

ESTTA Tracking number: **ESTTA859383**

Filing date: **11/20/2017**

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

Proceeding	92066838
Party	Defendant Capstak, Inc.
Correspondence Address	LETAO QUIN RIMON PC ONE EMBARCADERO DRIVE SUITE 400 SAN FRANCISCO, CA 94111 UNITED STATES Email: letao.qin@rimonlaw.com
Submission	Motion to Extend
Filer's Name	Letao Qin
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Date	11/20/2017
Attachments	Motion for Extension of Time.pdf(32827 bytes)

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

In the matter of:)	
)	
Trademark Registration No.: 4941216)	November 20, 2017
For the mark: CAPSTAK)	
Registered: April 19, 2016)	Cancellation No. 92066838
)	
CapStack Partners, LLC,)	
Petitioner,)	
v.)	
Capstak, Inc.,)	
Registrant.)	

**REGISTRANT’S MOTION FOR EXTENSION OF TIME TO HOLD A DISCOVERY
CONFERENCE**

Trademark Trial and Appeal Board
Commissioner for Trademarks
VIA EFILE

Commissioner:

Pursuant to Fed. R. Civ. P. 6(b) and TBMP § 509, Registrant, Capstak, Inc., by and through its attorney, hereby moves the Trademark Trial and Appeal Board (the “Board”) for an extension of time, up to and including December 19, 2017, to hold a discovery conference with Petitioner.

Petitioner, CapStack Partners, LLC., has petitioned the Board for cancellation of Registrant’s mark, CAPSTAK (registration No. 4941216). Registrant was notified by the Board of the cancellation proceeding on September 11, 2017 and timely filed its answer on October 19, 2017.

As indicated in the Board's notice, November 20, 2017, is the deadline for holding a mandatory discovery conference during which the parties are required to discuss settlement. However, it has just come to Registrant's attention the lawsuit Petitioner is/was involved in, *Ginsburg Development Companies, LLC. v. David Platt, CapStack Partners, LLC, and Gemini Capital Markets Fund 2, LLC* (NYSCEF No. 654475/2016). This lawsuit has a direct bearing on the settlement discussion that is required in the discovery conference. Registrant must ensure that the goodwill built upon its registered mark will not be damaged if any concurrent use of the mark is to be discussed as part of settlement.

Registrant respectfully requests that the Board grant this motion of time extension to allow appropriate time for Registrant to confer with its attorney, who was traveling abroad for the past two weeks, in order to prepare for settlement discussions.

Registrant submits this motion in good faith to properly assess the aforesaid and not for purposes of unnecessary delay. Grant of this motion by the Board is respectfully requested.

Respectfully submitted,

Rimon P.C.

By: 

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Date: November 20, 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the foregoing Motion for Extension of Time to Hold a Discovery Conference has been served on Petitioner by forwarding said copy on the 20th date of November, 2017, via email to:

David Blatt
Email: db@blattholdings.com



Letao Qin, Esq.