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

Proceeding	91220749
Party	Plaintiff The National Collegiate Athletic Association
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Date	05/27/2016
Attachments	Response to Order to Show Cause.pdf(13406 bytes)

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

In the Matter of Application Serial No. 86/131,804: BRACK ATTACK; 86/242,813: BRACK ATTACK; 86/243,893: DON'T LET ONE TEAM BUST YOUR BRACKET

NATIONAL COLLEGIATE ATHLETIC)	
ASSOCIATION,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91220749
)	
CLASS ACT SPORTS LLC,)	
)	
Applicant.)	
)	
)	
)	
)	

**RESPONSE SHOWING CAUSE WHY OPPOSER DID NOT FILE ITS
AMENDED NOTICE OF OPPOSITION AND MOTION FOR EXTENSION OF TIME**

Opposer, National Collegiate Athletic Association (“NCAA” or “Opposer”), did not file an amended Notice of Opposition by April 15, 2016, as directed by the Trademark Trial and Appeal Board (the “Board”), but respectfully submits that its failure to do so was for good cause, and that judgment should not be entered against it nor should this opposition be dismissed.

Opposer also respectfully requests a further extension of 60 days to file its Amended Notice of Opposition, to July 26, 2016.

In support of its contentions, Opposer states as follows:

1. On January 26, 2016, the Board granted Applicant Class Act Sports’ (“Class Act Sports” or “Applicant”) motion to dismiss this opposition. The Board stated, in its Order, that “the Board, however, freely grants leave to amend pleadings found, upon challenge under Fed. R. Civ. P. 12(b)(6), to be insufficient, particularly where the challenged pleading is the initial pleading. In view thereof, Opposer is allowed until TWENTY DAYS from the mailing date of

this order to file an amended notice of Opposition No. 91220749 opposition that properly pleads the claims,” making the new deadline to answer February 15, 2016.

2. On February 15, 2016, the parties submitted a consented Motion to Extend Deadlines in order to discuss settlement. The parties agreed that the amended Notice of Opposition should be due April 15, 2016.

3. On February 18, 2016, the Board granted the parties’ consented motion.

4. In the time since February 18, Applicant has been considering Opposer’s settlement proposal, which would address the issues raised in Opposer’s Notice of Opposition.

5. Because the parties were still discussing settlement, Applicant’s counsel consented to a further extension of time for Opposer to file an Amended Notice of Opposition on March 14, 2016 if the parties “are still working on settlement and an extension becomes necessary” by April 15, 2016.

6. The parties are in fact still discussing settlement, but Opposer inadvertently did not file the extension of time by April 15, 2016. Opposer now requests, with Applicant’s consent, a further extension of time to file an Amended Notice of Opposition of 60 days, to July 26, 2016. This period is requested to permit the parties to engage in further settlement negotiations in an effort to resolve this matter.

Dated: May 27, 2016

LOEB & LOEB LLP

By: /s/ Douglas N. Masters
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Attorneys for Opposer

*NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION*

CERTIFICATE OF SERVICE

I, Elisabeth K. O'Neill, hereby certify that a copy of the foregoing **RESPONSE SHOWING CAUSE WHY OPPOSER DID NOT FILE ITS AMENDED NOTICE OF OPPOSITION AND MOTION FOR EXTENSION OF TIME** was served upon Applicant's counsel:

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via email by agreement of the parties this 27th day of May, 2016.

/s/ Elisabeth K. O'Neill