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

Proceeding	92045795
Party	Plaintiff Andre Fischer and Bobby Jan Watson
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Submission	Motion to Extend
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Date	03/14/2008
Attachments	Supp Clarification to Mtn for Extension of Time.pdf (5 pages)(136895 bytes)

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

Andre Fischer, an individual, and Bobby Jan
Watson, an individual,

Petitioners,

v.

Tony Maiden, an individual,

Registrant.

Cancellation No. 92045795

**SUPPLEMENTAL CLARIFICATION TO
MOTION FOR EXTENSION OF TIME**

I. INTRODUCTION

Petitioner Bobby Watson ("Watson") makes this supplemental filing simply to clarify his Motion for an Extension of Time in which to file an opposition to the Motion for Leave from Default Judgment filed by Defendant Tony Maiden ("Maiden"). Watson served his Motion for an Extension of Time on February 15, 2008, and that motion awaits decision. This paper is simply a supplement to the February 15 motion.

II. PROCEDURAL HISTORY

Maiden filed a Motion for Leave on January 28, 2008, and Watson responded with a motion for extension of time on February 15 (uploaded onto the TTAB website on February 19). Watson's motion requested an additional 30 days to prepare a brief opposing Maiden's Motion for Leave. Watson's attorneys spoke with Ms. Millicent Canady on Friday, March 14, 2008 to inquire when Watson's February 15 motion for extension of time might be taken up for decision. Ms. Canady responded that it would be taken up on March 19.

This supplemental filing simply requests that the Board extend the time for Watson's

response by 30 days from the date the February 15 Motion for an Extension of Time is decided, rather than extending it by 30 days from the date the opposition brief would have otherwise been due (February 17). Watson simply wants to confirm that if the Board grants Watson's as of yet unopposed motion for an extension, the extension of time will be measured from the date that it is granted.

III. GOOD CAUSE SUPPORTS WATSON'S REQUEST FOR AN EXTENSION OF TIME

"A motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient." TBMP § 509.01(a). The movant must also show that the requested extension is not due to the party's own delay.

Watson has good cause to request a 30 day extension of time to respond to Maiden's Motion for Leave. First, as explained in Watson's February 15 motion, Watson did not receive Maiden's motion when it was served, as it was served on Watson's former counsel. Proceedings in this case were terminated over a year ago, in February 2007, so it is not surprising that Watson was no longer retaining his former attorney. As Watson did not immediately receive Maiden's motion, an extension of time for Watson's response is justified.

Second, Maiden's motion is very long (127 pages) and detailed, including 20 pages of argument, seven separate declarations, and numerous exhibits. It will take Watson at least an extra 30 days to research all of the issues raised by Maiden's brief, collect the necessary exhibits, and prepare a response.

Third, Watson's burden in responding to Maiden's motion is heightened due to the year and a half during which Maiden did not appear in this case. This action was brought in Mary

2006 and terminated in February 2007. As this case has been closed for an entire year, Watson justifiably released his attorney and packed away the relevant files, paperwork, and documents related to this cancellation action. Since Maiden's sudden filing in January 2008, Watson has had to act quickly to retain new counsel, bring them up to speed on this case, and locate all of the necessary documents, witnesses, and materials that have not been needed for over a year. Accordingly, Watson will certainly need additional time to respond to Maiden's unexpected and tardy motion.

Finally, the party responsible for Watson's need for additional time is Maiden, not Watson. Watson brought this cancellation action in May of 2006. A default judgment was entered in January 2007, and the proceeding was terminated the next month. Maiden has waited over a year and a half to actually file any papers in this proceeding. As a result of Maiden's delay, Watson now finds himself in the position of having to respond to a lengthy motion in an action that has been terminated for over a year. Watson's request for additional time to respond is justified in view of Maiden's 20 month delay in appearing in this proceeding.

IV. CONCLUSION

Watson has shown good cause for a 30 day extension of time to respond to Maiden's Motion for Leave. Watson requests that the Board allow Watson 30 days (or additional time if the Board deems it justified), from the date this motion is granted, in which to file an opposition to Maiden's motion. Should the Board deny this motion for any reason, Watson requests leave to file a renewed motion for extension of time or a motion to reopen the time for filing an

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opposition brief, or alternatively Watson requests that the Board reset the due date for Watson's opposition brief to a reasonable date after the Board's decision.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date March 14, 2008

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CERTIFICATE OF MAILING AND SERVICE


I certify that on March 14, 2008, the foregoing **SUPPLEMENTAL CLARIFICATION TO MOTION FOR EXTENSION OF TIME** is being electronically filed with:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on March 14, 2008, the foregoing **SUPPLEMENTAL CLARIFICATION TO MOTION FOR EXTENSION OF TIME** is being served by mailing a copy thereof by first-class mail addressed to:

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