

ESTTA Tracking number: **ESTTA991502**

Filing date: **07/30/2019**

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

Proceeding	91248619
Party	Defendant AI Village, Inc.
Correspondence Address	AI VILLAGE, INC. AI VILLAGE, INC. 126 ROCK HARBOR LANE FOSTER CITY, CA 94404 clarence@aivillage.org, admin@aivillage.org no phone number provided
Submission	Other Motions/Papers
Filer's Name	Robert S. Weisbein
Filer's email	rweisbein@foley.com, ipdocketing@foley.com, nquintero@foley.com
Signature	/Robert S. Weisbein/
Date	07/30/2019
Attachments	RESPONSE TO ORDER TO SHOW CAUSE.pdf(249298 bytes)

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

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THE VILLAGE RECORDER :
Opposer, :
v. : OPPOSITION NO.: 91248619
AI VILLAGE, INC., : Serial No.: 88/075,263
Applicant. : Mark: AI VILLAGE
----- X

RESPONSE TO ORDER TO SHOW CAUSE

Applicant, AI Village, Inc., through its undersigned counsel, Foley & Lardner, LLP, hereby submits this response to the Notice of Default and Order to Show Cause issued by the Trademark Trial and Appeal Board dated July 25, 2019.

On July 10, 2019, the undersigned communicated by email with counsel for Opposer, Michael Martin, advising Mr. Martin that Foley & Lardner was running a conflicts check to see whether or not it was free to represent AI Village in connection with this proceeding. The undersigned also requested that Mr. Martin consent to a twenty-day extension of time for AI Village to respond to the Notice of Opposition. The undersigned also informed Mr. Martin that AI Village was interested in discussing the possibility of resolving the matter amicably. A copy of the email is attached as Exhibit A. The specifics regarding settlement have been redacted. Mr. Martin responded shortly thereafter agreeing to the requested twenty-day extension and acknowledge Opposer's interest in trying to resolve the matter amicably. See Martin email dated July 10, 2019, annexed hereto as Exhibit B. The specifics regarding settlement have been redacted. Thereafter, the undersigned instructed a paralegal at Foley &

Lardner to prepare and file a suitable consent motion extending the time for AI Village to respond to the Notice of Opposition by twenty days. Unbeknownst to the undersigned this was not done so the time for AI Village to respond to the Notice of Opposition expired on July 15th instead of on August 4, 2019, as agreed to by counsel for the parties.

On July 29, 2019, the undersigned sent an email to Mr. Martin setting forth a settlement proposal to which Mr. Martin responded later in the day with a counter proposal.

The undersigned learned today of the Board's July 25th Order when he checked the TTAB docket on TTABVUE.uspto.gov looking for a copy of the Board's Order granting the consent motion. Suffice it to say, AI Village has every intention of mounting a defense to the opposition if a settlement cannot be reached. The failure to file a consent motion extending the time for AI Village to respond to the Notice of Opposition for twenty days was inadvertent.

For the reasons set forth herein AI Village respectfully requests that a default judgment not be entered and that the Board issue an order permitting AI Village to have sufficient time to respond to the Notice of Opposition and resetting the time for the discovery conference, service of initial disclosures, and the discovery and trial dates.

Dated: New York, New York
July 30, 2019

Respectfully submitted,

FOLEY & LARDNER LLP

By: /s/ Robert S. Weisbein

Robert S. Weisbein, Esq.

FOLEY & LARDNER LLP

90 Park Avenue

New York, New York 10016-1314

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Facsimile: (212) 687-2329

Attorneys for Applicant AI Village, Inc.

EXHIBIT A

July 10, 2019 Weisbein Email to Martin

From: Weisbein, Rob
Sent: Wednesday, July 10, 2019 2:36 PM
To: mmartin@fpplaw.com
Cc: Heller, Jake; Walker Jr, William S.
Subject: The Village Recorder v. AI Village, Inc. - Trademark Opposition

Mr. Martin, Foley & Lardner is in the process of running a conflicts check and becoming retained to represent AI Village in connection with the above referenced opposition. I expect that the process will take a few days. However, I note that AI Village has until Monday, July 15th to respond to the Notice of Opposition. Therefore, I ask for your professional courtesy in consenting to a 20-day extension of time for AI Village to respond to the Opposition.

On the settlement front, I know that a principal from AI Village spoke with you within the last few weeks to see if this matter could be settled. It is my understanding that the matter can be resolved [REDACTED] [REDACTED] Please confirm that my understanding is correct. If so, I think the matter can be resolved quickly and efficiently.

I look forward to hearing from you.

Rob Weisbein

Robert S. Weisbein

Foley & Lardner LLP
90 Park Avenue
New York, NY 10016-1314
P 212.338.3528

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EXHIBIT B

July 10, 2019 Martin Email to Weisbein

From: Michael Martin <mmartin@fpllaw.com>
Sent: Wednesday, July 10, 2019 2:47 PM
To: Weisbein, Rob
Cc: Heller, Jake; Walker Jr, William S.
Subject: RE: The Village Recorder v. AI Village, Inc. - Trademark Opposition

**** EXTERNAL EMAIL MESSAGE ****

REDACTED

Hi Rob,

Yes, we consent to the extension and yes this matter can be resolved by [REDACTED]. We tried to handle via a letter without the need to oppose but the Applicant ignored.

Thanks and best,

Michael P. Martin
Of Counsel
Fischbach Perlstein Lieberman & Almond, LLP
1925 Century Park East, Suite 2050
Los Angeles, California 90067
T: 310-556-1956 (ext.6)
C: 310-717-5278
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing RESPONSE TO ORDER TO SHOW CAUSE was served by e-mail and first-class mail on this 30th day of July, 2019, upon Petitioner's correspondent of record as follows:

Michael P. Martin
FISCHBACH, PERLSTEIN,
LIEBERMAN & ALMOND LLP
1925 Century Part East, Suite 2050
Los Angeles, California 90067
mmartin@fpplaw.com

/s/ William S. Walker, Jr.

WILLIAM S. WALKER, JR.