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

Proceeding	92053537
Party	Plaintiff Modern Housing, LLC
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Date	12/16/2011
Attachments	Extension Time.pdf (4 pages)(60713 bytes)

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

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MODERN HOUSING, LLC,	:	
	:	
Opposer/Petitioner,	:	
	:	Opposition No.: 91,193,970
v.	:	Mark: ACESTAY
	:	Serial No.: 77/824,124
AMERICAN CASINO AND ENTERTAINMENT	:	
PROPERTIES, LLC,	:	Cancellation No.: 92,053,537
	:	Mark: ACE PLAY
Applicant/Respondent.	:	Reg. No.: 3,824,189
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MODERN HOUSING, LLC'S MOTION FOR AN EXTENSION OF TIME

Pursuant to TBMP Section 509.01, Trademark Rule 116(a), and Federal Rule 6(b)(1), Opposer/Petitioner Modern Housing, LLC ("Modern Housing") respectfully requests a thirty (30) day extension of time to respond to the "Opposition to Motion to Consolidate and Counter-Motion for Summary Judgment in Opposition No. 91193970" filed by Applicant/Respondent American Casino and Entertainment Properties, LLC ("American Casino") in these proceedings. At present, Modern Housing's response to American Casino's summary judgment motion (and, by extension, its reply to American Casino's opposition to Modern Housing's consolidation motion) is due on January 2, 2012. Under the briefing schedule proposed herein, Modern Housing's filing would now be due on **February 1, 2012**.¹

This is the first extension of the briefing schedule sought by Modern Housing. Counsel for Modern Housing requested American Casino's consent to the proposed extension, but

¹ In the event the Board deems Modern Housing's reply deadline in the consolidation motion to be due on December 19, 2011, Modern Housing requests that this deadline be merged with the summary judgment deadline, and that both be extended to February 1, 2012.

American Casino only agreed to an extension of time to January 9, 2012, which unfortunately is insufficient given the undersigned's other obligations.

Specifically, and aside from the holidays, the attorney for Modern Housing who has primary responsibility for responding to American Casino's filing is presently heavily involved in briefing an appeal in another matter to the U.S. Court of Appeals for the First Circuit, which brief is due to be filed on January 5th. In addition, this attorney has been called to perform up to two weeks of jury service in January, dates that were already adjourned once to accommodate the aforementioned appellate briefing schedule.

Under the circumstances, Modern Housing submits that it has shown "good cause" for the requested extension, as is required under the Rules. *Accord*, Fed. R. Civ. P. 6(b), 37 CFR § 2.116(a), TBMP § 509; *see also, e.g., The Sturgis Area Chamber of Commerce v. Sturgis Bike Week, Inc.* 2004 LEXIS 449 (Trademark Trial & App. Bd. 1994) (explaining that there is a liberal policy toward granting extensions when requests are filed before the relevant period to act has lapsed) (internal citations omitted)). Further, American Casino will not be prejudiced by the short requested extension, nor will the schedule of any proceeding be adversely affected, especially considering that American Casino's summary judgment motion has already triggered an automatic suspension of the proceedings.

CONCLUSION

For the reasons hereinabove set forth, Modern Housing respectfully submits that it has established good cause in support of the requested extension, and asks that the Board grant the instant motion, extending Modern Housing's deadline to respond to American Casino's filing by thirty (30) days, though and including February 1, 2012.

KENYON & KENYON LLP

Dated: December 16, 2011

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Modern Housing, LLC

PROOF OF SERVICE

I hereby certify that a true and complete copy of MODERN HOUSING, LLC'S
MOTION FOR AN EXTENSION OF TIME has been served on this 16th day of December, 2011,
by mailing said copy via first class mail, to:

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