

ESTTA Tracking number: **ESTTA258222**

Filing date: **12/31/2008**

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

Proceeding	91187204
Party	Plaintiff NathanielChristian
Correspondence Address	Raymond J. Dowd Dunnington, Bartholow & Miller LLP 1359 BroadwaySuite 600 New York, NY 10018 UNITED STATES rdowd@dunnington.com
Submission	Motion to Extend
Filer's Name	Raymond J. Dowd
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Signature	/Raymond J. Dowd/
Date	12/31/2008
Attachments	Motion to Extend Time for Response.pdf (5 pages)(45803 bytes) Exhibit A Affidavit of Nathaniel Christian.pdf (2 pages)(29823 bytes)

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Counsel for Opposer and Registrant Nathaniel Christian

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

-----X

NATHANIEL CHRISTIAN,

Opposition No.: 91187204

Opposer,

v.

TIM BERNARDY,

Applicant.

-----X

TIM BERNARDY,

Petitioner,

v.

NATHANIEL CHASTAIN,

Registrant.

-----X

**MOTION TO EXTEND TIME TO FILE A RESPONSE TO COUNTER
PETITION TO CANCEL**

PLEASE TAKE NOTICE that upon the accompanying Brief in Support of Motion to Extend Time to File and Respond to Counter Petition to Cancel, Nathaniel Christian (“Opposer/Registrant” or “Christian”), through his attorney, hereby moves for an extension of time to file an answer to the answer and counter petition filed by Tim Bernardy (“Applicant/Counter-Petitioner” or “Bernardy”) on December 8, 2008.

Opposer/Registrant seeks to extend the deadline to file a response to the Counter Petition to Cancel until February 8, 2009, for the reasons set forth below.

BRIEF IN SUPPORT OF MOTION TO EXTEND TIME TO FILE A RESPONSE TO COUNTER PETITION TO CANCEL

1. On October 28, 2008, Christian filed the current proceeding, namely, Opposition No. 91187204, against Bernardy's mark BAUHAUS CLOTHING, Serial No. 77/314,393 in International Class 025.

2. On December 8, 2008, Bernardy filed an Answer and Counter Petition to Cancel.

3. Counsel for Christian, Mr. Raymond Dowd, has attempted to contact counsel for Bernardy, Mr. Brian Kinder, twice by e-mail and twice by telephone to discuss a stipulation for an extension of time to file but has yet to receive any response from Mr. Kinder.

4. This motion is submitted prior to the due date for Christian's response to Bernardy's Counter Petition to Cancel, and therefore there no prejudice would be suffered by the Applicant.

5. The Counter Petition to Cancel alleges that Christian has failed to use the mark in commerce and engaged in Trademark Fraud. The nature of these allegations is such that it is necessary for a number of documents to be located to produce a substantive response to the Counter Petition to Cancel.

6. Since receiving the December 8, 2008 submission of the Answer and Counter Petition to Cancel, Opposer/Registrant Nathaniel Christian has been actively

working to locate documents relating to the allegations set forth therein. See Exhibit A, Affidavit of Nathaniel Christian dated December 31, 2008.

7. This process has been hindered by the necessity of Christian to travel to visit his ailing mother, which has created a personal hardship, together with business travel.

8. In addition, the Applicant/Counter Petitioner's challenge to Opposer/Registrant's use in commerce for a period of nine years between the initial filing of the mark BAUHAUS & DESIGN in 1999 and the present action has necessitated the obtention of records not readily available.

WHEREFORE, Opposer/Registrant Nathaniel Christian has attempted to attain consent for a thirty (30) day extension to answer or otherwise respond to Applicant/Counter-Petitioner Tim Bernardy's Counter-Petition to Cancel, but received no response; this motion is timely and therefore does not prejudice the Applicant/Counter-Petitioner; Opposer/Registrant has been actively engaged in locating documentation crucial for a substantive response to the counter petition to cancel; and these efforts have been halted by immediate personal hardship, Opposer/Registrant Nathaniel Christian respectfully requests that the time to answer the Counter-Petition to Cancel filed on December 8, 2008 be extended thirty (30) days.

Dated: December 31, 2008
New York, New York

Respectfully Submitted,

DUNNINGTON, BARTHOLOW & MILLER LLP

BY:


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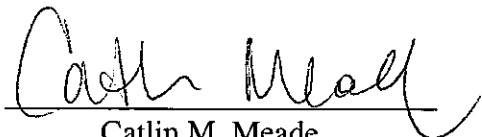
Nathaniel Christian

cc: Brian Kinder, Esq.

CERTIFICATE OF SERVICE

I, Catlin M. Meade, hereby certify that on December 31, 2008, I caused one (1) true copy of the foregoing MOTION TO EXTEND TIME TO FILE A RESPONSE TO COUNTER PETITION TO CANCEL to be served by First Class Mail upon the Applicant/Cross Petitioner, Tim Bernardy, by depositing a true copy in the care of the United States Postal Service, addressed to Applicant/Cross-Petitioner's attorney of record as follows:

Mr. Brian P. Kinder
Hart, King & Coldren
200 Sandpointe, Fourth Floor
Santa Ana, CA 92707

A handwritten signature in cursive script that reads "Catlin Meade". The signature is written in black ink and is positioned above a horizontal line.

Catlin M. Meade
Paralegal

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

-----X
NATHANIEL CHRISTIAN,

Opposition No.: 91187204

Opposer,

v.

TIM BERNARDY,

Applicant.

-----X
TIM BERNARDY,

Petitioner,

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NATHANIEL CHASTAIN,

Registrant.

-----X
**AFFIDAVIT OF NATHANIEL CHRISTIAN IN SUPPORT OF
OPPOSER/REGISTRANT'S MOTION TO EXTEND TIME TO FILE A
RESPONSE TO COUNTER PETITION TO CANCEL**

NATHANIEL CHRISTIAN, the Opposer/ Registrant in the above-captioned proceeding, hereby declares the following under the penalties of perjury:

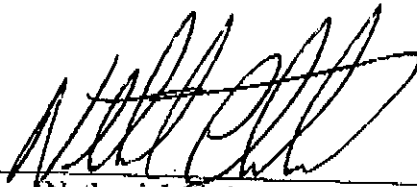
1. Since receiving the Applicant/Counter Petitioner's Answer and Counter Petition to Cancel I have been actively working on locating proper documents relevant to the allegations raised in the Answer and Counter Petition to Cancel.
2. The retrieval of such documents has been slowed by the fact that a significant of time has passed since a number of these documents were executed, which makes their location more difficult.

3. These efforts have been further hindered by the illness of my Mother, which has resulted in a substantial time commitment and travel to Chicago.

4. In addition, I had previously planned travel outside the United States that is causing delay in the assembly of documents.

I declare the foregoing to be true subject to the penalties of perjury.

Dated: December 31, 2008
New York, New York

A handwritten signature in black ink, appearing to read 'Nathaniel Christian', written over a horizontal line.

Nathaniel Christian