

ESTTA Tracking number: **ESTTA678331**

Filing date: **06/16/2015**

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

Proceeding.	91213785
Applicant	Plaintiff The Wet Seal, Inc.
Other Party	Defendant J.Y. Rays, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Plaintiff's Trial Period is currently set to close on 10/20/2015. The Wet Seal, Inc. requests that such date be extended for 60 days, or until 12/19/2015, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	11/04/2015
Plaintiff's 30-day Trial Period Ends :	12/19/2015
Defendant's Pretrial Disclosures :	01/03/2016
Defendant's 30-day Trial Period Ends :	02/17/2016
Plaintiff's Rebuttal Disclosures :	03/03/2016
Plaintiff's 15-day Rebuttal Period Ends :	04/02/2016

The grounds for this request are as follows:

- *The Wet Seal, LLC, has concurrently filed a motion to be joined as plaintiff in this proceeding because the marks that are relied upon by the current Opposer, The Wet Seal, Inc., were assigned to The Wet Seal, LLC. The marks were assigned to The Wet Seal, LLC, in conjunction with a bankruptcy filing and subsequent asset sale by the Opposer. The Wet Seal, Inc. and related companies filed voluntary petitions for bankruptcy on January 15, 2015 and were debtors and debtors-in-possession under Title 11 of the United States Code, 11 U.S.C. Â§ 101 et seq. (the #Bankruptcy Code#) in jointly administered bankruptcy cases under Chapter 11 of the Bankruptcy Code captioned In re The Wet Seal, Inc., a Delaware corporation et al. (Case Number 15-10081(CSS)) in the United States Bankruptcy Court for the District of Delaware. All of the Wet Seal, Inc.'s intellectual property, including its trademarks, were assigned to The Wet Seal, LLC on April 15, 2015 in connection with a court-authorized asset sale pursuant to Section 363 of the Bankruptcy Code. Choate Hall & Stewart LLP ("Choate") was recently retained by The Wet Seal, LLC as trademark counsel. Choate needs adequate time to review the documentation and prepare for its representation of The Wet Seal, LLC. Choate is unable to adequately review and prepare for representation without the requested extension of time. Choate requests that all deadlines be extended by 60 days, including the*

*deadline for parties to respond to outstanding discovery requests, which is currently scheduled for 7/22/15. If the extension is granted, this deadline should be re-scheduled for 9/20/15.*

The Wet Seal, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

The Wet Seal, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/s/ Daniel L. Scales  
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06/16/2015