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

Proceeding	91168183
Party	Defendant Kommers, Elaine F. Kommers, Elaine F. 5701 SW 30 Street Miami, FL 33155
Correspondence Address	ELAINE F. KOMMERS 5701 SW 30TH ST MIAMI, FL 33155-4008 chuck.saunders@comcast.net
Submission	Opposition/Response to Motion
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Date	05/02/2006
Attachments	Opposition to Motion to Extend 050206.pdf (3 pages)(303393 bytes)

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

U.S. BARIATRIC, LLC,)	
)	
Opposer,)	Opposition No.: 91168183
)	
vs.)	Serial No. 78/487,940
)	Mark: WELLNESS BUILDING
ELAINE F. KOMMERS,)	BLOCKS
)	
Applicant.)	
)	

**OPPOSITION TO OPPOSER'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO DISCOVERY**

Applicant Elaine F. Kommers opposes Opposer U.S. Bariatric, LLC's Motion for Extension of Time to Respond to Discovery. Opposer has neither demonstrated good cause for the requested extension nor that the extension is not necessitated by Opposer's own lack of diligence or unreasonable delay. Opposer's Motion should be denied.

As set forth in the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"):

A motion to extend time must set forth with particularity the facts said to constitute 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. The Board will 'scrutinize carefully' any motion to extend time, to determine whether the requisite good cause has been shown.

(Footnotes omitted.) *TBMP 509.01(a) and cases cited therein.*

Here, Opposer has stated as its only grounds for the extension that the requested extension is needed "[d]ue to various time constraints and deadlines". *Opposer's Motion at*

Paragraph 2. Such mere conclusory allegations lack the requisite factual detail to support an extension of time. Moreover, Opposer has not made any statement as to its efforts to respond in a timely fashion to Applicant's discovery requests and therefore Opposer has not demonstrated that the extension is not necessitated by its own lack of diligence or unreasonable delay.

Because Opposer has failed to support its motion for an extension of time by demonstrating good cause, its own diligence and lack of unreasonably delay, Applicant requests that Opposer's Motion be denied.

Respectfully submitted,

By: 
Attorney for Applicant

Dated: May 2, 2006

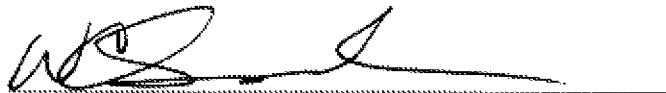
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSITION TO OPPOSER'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY has been served by first class mail, postage pre-paid this 2nd day of May, 2006 to:

Karen L. Stetson, Esq.
Law Office of Karen L. Stetson
P.O. Box 403023
Miami, FL 33140

A handwritten signature in black ink, appearing to read "Wm. Charles Saunders", is written over a horizontal line.

Wm. Charles Saunders