

ESTTA Tracking number: **ESTTA839210**

Filing date: **08/13/2017**

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

Proceeding	91235416
Party	Defendant Daniele & Sons, Inc.
Correspondence Address	Christopher J. McHattie The McHattie Law Firm, LLC 550 West Main Street Boonton, NJ 07005 Email: trademarks@mchattielaw.com, cmchattie@mchattielaw.com
Submission	Motion to Extend
Filer's Name	Christopher J. McHattie
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Date	08/13/2017
Attachments	Wazu Consent Motion to Extend Answer mlf 8 13 2017.pdf(179532 bytes)

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

_____	:	
33 SUBS, INC.,	:	
	:	
Opposer,	:	Opposition No. 91235416
	:	
v.	:	Serial No. 86476294
	:	
DANIELE & SONS, INC.,	:	
	:	
Applicant.	:	
_____	:	

**MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE PLEAD AND
RESETTING OF DISCOVERY AND TRIAL DATES**

Applicant, DANIELE & SONS, INC. (“DANIELE”), by and through its undersigned counsel, pursuant to TBMP §§ 310.3(c) and 509, hereby moves to extend the time for it to file its Answer or otherwise plead, and to reset all discovery and trial dates accordingly. Daniele’s Answer is currently due on August 14, 2017. Daniele requests that the Answer deadline be extended until September 14, 2017, and that all discovery and trial dates be reset as follows:

Deadline for Discovery Conference:	10/13/2017
Discovery Opens:	10/13/2017
Initial Disclosures Due:	11/13/2017
Expert Disclosures Due:	3/10/2018
Discovery Closes:	4/12/2018
Plaintiff's Pretrial Disclosures:	5/26/2018
Plaintiff's 30-day Trial Period Ends:	7/10/2018
Defendant's Pretrial Disclosures:	7/25/2018
Defendant's 30-day Trial Period Ends:	9/9/2018
Plaintiff's Rebuttal Disclosures:	9/24/2018
Plaintiff's 15-day Rebuttal Period Ends:	10/23/2018
Plaintiff's Opening Brief Due:	12/22/2018
Defendant's Opening Brief Due:	01/22/2019
Plaintiff's Reply Brief Due:	02/6/2019

Request for Oral Hearing (option) Due: 02/16/2019

In support of this Motion, Daniele submits that due to summer scheduling and availability it only began discussing this pending matter with its counsel, The McHattie Law Firm, LLC, on August 7, 2017. As such, this office and Daniele have not yet been able to confer to the extent necessary to make a full assessment of the merits of this proceeding. This office requires additional time to review 33 Subs's claims and to confer with Daniele concerning the same.

Daniele has not received consent from 33 Subs for this Request for an Extension of Time due to the undersigned having been out of the country since August 7, 2017. This Motion is made prior to the expiration of the current deadline. This is the first request for an extension.

Accordingly, Daniele respectfully requests the Board grant this request to extend Daniele's deadline to file its Answer or otherwise plead, and to reset the discovery and trial dates as set forth herein.

Respectfully Submitted,

Christopher J. McHattie

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Attorneys for Applicant
DANIELE & SONS, INC.

CERTIFICATION OF SERVICE

I, CHRISTOPHER J. MCHATTIE, hereby certify as follows:

On August 13, 2017 by email and August 14, 2017 by overnight courier, I caused a copy of the foregoing Motion for Extension of Time to Answer and Resetting of Discovery and Trial Dates to be served on: Mitchell P. Novik, Esq., Law Offices of Mitchell P. Novik, 623 Eagle Rock Avenue, Suite 407, West Orange, NJ 07052; and that a copy of same was filed electronically on the same date via ESTTA with the Trademark Trial and Appeal Board.

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: August 13, 2017

By: *Christopher J. McHattie*
