

ESTTA Tracking number: **ESTTA289469**

Filing date: **06/12/2009**

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

Proceeding	92050917
Party	Defendant The Ritz Hotel Limited
Correspondence Address	The Ritz Hotel Limited 14 South Street LONDON W1Y 5PJ, UNITED KINGDOM
Submission	Other Motions/Papers
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Date	06/12/2009
Attachments	5718-56L Motion.pdf (4 pages)(83049 bytes)

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

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Shen Manufacturing Company Incorporated, :
Petitioner, : Cancellation No. 92050917
vs. : Registration No. 1980522
The Ritz Hotel, Ltd., :
Applicant. :
-----X

**REGISTRANT'S *EX PARTE* MOTION REQUESTING A 30-DAY
EXTENSION OF TIME TO ANSWER THE PETITION FOR CANCELLATION**

Sir:

Registrant Ritz Hotel, Ltd. ("Registrant"), by its undersigned attorney, hereby requests that the Trademark Trial and Appeal Board ("TTAB") grant to Registrant a 30-Day Extension of its time to answer the Petition for Cancellation in the above-identified proceeding.

Petitioner Shen Manufacturing Company Incorporated ("Petitioner") filed its Petition for Cancellation with the TTAB on May 5, 2009. In a Notice mailed May 6, 2009, the TTAB set June 15, 2009 as the deadline for the filing and service of Registrant's Answer. Registrant has not yet filed its Answer.

On June 2, 2009, Registrant filed in the TTAB an *ex parte* Motion for Suspension of Cancellation Proceeding on the ground, pursuant to 37 C.F.R. §2.117(a) and TBMP §510.02(a), that the same registration that is the subject matter of this Cancellation proceeding is already the subject of a long-ongoing civil action in which the exact issues

raised by Petitioner in this Cancellation are already under consideration by the civil action Court. Thus, the proceedings in the Civil Action may have a bearing on this Cancellation and, indeed, are likely to determine and be dispositive of the issues raised by Petitioner in this Cancellation.

A decision of the TTAB on Registrant's pending Motion to suspend has not issued. Registrant's undersigned attorney has been advised by the TTAB that it is the normal practice of the TTAB to delay acting on such motions to suspend to first determine whether another party to the proceeding – in this case Petitioner – files an objection to the motion and, as such, a decision on the pending Motion to suspend should not be expected prior to Registrant's current deadline for the service and filing of its Answer to the Petition for Cancellation.

During a telephone conference with Interlocutory Attorney Cheryl Goodman of the TTAB on June 12, 2009, Registrant's undersigned attorney sought to conference into the call Petitioner's attorney John Earley III to inquire whether Mr. Earley would consent to the suspension being sought by Registrant. Mr. Earley's voicemail answered the call, and undersigned (with Interlocutory Attorney Goodman on the line) left a voicemail message reporting the reason for the call and asking for a return telephone call for a conference with Interlocutory Attorney Goodman.

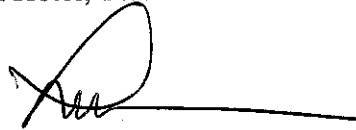
Later in the evening on June 12, 2009, after undersigned had left his office for the day, Mr. Earley left undersigned a voicemail message stating that he would be engaged in depositions for the next several weeks and unable to speak with undersigned and the Interlocutory Attorney until *at least* the latter part of next week – i.e. *after* the June 15, 2009 deadline for the filing of Registrant's Answer to the Petition for Cancellation.

Since the filing of Registrant's Answer is unnecessary at this time if the TTAB grants the requested suspension of proceedings pending termination of the ongoing civil action, Registrant now requests in this *ex parte* Motion that the TTAB grant to Registrant a 30-day Extension of its time to Answer the Petition for Cancellation. Registrant believes that the 30-day extension of time that it seeks herein should provide the TTAB with a sufficient opportunity to determine whether Petitioner Shen files a formal objection to Registrant's requested suspension of proceedings and to issue a decision on Registrant's pending Motion to suspend these proceedings.

This request is not being made for purposes of delay.

Respectfully submitted,

The Ritz Hotel, Ltd.

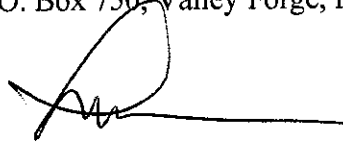


Date: June 12, 2009

By: _____
Lance J. Lieberman
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Registrant's *Ex Parte* Motion Requesting a 30-Day Extension of Time to Answer the Petition for Cancellation was served by first Class Mail, postage prepaid, upon John F.A. Earley III, Harding, Earley, Follmer & Frailey, P.C., P.O. Box 750, Valley Forge, PA 19482-0750, this 12th day of June 2009.



Lance J. Lieberman