

ESTTA Tracking number: **ESTTA1316287**

Filing date: **10/16/2023**

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

Proceeding no.	91281414
Party	Defendant Treedefi Ltd
Correspondence address	BARUCH S. GOTTESMAN LAW OFFICE OF BARUCH S. GOTTESMAN 185-12 UNION TURNPIKE FRESH MEADOWS, NY 11366 UNITED STATES Primary email: bg@gottesmanlegal.com 212-401-6910
Submission	Motion to Extend
Filer's name	Baruch S. Gottesman, Esq.
Filer's email	baruchgottesman@gmail.com
Signature	/Baruch Gottesman/
Date	10/16/2023
Attachments	Request to Extend Time by Applicant 10.16.2023.pdf(198007 bytes )

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

In the Matter of Application Serial Number 90881203

Filed: August 13, 2021

Published in the Official Gazette on June 28, 2022

Mark: **TREDEFI** (International Classes 009 and 042)

**NICCOLÒ MASCARO,**

Opposer,

~ *versus* ~

**TREDEFI LTD.,**

Applicant.

Opposition No. ESTTA1244091

**MOTION TO EXTEND TIME FOR APPLICANT TO ANSWER  
OR OTHERWISE MOVE WITH RESPECT TO THE  
OPPOSER'S SECOND AMENDED NOTICE OF OPPOSITION**

**WITHOUT OBJECTION OR CONSENT BY THE OPPOSER,** the Applicant respectfully moves pursuant to TBMP § 509.01(a) and TBMP § 502.02(b) and other relevant rules, laws and procedures for an extension of time for the Applicant to Answer or otherwise Move with respect to the Opposer's Second Amended Notice of Opposition.

The current deadline for the Applicant to file its Answer or its Motion to Dismiss the Amended Notice of Opposition Oct. 2, 2023. We previously requested an extension until Oct. 16, 2023, which remains pending. Because of a serious bout of COVID, the Undersigned requests a modification of the extension until Oct. 30, 2023.

## **I. Relevant Procedural Background**

1. Opposer filed their Second Amended Notice of Opposition on August, 2023 (ESTTA1304670).

2. Applicant had until September 8, 2023 to Answer or otherwise Motion to Dismiss the Second Amended Notice of Opposition. We requested an extension which was granted until October 2, 2023.

3. Now, the Applicant hereby moves respectfully moves for an extension of time for the Applicant to Answer or otherwise Move to Dismiss the Amended Notice of Opposition for two weeks until October 30, 2023.

## **II. Good Cause Exists to Grant this Extension of Time**

“[T]he Board generally 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.” Sysco Corp. v. Princess Paper, Inc., 2006 TTAB LEXIS 94, \*5 (TTAB 2006). Further, “an application for the enlargement of time under Rule 6(b)(1) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” Kernisant v. City of New York, 225 F.R.D. 422, 431 (E.D.N.Y. 2005) *quoting* C. Wright, A. Miller, M. Kane, FEDERAL PRACTICE AND PROCEDURE § 1165 (2d ed. 1986).

We do not request this extension for the purposes of delay and the requested extension will not adversely impact any current scheduling because the case will be

rescheduled in light of the Second Amended Petition.

This supplements the Applicant's second request for an extension of time (which remains pending) with respect to the Second Amended Petition. It is being made because a very serious bout of COVID that the Undersigned had diagnosed on Oct. 9, 2023 (and still exhibiting debilitating symptoms of themselves, spouse, and three children) limited Counsel's availability.

**FOR THESE REASONS**, the Applicant respectfully requests an extension of time for them to Answer or otherwise Move to Dismiss the Second Amended Opposition until October 30, 2023.

RESPECTFULLY SUBMITTED,

By:



Baruch S. Gottesman, Esq.  
New York Bar No. 4480539  
GOTTESMAN LEGAL PLLC  
11 Broadway, Suite 615  
New York, NY 10004  
Phone: (212) 401-6910  
Fax: (212) 859-7307  
[bg@gottesmanlegal.com](mailto:bg@gottesmanlegal.com)