

ESTTA Tracking number: **ESTTA348315**

Filing date: **05/19/2010**

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

Proceeding	92052180
Party	Defendant Creative Environment Home & Leisure Center, Inc.
Correspondence Address	CREATIVE ENVIRONMENT HOME & LEISURE CENTER, INC. 358 MAIN STREET DANBURY, CT 06810 UNITED STATES barry@patlawfirm.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Susan S. Murphy
Filer's e-mail	SMurphy2@goodwin.com, choward@goodwin.com
Signature	/s/ Susan S. Murphy
Date	05/19/2010
Attachments	Consent MET to Conduct Discovery Conference.pdf (3 pages)(327169 bytes)

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

NEJAME & SONS, LLC,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92052180
v.	:	Registration No. 3036489
	:	Mark: CHARLES F. NEJAME POOL
	:	and Design
	:	Date Registered: December 27, 2005
CREATIVE ENVIRONMENT HOME	:	
& LEISURE CENTER, INC.,	:	
	:	
Respondent.	:	

**CONSENT MOTION FOR EXTENSION OF
TIME TO CONDUCT DISCOVERY CONFERENCE**

The respondent, Creative Environment Home & Leisure Center, Inc. respectfully moves the Board, pursuant to TBMP § 509.01 and Fed. R. Civ. P. 6(b) for an extension of two weeks of the deadline to conduct a discovery conference, from May 19, 2010 to and including June 2, 2010. In further support of its Motion, respondent represents the following:

1. This action was commenced by Petition to Cancel filed March 10, 2010.
2. Undersigned counsel for the respondent did not receive notice of these proceedings until April 28, 2010.
3. On April 29, 2010, respondent filed its Answer and Affirmative Defenses.
4. Petitioner filed its reply to respondent's affirmative defenses on or about May 11, 2010.
5. The parties to this proceeding currently are litigating certain claims brought by the petitioner against the respondent in the Superior Court for the State of Connecticut, Nejame

& Sons, Inc. et al. v. Creative Environment Home & Leisure Center, Inc., Docket No. DBD-CV09-4009946-S (the “State Court Action”).

6. By email dated May 17, 2010, petitioner’s counsel contacted respondent’s counsel regarding the required discovery conference. Petitioner’s counsel indicated that counsel for the parties in the State Court Action were attempting to reach a settlement and that petitioner’s counsel would contact the undersigned on May 18 regarding the results of those efforts.

7. Petitioner’s counsel contacted the undersigned by email dated May 18, 2010, indicating that the parties were unable to settle the State Court Action and, therefore, petitioner wishes to move forward with these proceedings.

8. The deadline for the parties to conduct a discovery conference is May 19, 2010, giving the parties only one day to confer.

9. Counsel for the respondent is unable to confer with counsel for the petitioner due to the press of business, including a previously scheduled mediation on May 19 and 20. By virtue of the foregoing, good cause exists for the brief extension requested herein.

10. This is respondent’s first request for an extension of the deadline sought to be extended herein.

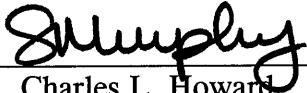
11. Respondent’s motion will not delay this matter, nor will it cause any prejudice to the petitioner.

12. Counsel for the respondent has consulted with petitioner’s counsel, who has consented to the extension of time requested herein.

13. This motion is being filed within the existing deadline for the parties to confer.

WHEREFORE, respondent respectfully requests that the Board grant its motion and extend the deadline for the parties to confer from May 19, 2010 to and including June 2, 2010.

Respectfully Submitted,
RESPONDENT,
CREATIVE ENVIRONMENT HOME &
LEISURE CENTER, INC.

By: 
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Dated: May 19, 2010

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on counsel for the Petitioner, this 19th day of May, 2010, via First Class Mail, postage prepaid, to:

Francis G. Pennarola, Esq.
Chipman, Mazzucco, Land & Pennarola, LLC
30 Main Street, Suite 204
Danbury, CT 06810


Susan S. Murphy