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Filing date: **06/30/2009**

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

Proceeding	91187188
Party	Plaintiff North Atlantic Operating Company, Inc.
Correspondence Address	Heather L. Jensen Cowan, Liebowitz and Latman 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, asc@cll.com, hlj@cll.com
Submission	Motion to Extend
Filer's Name	Lawrence W. Greene
Filer's e-mail	trademark@cll.com, asc@cll.com, lwg@cll.com
Signature	/Lawrence W. Greene/
Date	06/30/2009
Attachments	Motion for Extension of Dates - THE PAPER.pdf (8 pages)(147008 bytes)

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

In The Matter of Application Serial No. 77/316,130
Filed: October 29, 2007
For Trademark: THE PAPER
Published in the Official Gazette of May 27, 2008

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NORTH ATLANTIC OPERATING COMPANY, :
INC., :

Opposer, :

Opposition No. 91187188

v. :

NEW IMAGE GLOBAL, INC., :

Applicant. :

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MOTION FOR EXTENSION OF TIME OF ALL DATES (WITHOUT CONSENT)

Opposer, North Atlantic Operating Company, Inc., for good cause shown, hereby moves
to revise the discovery and trial periods herein by 180 days as follows:

Initial Disclosures Due 8/4/2009

Expert Disclosures Due 12/4/2009

Discovery Closes 1/4/2010

Opposer's Pretrial Disclosures 2/18/2010

Opposer's 30-day Trial Period Ends 4/2/2010

Applicant's Pretrial Disclosures	4/17/2010
Applicant's 30-day Trial Period Ends	6/1/2010
Opposer's Rebuttal Disclosures	6/16/2010
Opposer's 15-day Rebuttal Period Ends	7/15/2010

In addition, for the reasons stated herein, Opposer moves to waive the requirement of a Discovery Conference.

In an order dated October 27, 2008, the TTAB set out the discovery and trial schedule for this opposition. Fifty-one days thereafter, on December 17, 2008, Applicant, by its attorney, Don B. Finkelstein (who succeeded the late Edward Sokolski as Applicant's attorney of record) served its answer on Opposer, accompanied by a request to schedule a required discovery conference. However, the initial date requested by Applicant's attorney for that conference fell within the same week as the lead counsel's scheduled absence from the office and, accordingly, an attempt was made by Opposer's attorney to reschedule. Additional efforts were made by Opposer's attorney to attempt to schedule the discovery conference and to reschedule the remainder of the discovery schedule. However, Opposer attorney's telephone messages, email and letter were not answered. See letter, dated May 8, 2009 attached as Exhibit A.

Following a June 26, 2009 telephone conversation between Opposer's attorney and the TTAB's Interlocutory Attorney which discussed the failed efforts at communication with Applicant's attorney, Opposer's attorney made an additional call to Applicant's attorney, who presently responded. After Opposer's attorney recounted the efforts at communication with Applicant's attorney and restated the wish to schedule a discovery conference and reset discovery dates, Applicant's attorney responded that Opposer attorney's "problem is with the

Board” because Opposer’s attorney had allegedly missed the deadline for scheduling a discovery conference. Accordingly, Applicant’s attorney made it clear that he was not prepared to cooperate and it was also apparent that his non-communicativeness over the course of the prior period was deliberate.

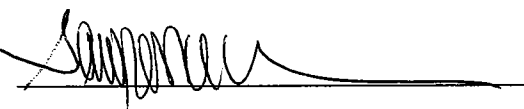
Consequently, Opposer’s present motion to extend the trial and testimony dates is made without consent. Moreover, Opposer respectfully submits that the importance of preserving Opposer’s rights and the aforementioned lack of cooperation on the part of the Applicant to schedule a discovery conference establishes good cause for granting of the present motion. *See* Fed. R. Civ. P. 6(b) and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 509.01(a) (2d ed. rev. 2004). In addition, the waiver of the requirement of a discovery conference will enable Opposer to immediately serve its disclosures and discovery requests upon Opposer and otherwise expedite the opposition.

Accordingly, Opposer respectfully moves the TTAB to reset discovery and trial dates as set forth in this motion and/or to waive the requirement of a discovery conference or, alternatively, to suspend the opposition to enable the parties to schedule a discovery conference.

Dated: New York, New York
June 30, 2009

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By: 

Arlana S. Cohen
Lawrence W. Greene
1133 Avenue of the Americas
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Attorneys for Opposer

EXHIBIT A

Cowan, Liebowitz & Latman, P.C.

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May 8, 2009

By First Class Mail

Don B. Finkelstein, Esq.
Law Offices of Don Finkelstein
3858 Carson Street, Suite 216
Torrance, CA 90503-6706

Re: North Atlantic Operating Company, Inc. v. New Image
Global, Inc.
TTAB Opposition No. 91187188
U.S. Trademark Application Serial No. 77/316,130
for THE PAPER in Class 34
Our Reference: 25898.070

Dear Mr. Finkelstein:

As you know, our firm represents North Atlantic Operating Company, Inc. in the above-referenced matter. Further to your letter of December 17, 2008, I have attempted to reach you by voicemail and telephone messages (on March 31, at which time I was informed you were away until April 9, and again on April 22 and May 1) and by email of April 6, in an effort to schedule a related discovery conference with you and to discuss the TTAB schedule, going forward. As noted in my email of April 6, I took over this matter on March 30 from an attorney who has left our firm's employ and I regret the delay in responding to your letter.

Cowan, Liebowitz & Latman, P.C.

Don B. Finkelstein, Esq.

May 8, 2009

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I assume you are still representing New Image Global Inc. in this matter and look forward to hearing from you in that capacity.

Sincerely,

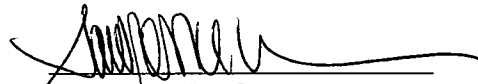
A handwritten signature in black ink, appearing to read "Lawrence W. Greene", with a long horizontal flourish extending to the right.

Lawrence W. Greene

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of June, 2009, the foregoing Motion to Revise Discovery, Testimony and Trial Periods was served on Applicant by mailing a true and correct copy thereof to Applicant at:

Don B. Finkelstein, Esq.
Law Offices of Don Finkelstein
3858 Carson Street, Suite 216
Torrance, CA 90503



Lawrence W. Greene