

ESTTA Tracking number: **ESTTA592935**

Filing date: **03/17/2014**

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

Proceeding	91211414
Party	Plaintiff Purapharm International (H.K.) Limited
Correspondence Address	MELISSA S RIZZO ADAMS AND REESE LLP 424 CHURCH STREET, SUITE 2800 NASHVILLE, TN 37219 UNITED STATES trademarks@arlaw.com, melissa.rizzo@arlaw.com, madeline.algarin@arlaw.com, haverly.macarthur@arlaw.com
Submission	Motion to Extend
Filer's Name	Melissa S. Rizzo
Filer's e-mail	melissa.rizzo@arlaw.com, madeline.algarin@arlaw.com, trademarks@arlaw.com, haverly.macarthur@arlaw.com
Signature	/s/ Melissa S. Rizzo
Date	03/17/2014
Attachments	Motion for Extension of Time.pdf(13048 bytes)

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

In the Matter of Trademark Application Serial No: 79/124353

Filed on: October 30, 2012

For the mark: **PURE**  **PHARMA**

Date of Publication in the Official Gazette: June 4, 2013

PURAPHARM INTERNATIONAL (H.K.)
LIMITED,

Opposer,

v.

PUREPHARMA APS,

Applicant.

Opposition No. 91211414

**PURAPHARM INTERNATIONAL (H.K.) LIMITED'S
MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 6(b) and TBMP §§ 403.04 and 509, Opposer, Purapharm International (H.K.) Limited (“Opposer”), by and through its undersigned counsel, hereby moves the Board for an extension of time, up to and including March 24, 2014, to respond and object to PurePharma APS’s (“Applicant”) First Requests for Production and First Requests for Admission (collectively, “Discovery”). In support, Opposer states as follows:

1. Applicant served its Discovery on Opposer via e-mail on February 13, 2014.
2. Opposer’s responses and objections to the Discovery are due by March 17, 2014.
3. Counsel for Opposer and Opposer have been working diligently in compiling responses to the very numerous requests (91 requests for admissions and 44 requests for production, many of which are overly broad and duplicative). Opposer is located in Hong Kong,

making it time-consuming for Opposer and Opposer's counsel to communicate and prepare the responses.

4. Given these reasons, Opposer requests this brief extension of time to serve its responses and objections to the Discovery.

5. Undersigned counsel has made multiple, diligent attempts over the last three (3) business days to reach Applicant's counsel to obtain her consent to this motion, without success.

6. At 3:30 PM EST today, for the first time, Applicant's counsel responded via e-mail that she would agree to a **thirty-day** extension of time if: (1) Opposer will agree to a reciprocal thirty-day extension of time to any additional discovery requests that Opposer may serve on Applicant, and (2) if Opposer files today a consented motion for a further thirty-day extension of all remaining trial dates, including the date for expert disclosures and the close of discovery.

7. However, Opposer does not agree to these further conditions imposed by Applicant's counsel for a stipulated extension of time of only **one (1) week** to respond to the Discovery. Should the parties agree in the future that an extension of time is warranted for all remaining trial dates, they can file a consented motion at that time. Further, if in the future, Applicant needs a reasonable extension of time to respond to any future discovery from Opposer, Opposer will consider such a request at that time.

8. Should the parties come to an agreement regarding the requested extension prior to a ruling by the Board, Opposer will advise the Board accordingly. Opposer files this motion out of an abundance of caution to preserve its right to object to the Discovery and to avoid the implication that the Requests for Admissions are admitted pursuant to Rule 36(a)(3) of the Federal Rules of Civil Procedure.

9. No party shall be prejudiced by the extension requested herein. This motion is not being interposed for purposes of delay.

10. Accordingly, good cause exists for Opposer's request for an extension of time, pursuant to Rule 6(b), Federal Rules of Civil Procedure, and TBMP § 509.

WHEREFORE, Opposer respectfully requests that the Board grant this motion for extension of time, up to and including March 24, 2014, for it to serve its responses and objections to Applicant's Discovery.

Dated: March 17, 2014

Respectfully submitted,

ADAMS AND REESE LLP

/s/ Melissa S. Rizzo

Melissa S. Rizzo, Esq.
Haverly MacArthur, Esq.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
Phone: (615) 259-1450
Facsimile: (615) 259-1470
trademarks@arlaw.com
melissa.rizzo@arlaw.com
Attorneys for PuraPharm

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2014, a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY, has been served on the Applicant by e-mailing a copy thereof to Applicant's attorney of record, Carla Calcagno, Esq., Calcagno Law PLLC, 1250 24th Street, N.W., Suite 300, Washington, D.C. 20037, Carla.calcagno@calcagnolaw.com.

/s/ Melissa S. Rizzo

Melissa S. Rizzo, Esq.