

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 30, 2012

Opposition No. 91207517

ic! berlin brillen GmbH,
RalphAnderl

v.

EYE SEE Courtesy Glasses

**George C. Pologeorgis,
Interlocutory Attorney:**

On November 7, 2012, applicant filed a consented motion to extend time to file its answer by employing the Board's ESTTA "consented motions" form. An order was automatically generated by the ESTTA filing system granting the motion to extend on November 7, 2012.

On November 9, 2012, opposer filed a communication with the Board advising that it never provided its consent to applicant's motion to extend and requests that the Board's November 7, 2012 order granting said motion be vacated.

Inasmuch as applicant did not receive the express consent from opposer regarding its consented motion to extend, the Board's November 7, 2012 order granting the motion is hereby vacated. Applicant is advised that it should refrain from filing any consented motions unless it receives opposer's express consent.

The Board further notes that applicant, on November 29, 2012, filed what appears to be an unconsented motion to extend time. Because applicant's motion does not demonstrate the requisite good cause for the extension request, i.e., setting forth reasons why the extension is needed, applicant's unconsented motion to extend is **DENIED** for lack of good cause shown. See Fed. R. Civ. P. 6(b)(1); TBMP § 509.01(a) (3d ed. rev. 2012).

Applicant's time to file its answer has now expired. In order not to prejudice applicant in light the rulings herein, trial dates, including the time to answer the notice of opposition, are reset as follows:

Time to Answer	12/10/2012
Deadline for Discovery Conference	1/9/2013
Discovery Opens	1/9/2013
Initial Disclosures Due	2/8/2013
Expert Disclosures Due	6/8/2013
Discovery Closes	7/8/2013
Plaintiff's Pretrial Disclosures Due	8/22/2013
Plaintiff's 30-day Trial Period Ends	10/6/2013
Defendant's Pretrial Disclosures Due	10/21/2013
Defendant's 30-day Trial Period Ends	12/5/2013
Plaintiff's Rebuttal Disclosures Due	12/20/2013
Plaintiff's 15-day Rebuttal Period Ends	1/19/2014

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits,

must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Pro Se Information

It is noted that applicant intends to represent itself in this proceeding. While Patent and Trademark Rule 11.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In addition, applicant should note that Trademark Rule 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicant may subsequently file in this proceeding must be accompanied

by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

It is recommended that applicant obtain a copy of the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice, and is available for a fee from U.S. Government Printing Office on the World Wide Web at <http://bookstore.gpo.gov>.

Strict compliance with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.¹

¹ The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is also available on the Board's website.