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Filing date: **10/18/2016**

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

Proceeding	91218679
Party	Defendant Bryan Kenji Azeka
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Submission	Motion to Extend
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Date	10/18/2016
Attachments	Applicant Motion.pdf(67889 bytes)

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

In the Matter of Trademark Application Serial No. 86/246,563
For the Mark: "AZEKA'S RIBS"
Published: September 9, 2014

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Azeka Building Corporation	:	
	:	APPLICANT'S MOTION TO
Opposer,	:	EXTEND DEADLINE
	:	FOR FILING OF BRIEF IN
	:	RESPONSE TO OPPOSER'S
v.	:	TRIAL BRIEF
	:	
Bryan Kenji Azeka,	:	Opposition No. 91218679
	:	Serial No. 86/246,563
Applicant.	:	
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**APPLICANT'S MOTION TO EXTEND DEADLINE FOR FILING OF
BRIEF IN RESPONSE TO OPPOSER'S TRIAL BRIEF**

Comes now the Applicant, by and through counsel undersigned, and submits his Motion to extend the deadline for filing of brief in response to Opposer's trial brief. This Motion is brought pursuant to the terms of Section 509(1) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP). Opposer served its trial brief by mail on September 19, 2016, which would make Applicant's response brief due on October 19, 2016. Applicant cannot complete the required response by that date, and requests a short extension to November 4, 2016 to do so. Undersigned counsel sought a stipulation to this extension, but Opposer's counsel was unwilling to grant the requested extension without client approval, and Opposer is traveling out of the country with limited communication at this time.

Applicant has good cause for this extension because of a number of issues that arose unexpectedly, and that have directly impacted Applicant's counsel's ability to complete the required brief. First of all, counsel has been forced to handle an emergency matter for a client that has involved an emergency protective order, an objection to that order, a separate request for a temporary restraining order, and extensive briefing and emergency filings on each of those, along with emergency meetings, discussions and negotiations lasting into the evenings and weekends. This emergency dispute arose just over two weeks ago, and has dominated counsel's time over that period, which covers over half of the total time Applicant was allotted for preparing his response. On top of the emergency civil litigation, a key member of counsel's office staff had a baby and has been out of the office on maternity leave for the past three weeks, forcing the rest of the office to absorb her job duties, and counsel's office is a small one with limited staff. While, of course, this pregnancy was a known factor, the timing of the delivery could not be anticipated and ended up overlapping the period Applicant was provided to prepare the response brief. Finally, counsel was asked by his mother to travel out of town to be with her on the first anniversary of his father's passing last week. This travel overlapped the two other emergent scheduling problems, and further limited counsel's ability to work on any but the most urgent matters. Due to these overlapping circumstances, counsel simply cannot properly and competently complete the required response brief by the deadline set by rule.

For the reasons above, Applicant seeks a short extension to November 4, 2016 to provide the required response to the trial brief served by Opposer in this matter. The length of the extension is necessitated by the ongoing nature of the other two scheduling issues. Applicant does not believe that Opposer could come to suffer any form of prejudice by this short extension.

This request is made pursuant to Section 509 of the TBMP, and is being made prior to the expiration of the period originally prescribed for the response to Opposer's trial brief. Counsel believes the facts set forth above to constitute good cause for the requested extension, particularly in light of the limited scope of the request.

RESPECTFULLY SUBMITTED this 18TH day of October 2016.

ISRAEL & GERITY, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing “APPLICANT’S MOTION TO EXTEND DEADLINE FOR FILING OF BRIEF IN RESPONSE TO OPPOSER’S TRIAL BRIEF” has been served on Attorneys for Opposer, Azeka Building Corporation, by mailing said copy on this 18th day of October, 2016, via email and First Class Mail, postage prepaid to:

Colin Miwa
Martin E. Hsia
Cades Schutte
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/s/Michael Gerity

Michael Gerity