

TTAB



06-06-2003

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #74

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

In the matter of Trademark Registration No.: 2,112,922
Date Registered: November 11, 1997
Mark: REAL PURITY

J-RICH CLINIC, INC.)
)
Petitioner,)
)
vs.)
)
PHILOSOPHY, INC.)
)
Registrant-Respondent)

**MOTION TO EXTEND PERIOD OF
TIME TO FILE A BRIEF IN
OPPOSITION TO PLAINTIFF'S
MOTION AND SUPPORTING
MEMORANDUM TO SUSPEND
DUE TO PENDING ACTION ON
FEDERAL DISTRICT COURT**

03 JUN 19 AM 9:31
TRADEMARK TRIAL AND
APPEAL BOARD

Cancellation No.: 92041396

Respondent hereby moves the United States Patent and Trademark Office, Trademark Trial and Appeal Board to extend the period of time for Respondent to Oppose Petitioner's Motion and Supporting Memorandum to Suspend Due to Pending Action on Federal District Court for a period of three days--from June 3, 2003 to June 6, 2003.

In support of this Motion, Respondent states as follows:

1. Counsel for Respondent prepared an answer and an answer and counterclaims in two separate and related litigation matters and submitted the documents to Petitioner's counsel on June 3, 2003. Respondent notes that as a result of the filed counterclaims, likelihood of confusion is no longer an issue in the respective cases.

2. On June 3, 2003, Respondent also prepared an opposition brief and supporting memorandum to be filed in the related litigation.

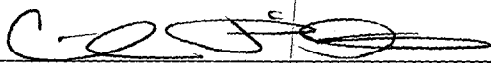
3. On May 28, 2003, counsel for Respondent and counsel for Petitioner participated in a hearing in the related litigation. On that day, we requested an expedited transcript of the hearing and we expect to receive a copy of the transcript in the near future.

4. The May 28, 2003 transcript will be helpful and relevant in resolving this issue of staying this TTAB proceeding.

5. This extension of time is not requested for purposes of delay, but rather to allow Respondent time to acquire the May 28, 2003 transcript and adequate time to prepare its Brief in Response to Petitioner's Motion in view of the related litigation matters that required attention on June 3, 2003.

WHEREFORE, Respondent prays that the Trademark Trial and Appeal Board extend the period of time for Respondent to Oppose Petitioner's Motion and Supporting Memorandum to Suspend Due to Pending Action on Federal District Court from June 3, 2003 to June 6, 2003.

Respectfully submitted,
SNELL & WILMER L.L.P.

By 

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CERTIFICATE OF MAILING

I hereby certify that the attached MOTION TO EXTEND THE PERIOD OF TIME, pursuant to 37 C.F.R. § 1.8, is being deposited this date with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Date: June 3, 2003

By John H. Platt
Signature of person depositing in First Class Mail

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this MOTION TO EXTEND THE PERIOD OF TIME was deposited in the United States mail, first class postage prepaid, to Petitioner's attorney at the address and on the date indicated below:

Eric C. Grimm
Cyberbrief, PLC
320 South Main Street
Ann Arbor, MI 48107-7314

Date: June 3, 2003

By John H. Platt
Signature of person depositing in First Class Mail