

ESTTA Tracking number: **ESTTA517336**

Filing date: **01/22/2013**

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

Proceeding	91203399
Party	Defendant E-filliate, Inc.
Correspondence Address	MARK R LEONARD DAVIS LEONARD LLP 8880 CAL CENTER DRIVE , SUITE 180 SACRAMENTO, CA 95661 3850 UNITED STATES mleonard@davisandleonard.com
Submission	Other Motions/Papers
Filer's Name	Mark R. Leonard
Filer's e-mail	mleonard@davisandleonard.com
Signature	/Mark R. Leonard/
Date	01/22/2013
Attachments	efilliate req sched order correction.pdf (2 pages)(57919 bytes)

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

ICOURIER SOFTWARE SYSTEMS LTD. Opposer, v. E-FILLIATE, INC. Applicant	Opposition No.: 91,203,399 Application No.: 85/282926 Mark: TECH & GO
--	---

REQUEST FOR CORRECTION TO SCHEDULING ORDER

Applicant E-filliate, Inc. (“Applicant”), by its counsel, hereby files this Request for Correction to Scheduling Order to correct an error resulting from Opposer iCourier Software Systems Ltd’s (“Opposer”) erroneous filing of a discovery extension granted by Applicant on December 26, 2012.

Pursuant to the Board’s June 12, 2012 scheduling order in the instant proceeding, the discovery period closed on December 24, 2012. On or about December 26, 2012 Opposer telephoned Applicant’s counsel to request an extension of time in which to serve written discovery requests. On that same day, Applicant’s counsel emailed Opposer granting a five day extension of time in which to serve discovery requests.

Also on December 26, 2012 Opposer apparently filed the extension with the Board using the ESTTA Motion for an Extension of Answer or Discovery or Trial Periods With Consent form. While Opposer’s filing correctly reflects the extension granted for service of discovery, no other deadlines in the proceeding were to be changed. Accordingly, Applicant requests the Board to correct or rescind its December 27, 2012

order and reinstate the remaining deadlines in the proceeding as set forth in the June 12, 2012 order.

Respectfully submitted,

E-FILLIATE, INC.

By its attorneys,

Date: January 22, 2013

By: /Mark R. Leonard/
Mark R. Leonard
DAVIS & LEONARD, LLP
8880 Cal Center Dr., Suite 180
Sacramento, CA 95826
Telephone: (916) 362-9000
mleonard@davisandleonard.com

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Request for Correction to Scheduling Order has been served on iCourier Software Systems Ltd. by emailing said copy on January 22, 2013 to: Alex Mateesco, alex@techandgo.com, info@techandgo.com.

/Mark R. Leonard/
Mark R. Leonard