to Yoshida's Discovery Requests.

(8) On or about February 15, 2006, counsel for Yoshida notified the undersigned by telephone that Yoshida would not agree to an extension of time for Porter to respond to Yoshida's Discovery Requests.

(9) On or about February 16, 2006, the undersigned again contacted counsel for Yoshida by telephone to inform them that Porter was considering filing a motion for extension of time to respond to Yoshida's Discovery Requests and request again that Yoshida consent to such an extension.

(10) The undersigned was again informed that Yoshida would not agree to another extension of time.

(11) Porter's counsel has prepared draft responses to Yoshida's Discovery Requests, and sent them to Porter for review and comment.

(12) Applicant is also represented by Taiwanese counsel, in addition to the undersigned. Because the individuals at Porter are not fluent in English, but speak Chinese, the Taiwanese counsel must translate Yoshida's Discovery Requests.

(13) Porter requires an extension of time to translate and review the drafts and provide its Taiwanese and US counsel with additional information to allow Applicant to provide complete and accurate responses.

(14) In addition to allowing Porter time to finalize its responses, the requested extension will permit time for Yoshida to respond to Porter's settlement proposal, and the parties to continue their discussions with the goal of resolving this matter.

(15) Given Porter's focus on and commitment to settlement efforts during the past six months, and counsel's inability to procure Porter's review of the drafts by February 21, 2006, Porter reasonably requires an additional thirty (30) days to and including March 20, 2006, in which to respond to Yoshida's Discovery Requests, especially given the scope for the Discovery Requests, which includes thirty-nine (39) document requests, fourteen (14) interrogatories (not counting sub-parts), and one hundred and sixteen (116) requests for admission.

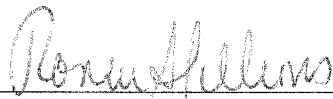
(16) There is no prejudice to Yoshida since the discovery period does not close until after Porter's requested extended due date.

(17) However, if the Board believes a further extension of the discovery period is required under these circumstances, Porter does not object to such an extension.

(18) This request is not made for the purpose of unduly delaying the proceedings in the Patent and Trademark Office.

WHEREFORE, good cause having been shown as required by Fed. R. Civ. P. 6(b) and the discussion and authorities cited in TBMP § 403.04 and 509 et seq. (2d Ed. rev. March 2004), Porter respectfully requests that the motion for thirty-day extension to respond to the Discovery Requests be granted, to and including March 20, 2006.

Respectfully submitted,



Ronni S. Jillions
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Dated: February 21, 2006

CERTIFICATE OF SERVICE


I hereby certify that the foregoing was filed with the Trademark Trial and Appeal Board online, using the Electronic System for Trademark Trials and Appeals (ESTTA) on this 21st day of February 2006.



Ronni S. Jillions

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was delivered via e-mail, addressed to counsel for Opposer, Alan W. Kowalchek, Esquire, Merchant & Gould P.C., 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, on this 21st day of February 2006.



Ronni S. Jillions