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

Proceeding	91227407
Party	Defendant Stefan H. Laux
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Submission	Stipulated/Consent Motion to Extend
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Date	12/15/2017
Attachments	Motion to Extend Discovery_12152017.pdf(134982 bytes)

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

BACCARAT S.A.,

Opposer,

v.

Laux, Stefan H.,

Applicant

Opposition No. 91227407

Application Serial No. 86/639,975

Mark: BACCARAT

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S CONSENTED MOTION TO EXTEND DISCOVERY
AND TRIAL DATES**

Applicant Stefan H. Laux (“Applicant”) by and through its undersigned attorneys respectfully requests that the Board extend the discovery and trial dates by ninety (90) days as set forth below.

Time To Answer	CLOSED
Deadline for Discovery Conference	CLOSED
Initial Disclosures Due	CLOSED
Expert Disclosures Due	CLOSED
Discovery Closes	03/17/2018
Plaintiff’s Pretrial Disclosures	04/31/2018
Plaintiff’s 30-day Trial Period Ends	06/17/2018
Defendant’s Pretrial Disclosures	07/01/2018
Defendant’s 30-day Trial Period Ends	08/17/2018

Plaintiff's Rebuttal Disclosures	08/31/2018
Plaintiff's 15-day Rebuttal Period Ends	09/30/2018

I. Legal Standard

The discovery period may be extended by stipulation of the parties approved by the Board, or on motion granted by the Board, or by order of the Board. 37 C.F.R. § 2.120(a)(2), TBMP 403.04, Fed. R. Civ. P. 6(b).

“The standard for allowing an extension of prescribed period prior to the expiration of that period is good cause. See Fed.R.Civ.P. 6(b)(1)”, *Am. Vitamin Prods. Inc. v. DowBrands Inc.*, 22 USPQ2d 1313, 1314 (T.T.A.B. 1992) “Because [Applicant] filed its motion to extend prior to the close of the discovery period, [Applicant] need only establish ‘good cause’ for the requested extension. Fed. R. Civ. P. 6(b)(1)(A); TBMP § 509.01 (June 2014).” *Am. Univ. v. Hellenic Am. Univ.*, 91212666, 2015 WL 9906336, at *4 (T.T.A.B. 2015)

“Ordinarily, the Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.” *Am. Vitamin Prods. Inc.* at 1313. *See also Am. Univ.* at *4; *Empirical Fin. Servs., LLC a/k/a Empirical Wealth Mgmt. v. Empirical Concepts, Inc.*, 91203384 91204762, 2013 WL 11247278, at *4 (T.T.A.B. 2013) (“The Board is liberal in granting such extensions before the period to act has elapsed so long as the moving party has not been negligent or acted in bad faith, and the privilege of extensions has not been abused”).

II. Argument

Applicant and Opposer conferred regarding this request and Opposer consents to it.

This request is not filed to delay. The parties request this ninety day extension of all remaining discovery and trial dates in order for the parties to resolve outstanding discovery issues without having to seek Board intervention.

Good cause also exists because it may save the time and resources of the Board since it will hopefully obviate the need for a motion to compel discovery responses.

III. Conclusion

Accordingly, Applicant respectfully requests that all dates be reset as set forth above.

Dated: December 15, 2017

Respectfully submitted,

/s/Christian W. Liedtke
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Certificate of Service

I hereby certify that on December 15, 2017, pursuant to Trademark Rule 2.119(b)(6), I served a copy of the foregoing **APPLICANT'S CONSENTED MOTION TO EXTEND DISCOVERY AND TRIAL DATES** via electronic mail on counsel for Opposer:

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/s/ Christian W. Liedtke
Christian W. Liedtke