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

Proceeding	91203249
Party	Plaintiff C.I.H., Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Trademark Application Serial No. 85/327,670
For the Mark "Buffalo Bill Cody"
Published in the Official Gazette on September 6, 2011

C.I.H., Inc.)	
)	Opposition No. 91203249
Opposer,)	
)	
v.)	
)	
Eric Bischoff,)	
)	
Applicant.)	

**MOTION TO REOPEN TIME TO FILE RESPONSE TO
APPLICANT'S MOTION TO SUSPEND PROCEEDING**

C.I.H., Inc., ("Opposer"), through undersigned counsel, files this Motion to Reopen Time to File Response to Applicant's Motion to Suspend Proceeding ("Motion to Suspend") as follows:

1. Opposer initiated this Opposition on January 4, 2012 by filing its Notice of Opposition, Declaration of Michael Darby and Exhibits thereto.
2. Upon information and belief, Applicant's Motion to Suspend Proceeding was filed on January 12, 2012. Pursuant to 37 C.F.R. § 2.127(a), the deadline for Opposer to file its Response was January 27, 2012.
3. Pursuant to Fed. R. Civ. P. 6(b), made applicable to Board proceedings by 37 C.F.R. § 2.116(a), a party may file a motion for an enlargement of time in which an act is required or allowed to be done. If the motion is not filed until after the expiration of the period as originally set or previously extended, the motion is a motion to reopen,

and the moving party must show that its failure to act during the time allotted therefore was the result of excusable neglect. *See* TBMP §§ 509.01, 509.01(b)(1).

4. In this case, despite the Certificate of Service on page 5 of the Motion to Suspend, counsel for Opposer was not served and to date, has not received a copy of the Motion from Applicant by U.S. Mail. Counsel for Opposer was made aware of Applicant's Motion to Suspend for the first time on February 15, 2012, when it was viewing Applicant's Answer to the Notice of Opposition online.

5. Upon viewing Applicant's Motion to Suspend for the first time on February 15, 2012, counsel for Opposer immediately acted in good faith by contacting the Interlocutory Attorney assigned to this Opposition, Ms. Mary Catherine Faint, on February 15, 2012, via telephone and leaving a voicemail alerting Ms. Faint to the lack of service of the Motion.

6. Subsequently, on February 16, 2012, counsel for Opposer spoke with Ms. Faint directly on the telephone to discuss the Motion to Suspend and whether a Response was required. Counsel for Opposer indicated that it would file a Response to the Motion and request consideration by the Board. Counsel for Opposer also confirmed this via telephone on February 19, 2012 via voicemail.

7. The potential impact of the delay in filing its Response will not significantly impact this Opposition since the reason for delay was not in reasonable control of Opposer, the length of delay and its potential impact on the proceedings is minimal as Applicant just filed its Answer on February 15, 2012, no ruling has been made by the Board, and Opposer immediately acted in good faith upon learning of the

Motion to Suspend. For these reasons as well, there is no danger of prejudice to the Applicant.

8. Insofar as this Motion demonstrates Opposer's failure to timely file a Response was inadvertent and the result of excusable neglect, Opposer respectfully requests that the Board grants its Motion to Reopen Time to file a Response to Applicant's Motion to Suspend Proceedings, to and including February 21, 2012.

WHEREFORE, Opposer, C.I.H., Inc., respectfully requests that this Board grant its Motion to Reopen Time to File Response to Applicant's Motion to Suspend Proceedings and extend the deadline for filing its Response to and including February 21, 2012.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: February 21, 2012

By: /Todd P. Blakely/
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CERTIFICATE OF SERVICE

I, Lynn Tumey do hereby certify that a true and complete copy of the foregoing MOTION TO REOPEN TIME TO FILE RESPONSE TO APPLICANT'S MOTION TO SUSPEND PROCEEDING was served by first class mail, postage prepaid, on this 21st day of February, 2012, upon Applicant's Attorney of Record:

Scott Hervey
Weintraub Genshlea Chediak
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/Lynn Tumey/_____