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

Proceeding no.	91294041
Party	Plaintiff DK Company A/S
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Submission	Motion to Extend
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Signature	/miriam trudell/
Date	12/01/2024
Attachments	motion to extend discovery deadlines.pdf(17241 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

DK Company A/S Opposer, v. La Crème The Brand Applicant.	Opposition No.: 91294041 Marks: LA CRÈME Serial Nos.: 98/123,348

MOTION TO EXTEND DISCOVERY DEADLINES

DK Company A/S, ("Opposer"), by and through its counsel, submits this Motion to Extend Discovery Deadlines pursuant to TBMP § 509.01(a). In support thereof, please consider the following

A motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension. Moreover, a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor.

FACTUAL BACKGROUND

1. On September 17, 2024, Opposer filed a Notice of Opposition against U.S. Application Serial No. 98/123,348.

2. Applicant's deadline to file an answer was October 27, 2024. As October 27, 2024 was a Sunday, the deadline to file the Answer was the next business day, Monday, October 28, 2024.
3. On October 31, 2024, Applicant filed a Motion to Request For Leave To File Answer, and filed its Answer. That motion has not yet been acted upon by the TTAB.

LEGAL STANDARD

Pursuant to TBMP § 509.01(a), the TTAB may extend the discovery dates with a showing of good cause, and that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor.

ARGUMENTS

In support of this Motion, Opposer submits that because Applicant's answer was filed late, pursuant to TBMP § 509.01(a), the TTAB would typically grant the Applicant's motion for leave to file the answer, and the order will "usually include a resetting of all subsequent deadlines or dates, including the discovery conference, disclosures, discovery and testimony periods." As the TTAB has not yet issued an order, Opposer is filing this Motion to confirm that pursuant to TBMP § 509.01(a), it is requesting that the Board reset all deadlines, including the discovery conference deadline. As this is not the fault of Opposer, Opposer's respectfully requests that all dates be reset, including the discovery conference deadline and all other discovery deadlines.

Respectfully Submitted,

ATTORNEYS FOR OPPOSER

Date: 1 Dec. 2024 By: /MIRIAM TRUDELL/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing MOTION TO EXTEND DISCOVERY DEADLINES was served by e-mail, as prescribed in 37 C.F.R. § 2.119, on this 1st of Dec. 2024 upon Applicant's current attorney of record:

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