

ESTTA Tracking number: **ESTTA1320076**
Filing date: **11/03/2023**

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

Proceeding no.	92083014
Party	Plaintiff Mprezas, Inc.
Correspondence address	DARREN JAMES QUINN LAW OFFICES OF DARREN J. QUINN 12702 VIA CORTINA SUITE 105 DEL MAR, CA 92014 UNITED STATES Primary email: dq@dqlaw.com Secondary email(s): staff@dqlaw.com 858-509-9401
Submission	Motion to Extend
Filer's name	Darren J. Quinn
Filer's email	dq@dqlaw.com
Signature	/Darren J. Quinn/
Date	11/03/2023
Attachments	Enlarge ReplyTime.final w Exs.pdf(420914 bytes)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Mprezas, Inc., a California
corporation)

 Petitioner,)

 v.))

Armstrong Laboratorios de)
México S.A. de C.V.,))

 Registrant.))

Cancellation No. 92083014

**CONDITIONAL MOTION TO EXTEND
TIME TO FILE SUSPENSION REPLY
BRIEF DUE TO POSSIBLE
TECHNICAL ISSUE**

Registration No. 5541254
Mark: HERKLIN

Registration No. 5541255
Mark:



1 Petitioner Mprezas, Inc, a California corporation (“Petitioner” or
2 “Mprezas”) submits this conditional motion to extend time to file its reply brief
3 [10 TTABVUE] in support of its motion to suspend this Cancellation Proceeding
4 in light of the prior and pending Opposition Proceeding 91235782 involving
5 Opposer Mprezas and Applicant Armstrong Laboratorios de México S.A. de C.V.
6 (“Armstrong”) involving the same or similar marks.

7 On November 2, 2023, Petitioner Mprezas logged onto ESTTA to file its
8 REPLY IN SUPPORT OF PETITIONER’S MOTION TO SUSPEND FOR PRIOR
9 OPPOSITION PROCEEDING (“Reply Brief”). A true and correct copy of the
10 Validate and Submit screen print showing an “11/02/2023” date is attached.

11 On November 3, 2023, this Reply Brief did not show up on TTABVUE, so
12 Petitioner Mprezas filed it on ESTTA. [10 TTABVUE].

13 In the event that the Reply Brief was filed on November 2, 2023, but simply
14 did not show up on TTABVUE, then this conditional motion can be ignored. The
15 Board previously noted with respect to Armstrong’s motion to dismiss that “[d]ue
16 to a technical issue, however, the submission was not available for viewing on
17 TTABVUE.” [6 TTABVUE].

18 In the event that the Reply Brief was not filed until November 3, 2023, then
19 Petitioner Mprezas requests a one day extension to file the Reply Brief under Rule
20 6(b)(1)(B). Good cause exists to extend the time because the counsel for
21 Petitioner Mprezas thought that the Reply Brief had been submitted on November
22 2, 2023 as shown by the attached Validate and Submit screen print. Through a
23 technical error or an inadvertent error in pressing the submit button, the Reply
24 Brief was not submitted.

25 Armstrong’s counsel was served with the Reply Brief on November 2, 2023,
26 so it is not prejudiced by a one (1) day extension. A true and correct copy of the
27 service email is attached.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 3, 2023

Respectfully submitted by:
LAW OFFICES OF DARREN J. QUINN
DARREN J. QUINN

s/s Darren J. Quinn
Darren J. Quinn

12702 Via Cortina, Suite 105
Del Mar, California 92014
Tel: 858-509-9401

Attorneys for Petitioner Mprezas, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I hereby certify that a true and complete copy of the foregoing
CONDITIONAL MOTION TO EXTEND TIME TO FILE SUSPENSION REPLY
BRIEF DUE TO POSSIBLE TECHNICAL ISSUE has been served on counsel for
Applicant on November 3, 2023, by e-mail.

Govinda M. Davis (govinda.davis@dinsmore.com)
Grant Monachino (Grant.Monachino@DINSMORE.COM)
Dinsmore & Shohl LLP
255 East Fifth Street
Cincinnati, Ohio 45202
Tel.: (513) 977-8200

s/s/ Darren J. Quinn

(<https://www.uspto.gov>)

About Us (<https://www.uspto.gov/about-us>) Jobs (<https://www.uspto.gov/jobs>)

Contact Us (<https://www.uspto.gov/about-us/contact-us>)

Electronic System for Trademark Trials and Appeals

Reply in Support of Motion

Navigation: [Party \(confirm-pno.jsp\)](#) - [Submission \(motion-or-paper.jsp\)](#) - [Attachments \(attachments.jsp\)](#) - [Sign \(sign.jsp\)](#) -
Validate

ESTTA v.3.17.0
PTO-2151 (Exp. 09/30/2023)
OMB No. 0651-0040 (Exp.
09/30/2023)

Validate and Submit

Review the information below and click the "Submit" button if the information is correct. If you need to edit any information, click the "Back" button to return to the desired screen, then enter your correction(s).
USE THE NAVIGATION BUTTONS AT THE BOTTOM OF THIS WEB PAGE. DO NOT USE THE BACK BUTTON OR ARROW ON YOUR BROWSER.

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

Proceeding no.	92083014
Party	Plaintiff Mprezas, Inc.
Correspondence address	DARREN JAMES QUINN LAW OFFICES OF DARREN J. QUINN 12702 VIA CORTINA SUITE 105 DEL MAR, CA 92014 UNITED STATES Primary email: dq@dqlaw.com Secondary email(s): staff@dqlaw.com 858-509-9401
Submission	Reply in Support of Motion
Filer's name	Darren J. Quinn
Filer's email	Dq@dqlaw.com
Signature	/Darren J. Quinn/
Date	11/02/2023
Attachments	Reply Motion to Suspen.final.pdf(106043 bytes)

11/02/2023 10:21 PM EDT

(<https://www.uspto.gov/>)

BROWSE BY TOPIC

[ABOUT THIS SITE](#)

[USPTO BACKGROUND](#)

[FEDERAL GOVERNMENT](#)



Darren Quinn <dq@dqlaw.com>

Mprezas - HERKLIN - Suspend Reply

1 message

Darren Quinn <dq@dqlaw.com>

Thu, Nov 2, 2023 at 5:27 PM

Reply-To: dq@dqlaw.com

To: "Davis, Govinda" <Govinda.Davis@dinsmore.com>, Grant Monachino <grant.monachino@dinsmore.com>

Counsel:

Please find attached a service copy of the REPLY IN SUPPORT OF PETITIONER'S MOTION TO SUSPEND FOR PRIOR OPPOSITION PROCEEDING.

Darren Quinn
858-509-9401

 **Reply Motion to Suspen.final.pdf**
104K