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Filing date: **02/14/2013**

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

Proceeding	92056635
Party	Defendant FIN.ING. S.r.l.
Correspondence Address	FIN ING S R L CORSO DI PORTA ROMANA 3 20122 MILANO, ITALY
Submission	Motion to Extend
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Date	02/14/2013
Attachments	J154-047-Motion for Extension of Time.pdf ( 5 pages )(356156 bytes )

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

In the Matter of Registration No. 3,514,885  
Registrant: Fin.Ing. S.r.L.  
Mark: REPORTER  
App. Serial No.: 77/235,011  
Reg. Date: October 14, 2008

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RICHEMONT INTERNATIONAL S.A.,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92056635
v.	:	
	:	
FIN.ING. S.r.l.,	:	
	:	
Respondent.	:	
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**RESPONDENT’S MOTION FOR EXTENSION OF TIME TO  
RESPOND TO PETITION**

Respondent FIN.ING. S.r.l., by and through its attorneys, Notaro, Michalos & Zaccaria P.C., moves pursuant to Fed. R. Civ. P. 6(b) and TBMP 509.01(a) for an extension of thirty (30) days, until **March 19, 2013**, in which to respond to the Petition in this matter, and to reset the subsequent schedule accordingly.

**Statement of Facts**

The facts constituting good cause for the requested extension of time are as follows.

1. Respondent FIN.ING. S.r.l. is a foreign entity based in Milan, Italy.
2. Respondent’s counsel receives instructions from Respondent’s attorney in Italy, who then communicates with Respondent. These lines of communication necessitate

more time to investigate facts and decide on a course of action than would be the case with a domestic registrant.

3. The present Petition was filed on January 4, 2013. The Board has set February 17 as the time to answer, which is a Sunday preceding a Federal holiday on Monday. Therefore, Respondent's answer is due on February 19.

4. On January 24, 2013, Respondent's counsel via an email to Petitioner's counsel, Paul J. Reilly, Esq., requested Petitioner's consent to a sixty-day extension of time to respond to the petition and a concurrent suspension pending settlement discussions between the parties' representatives in Europe.

5. On January 24, 2013, Petitioner's counsel, Paul J. Reilly, Esq., responded via email that he would confer with Petitioner and follow-up with Respondent's counsel as soon as possible.

6. On January 30 and February 4, after not yet receiving a response, Respondent's counsel sent follow-up emails to Petitioner's counsel regarding the status of the request for Petitioner's consent.

7. On February 4, 2013, Petitioner's counsel responded via that Petitioner may be amenable to Respondent's request but he wanted to wait the outcome of an initial settlement meeting on February 11 in Italy between the parties' foreign representatives.

8. On February 11, the parties' foreign representatives met in Italy to discuss settlement but were unable to reach an amicable resolution.

9. On or about February 11, Petitioner informed Respondent that it would not consent to a sixty (60) day extension for Respondent to respond to the petition or to a suspension of the proceeding.

10. On February 12, in an email to Petitioner's counsel, Respondent's counsel requested Petitioner's consent to a thirty (30) day extension to respond to the petition. As of the filing of this motion, Respondent's counsel has not received a response to the request for Petitioner's consent to a thirty (30) day extension.

11. As no amicable resolution of this matter has yet been reached, Respondent requires additional time to investigate the facts and decide upon a course of action.

12. No previous extension of time has been requested.

13. This motion is not made for the purpose of delaying the proceedings.

### **Argument**

This motion has been filed before the Answer became due on February 19. "[T]he Board is liberal in granting extensions of time before the period to act has elapsed so long as the moving party has not been guilty of negligence or bad faith and the privilege of extension is not abused." *National Football League v. DNH Management LLC*, 85 USPQ2d 1852, 1854 (TTAB 2008).

The Respondent has not been negligent in addressing the matters raised by the Petition, nor is the requested extension of time necessitated by any lack of diligence or unreasonable delay on the part of Respondent. Respondent's representative in Italy has communicated with Petitioner's representatives in an attempt to amicably resolve the matter. Because no settlement was reached, additional time is required to investigate the facts and decide upon a course of action going forward. The thirty-day extension sought by this motion is a reasonable period of time to allow for Respondent's investigation and decision process.

It is respectfully submitted that good cause for the requested extension has been shown.

**Conclusion**

For the forgoing reasons the motion should be granted.

Dated: February 14, 2013

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a complete copy of the foregoing **RESPONDENT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITION** has been served on Paul J. Reilly, Esq. and Lauren B. Emerson, Esq., Attorneys for Petitioner, by mailing said on February 14, 2013 via First Class Mail, postage prepaid, to:

Paul J. Reilly, Esq.  
Lauren B. Emerson, Esq.  
Baker Botts LLP  
30 Rockefeller Plaza  
New York, New York 10112-0228

  
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Demetra Falto