

ESTTA Tracking number: **ESTTA1247480**

Filing date: **11/11/2022**

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

Proceeding no.	92071596
Party	Plaintiff Schiebel Industries AG
Correspondence address	PETER J. PHILLIPS LUCAS & MERCANTI, LLP 30 BROAD STREET, 21ST FLOOR NEW YORK, NY 10004 UNITED STATES Primary email: info@lmiplaw.com Secondary email(s): pjphillips@lmiplaw.com (212) 661-8000
Submission	Motion to Extend
Filer's name	Peter J. Phillips
Filer's email	pjp@lmiplaw.com, info@lmiplaw.com, cphillips@lmiplaw.com
Signature	/Peter J. Phillips/
Date	11/11/2022
Attachments	Petitioners Motion for Extension of Time.pdf(170132 bytes)

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

In the matter of

US Trademark Reg. No. 5,440,864
Mark: CAMERA COPTERS (& Design)
Registered: April 10, 2018
Serial No.: 86774278
Filed: September 30, 2015
Int. Classes: 9 and 12 only

SCHIEBEL INDUSTRIES AG,

Petitioner,

v.

Cancellation No. 92071596

Camera Copters, Inc.,

Registrant.

Trademark Trial and Appeal Board

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

PETITIONER'S MOTION FOR EXTENSION OF TIME

Peter J. Phillips
Lucas & Mercanti LLP
30 Broad Street, 21st Fl.
New York, NY 10004
(212) 661-8000
pjp@lmiplaw.com
info@lmiplaw.com
Attorneys for Petitioner
Schiebel Industries AG

Petitioner moves for an extension of time of 30 days from November 12, 2022 to December 12, 2022 to file its Reply Brief.

On September 27, 2022, Respondent filed a Rule 6(b) Motion For Leave re Submission of Evidence and Protective Order which sought a retroactive extension of some nine (9) months to file its Testimonial Evidence. Petitioner opposed that motion and filed an Opposition and Supplemental Opposition. Until the Board decides that Rule 6 (b) Motion, Petitioner does not know whether Respondent's late filed Testimonial Evidence has been accepted for filing, and thus does not know whether Petitioner is entitled to file rebuttal evidence to that late filed Testimonial Evidence, and what evidence it should address in its Reply Brief.

Petitioner sought and obtained Respondent's consent to a first 30-day extension in its motion filed October 5, 2022 which resulted in a first 30 day extension to file its Reply Brief now due November 12, 2022. On November 10, 2022, Petitioner sought Respondent's consent to the present motion for a second 30-day period. Respondent advised Petitioner on November 11, 2022 that it would not consent to Petitioner's present motion, despite having already consented to the first 30 day extension.

Petitioner respectfully requests that the Board grant Petitioner's present motion so that Petitioner will be able to first obtain a ruling from the Board on whether Respondent's Rule 6(b) Motion will be granted, whether Petitioner can file rebuttal evidence if Respondent's Rule 6(b) Motion is granted, and what evidence of Respondent Petitioner will need to address in its Reply Brief.

Respectfully submitted,

/s/ Peter J. Phillips

Peter J. Phillips

Lucas & Mercanti LLP

30 Broad Street, 21st Fl.

New York, NY 10004

(212) 661-8000

pjp@lmiplaw.com

info@lmiplaw.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by email on attorney for Registrant as follows, this day of November 11, 2022.

Lillian Taylor Stajnbaher, Esq.
Lilian Taylor Artist Services
2630 W Broward Blvd, #203-434
Fort Lauderdale, FL
33312
legal@lilliant.com
lil.taylor.esq@gmail.com

Date: November 11, 2022

By: /Cheri Phillips/

Cheri Phillips
LUCAS & MERCANTI, LLP
30 Broad Street
21st Floor
New York, NY 10004
Phone (212) 661-8000
Fax (212) 661-8002