

ESTTA Tracking number: **ESTTA630596**

Filing date: **10/02/2014**

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

Proceeding	91215415
Party	Defendant Empire Resorts, Inc.
Correspondence Address	CHARLES N QUINN FOX ROTHSCHILD LLP 747 CONSTITUTION DRIVE, SUITE 100 EXTON, PA 19341 UNITED STATES cquinn@foxrothschild.com, dmc- gregor@foxrothschild.com, cesch@foxrothschild.com, ipdock- et@foxrothschild.com
Submission	Other Motions/Papers
Filer's Name	CHARLES N. QUINN
Filer's e-mail	cquinn@frof.com, dmcgregor@frof.com, dwilliams@frof.com, cesch@frof.com, ipdocket@frof.com
Signature	/CHARLES N. QUINN/
Date	10/02/2014
Attachments	27616820_1.pdf(63576 bytes)

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

LVG V, LLC	:	Opposition 91215415
	:	
	Opposer :	Application 85/733,861
v.	:	
	:	Mark: "ME. (stylized)"
Empire Resorts, Inc.	:	
	:	Class: 28
	Applicant :	
	:	Interlocutory Attorney:
	:	Mary Catherine Faint

**CORRECTED CONSENTED MOTION BY APPLICANT EXTENDING TIME
FOR OPPOSER'S ANSWER TO APPLICANT'S MOTION FOR JUDGMENT
ON THE PLEADINGS AND SEEKING AN EXTENSION OF DISCOVERY
AND RESETTING OF ALL DATES**

On 26 September 2014, applicant filed the following Consented Motion to Extend the Time for Opposer's Answer to Applicant's Motion for Judgment on the Pleadings and Seeking an Extension of Discovery and Resetting of All Dates:

Counsel for opposer has requested, and counsel for applicant has agreed to, an extension of time for opposer to answer applicant's outstanding motion for judgment on the pleadings.

Additionally, counsel for the respective parties have agreed that an extension of the discovery period in the above-captioned proceeding and consequent resetting of all subsequent dates is desirable.

Accordingly, undersigned counsel for Empire Resorts, Inc., the applicant in this trademark opposition proceeding, hereby moves this Board, with the consent of counsel for LVGV, LLC, the opposer in this proceeding, such consent having been received via an exchange of e-mails, to extend the date by which opposer shall answer applicant's Motion for Judgment on the

Pleadings to 12 November 2014, to extend discovery in this case for ten (10) weeks, and to reset all subsequent dates accordingly.

With the grant of this Motion, opposer's answer to applicant's Motion for Judgment on the Pleadings will be due on 12 November 2014 and the new schedule for proceeding will be as follows:

Regrettably, when counsel computed the new dates, counsel did so working from the schedule issued by the Board when this opposition was instituted, rather than from the revised schedule issued by the Board on 9 September 2014, in response to a Consented Motion filed by opposer. With the grant of this Corrected Consented Motion, the correct dates and schedule for the proceeding will be as follows:

Expert Disclosures Due	2/26/2015
Discovery Closes	3/28/2015
Plaintiff's Pretrial Disclosures Due	5/12/2015
Plaintiff's 30-day Trial Period Ends	6/26/2015
Defendant's Pretrial Disclosures Due	7/11/2015
Defendant's 30-day Trial Period Ends	8/25/2015
Plaintiff's Rebuttal Disclosures Due	9/9/2015
Plaintiff's 15-day Rebuttal Period Ends	10/9/2015

Counsel for opposer , LVGV, gave its consent to this Corrected Consent Motion via e-mail on 1 October 2014.

Empire Resorts, Inc., through its undersigned counsel, respectfully solicits notification of the grant of this Corrected Consented Motion.

FOX ROTHSCHILD LLP

Date: 2 October 2014

/Charles N. Quinn/
Charles N. Quinn
Attorney for Applicant
Fox Rothschild LLP
Eagleview Corporate Center
747 Constitution Drive, Suite 100
Exton, PA 19341
610-458-4984
610-458-7337 (fax)
cquinn@foxrothschild.com
www.foxrothschild.com

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
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	:	
	Opposer	: Application 85/733,861
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	:	Interlocutory Attorney:
	:	Mary Catherine Faint

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Corrected Consented Motion by Applicant Extending Time for Opposer's Answer to Applicant's Motion for Judgment on the Pleadings and Seeking an Extension of Discovery and Resetting of All Dates was served on Opposer's counsel on the date listed below by e-mail, pursuant to an agreement between the parties, addressed as follows:

Hara K. Jacobs
Troy Larson
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
jacobsh@ballardspahr.com
larsont@ballardspahr.com

Date: 2 October 2014

/Charles N. Quinn/
Charles N. Quinn