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

Proceeding	91229847
Party	Defendant Alumier Europe Ltd
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Submission	Motion to Extend
Filer's Name	Linda Cardente
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Date	06/28/2017
Attachments	Motion_to_Extend.pdf(98191 bytes)

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

Christie Brinkley Skincare, LLC,)	Opposition No.: 91229847
)	
)	Mark: IR DEFENSE
Opposer,)	
)	Serial No.: 86/660,963
)	
v.)	Published: May 3, 2016
)	
Alumier Europe Ltd,)	
)	
Applicant.)	
_____)	

MOTION TO RESCHEDULE DISCOVERY

In connection with the Opposer's Pretrial Disclosures, Defendant moves that the Trademark Trial and Appeal Board (the Board) reschedule the discovery calendar by pushing all dates forward by an amount that the Board regards as reasonable.

Following the Answer, Defendant waited to be contacted by Plaintiff in connection with scheduling a discovery conference by 11/9/2016. No communication from Plaintiff was ever received.

In the course of monitoring Plaintiff's trademark application, Defendant noted that Plaintiff had been unsuccessful at convincing the trademark examiner that the prior use relied upon was indeed a prior use of the mark being applied for. It was therefore assumed that Plaintiff had either lost interest in the opposition or was delaying discovery until such time as the Plaintiff could determine whether or not success in establishing prior use before the examiner was on the horizon.

On or about June 23, 2017, Plaintiff served pretrial disclosure, leapfrogging over several steps that the Board had scheduled in the process. This is unfortunate as it is believed that this is the type of case in which ACR may be appropriate. Since no

discovery conference has been held, it has not been possible to discuss the possibility of such a procedure.

In view of the foregoing facts, it is believed that rescheduling the discovery calendar appropriately would permit the discussion of options for settling the case without protracted opposition proceedings

WHEREFORE, Defendant requests that the discovery phase of the opposition be rescheduled.

Date: June 28, 2017

/F A LICHAUCO/

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Attorney for Alumier Europe Ltd.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ***Motion to Reschedule Discovery*** has been served on June 28, 2017 by email to Opposer's Correspondent of Record, Christopher J. Day, at chris@daylawfirm.com.

/F A LICHAUCO/

Faustino A. Lichauco