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

Proceeding	91239337
Party	Defendant Lombardi Foundation Inc.
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Date	04/13/2018
Attachments	Opp. 91239337 Motion For Extension of Time to File Answer Without Consent.pdf(28144 bytes)

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

_____)	
Rotary Club of Houston, Inc.)	
)	In the Matter of Application No. 87584637
Opposer,)	for the Mark: LOMBARDI AWARD
)	
v.)	
)	
Lombardi Foundation Inc.)	Opposition No. 91239337
)	
Applicant.)	
_____)	

MOTION FOR EXTENSION OF TIME TO FILE ANSWER WITHOUT CONSENT

Applicant Lombardi Foundation Inc. (“Applicant”) respectfully requests the Board grant Applicant an additional 30 days to file its Answer. The deadline to file an Answer is April 17, 2018. Because the attorneys for Applicant were recently retained and have not had time to fully review the matter, Applicant has good cause for the extension.

I. FACTS

Opposer Rotary Club of Houston, Inc. (“Opposer”) filed its Notice of Opposition, including seven separate “counts”, on February 6, 2018. The Trademark Trial and Appeal Board (“Board”) issued its Trial Dates and ordered an Answer Due that same day. The ordered deadline to Answer was March 18, 2018. On March 14, 2018, Applicant filed a Motion to extend the time to Answer with consent of Opposer along with the statement that the “Parties are engaged in settlement discussions.” Since that time, Applicant has sought to engage and retain new counsel in order to defend Applicant in the Opposition. Applicant engaged the undersigned attorneys, yesterday, April 12, 2018 at which time the newly retained attorneys first reviewed the Notice of Opposition. The undersigned attorneys entered their appearance in the case today, April 13, 2018. Applicant, through its newly retained attorneys, contacted counsel for Opposer seeking

consent to extend the Answer deadline. Opposer's counsel respectfully denied this request without explanation.

II. APPLICANT'S GOOD CAUSE

Applicant respectfully requests a 30-day extension of time or until May 17, 2018 to file its Answer. The deadline to Answer the Notice of Opposition has not yet expired and Applicant's request for an extension of time is made in good faith. According to Federal Rule of Civil Procedure 6(b) and Trademark Board Manual Procedure ("TBMP") 509:

When an act may or must be done within a specified time, the court may, for good cause, extend time:

(A) With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires

Because the time to Answer has yet to expire, Applicant need only show good cause for the requested extension. See TBMP § 509.01. The requested extension is not due to any lack of diligence or unreasonable delay, and it is respectfully submitted the additional time requested herein is solely to provide newly retained counsel an opportunity to fully review the Notice of Opposition, which consists of seven different counts within the Notice and eleven "grounds of opposition" on the cover page. Newly retained counsel needs the requested extension in order to gather the appropriate information from their new client and prepare a proper filing to meet the guidelines of Rule 11.

CONCLUSION

Applicant respectfully requests that the Board enter an order granting Applicant's Motion to Extend the Time to Answer the Notice of Opposition.

Respectfully submitted,

Dated: April 13, 2018

By: /Matt A. Todd /
Matt A. Todd

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Attorneys for Applicant

CERTIFICATE OF FILING

I hereby certify that this **MOTION FOR EXTENSION OF TIME TO FILE ANSWER WITHOUT CONSENT** was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system on April 13, 2018.

/ Matt A. Todd/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached "**MOTION FOR EXTENSION OF TIME TO FILE ANSWER WITHOUT CONSENT**" has been served upon Opposer's representative of record by e-mail on April 13, 2018.

/ Matt A. Todd/
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