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

Proceeding	91248617
Party	Plaintiff WeWork Companies Inc.
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

WEWORK COMPANIES INC.,

Opposer/Counterclaim-Respondent,

v.

ALEXANDRIA REAL ESTATE EQUITIES,
INC.,

Applicant/Counterclaimant.

Opposition No. 91248617

MOTION TO EXTEND TIME TO RESPOND TO DISCOVERY REQUESTS

Opposer and Counterclaim-Respondent WeWork Companies Inc.¹ (“WeWork”), by its attorneys Fross Zelnick Lehrman & Zissu, P.C., and pursuant to TBMP §§ 403.04 and 509.01(a), hereby moves the Board for an extension to December 3, 2019 of WeWork’s deadline to serve responses to the discovery requests served by Applicant Alexandria Real Estate Equities, Inc. (“Applicant”).

RELEVANT BACKGROUND

This proceeding commenced on June 4, 2019, and this is the first request to the Board for an extension that either party has made.

As widely reported in the news, WeWork has seen a number of changes in the past few months, and particularly in the last six weeks. Among these were changes to the Board of Directors and to leadership at the company – founder Adam Neumann stepped down in late September, and other executives have also recently left the company.

¹ A motion to substitute WeWork Companies LLC for the now defunct entity WeWork Companies Inc. was filed on October 31, 2019 and is pending. (7 TTABVUE.)

On October 4, 2019, amidst this period of change for WeWork, Applicant served discovery requests consisting of document requests and interrogatories (together, the “Discovery Requests”). By operation of the relevant rules, WeWork’s deadline to respond to the Discovery Requests would have been November 3, 2019. On October 31, 2019, WeWork’s counsel contacted Applicant’s counsel and requested a 30-day extension of the November 3, 2019 response deadline to December 3, 2019. On Friday, November 1, 2019, Applicant’s counsel advised that it would grant only a one-week extension, moving the November 3, 2019 deadline to November 10, 2019. On Monday, November 4, 2019, WeWork’s counsel renewed its request for an extension through December 3, 2019, explaining that the request was being made in light of the widely-reported developments at the company. Applicant on November 5, 2019 again refused to consent to the extension.

ARGUMENT

If a motion to extend time is filed prior to the expiration of the period originally set, the moving party need only show good cause for the extension request. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 509.01. “[T]he 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.” *Nat’l Football League v. DNH Mgmt., LLC*, 85 U.S.P.Q.2d 1852 (T.T.A.B. 2008); *see also Love & Pieces LLC v. Colle Products, LLC*, No. 91239476, 2019 WL 495330, at *1 (Feb. 5, 2019) (granting Applicant’s motion to extend discovery due dates by thirty days due to holiday scheduling, limited staff availability, and Petitioner’s discovery being served via an email address not of record).

WeWork respectfully submits that it has shown good cause for the requested extension. WeWork is seeking the extension not because of its own lack of diligence or because of any unreasonable delay, but rather because, as very briefly summarized above and as has been reported in the news, WeWork's business is currently experiencing a transition period. The changes in leadership and control have affected WeWork's ability to gather information and documents in response to Applicant's Discovery Requests. Under these circumstances, WeWork respectfully submits that it has demonstrated good cause for the Board to grant its motion to extend its deadline to respond to the outstanding Discovery Requests through December 3, 2019.

WeWork is willing to consent to a 30-day extension of the entire discovery period (and later trial period) if Applicant is concerned that it will not have sufficient time to conduct follow-up discovery.

CONCLUSION

For the foregoing reasons, WeWork respectfully requests that the Board grant WeWork an extension through December 3, 2019 to respond to the outstanding discovery requests.

Dated: New York, New York
November 5, 2019

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /Laura Popp-Rosenberg/

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November 2019, I caused a true and correct copy of the foregoing MOTION TO EXTEND TIME TO RESPOND TO DISCOVERY REQUESTS to be sent by email to Applicant's counsel of record at the email addresses *trademarks@cooley.com, jpo@cooley.com, droumiantseva@cooley.com* and *schristoff@cooley.com*.

/ Laura Popp-Rosenberg/

Laura Popp-Rosenberg