

ESTTA Tracking number: **ESTTA927992**

Filing date: **10/11/2018**

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

Proceeding	94002791
Party	Applicant We Care Heating & Air LLC
Correspondence Address	DAVID M LILENFELD LILENFELD PC 3379 PEACHTREE RD NE, SUITE 980 ATLANTA, GA 30326 UNITED STATES David@Lilenfeld.com, Kaitlyn@Lilenfeld.com, Angela@Lilenfeld.com 404-201-2520
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Kaitlyn A. Haase
Filer's email	kaitlyn@lilenfeld.com, david@lilenfeld.com, angela@lilenfeld.com, craig@lilenfeld.com
Signature	/Kaitlyn A. Haase/
Date	10/11/2018
Attachments	Consent Motion - Extension of Testimony P.pdf(44157 bytes )

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

WE CARE HEATING & AIR, LLC,	)	
	)	
Plaintiff,	)	
	)	Concurrent Use No.:
v.	)	
	)	94002791
W C HEATING & AIR CONDITIONING, INC.,	)	
	)	
Defendant.	)	
_____	)	

**JOINT MOTION TO EXTEND TIME**

Plaintiff, We Care Heating & Air, LLC, and Defendant, WC Heating & Air Conditioning Inc., jointly move, pursuant to 509.01(a) of the Trademark Trial and Appeal Board Manual of Procedure, to extend Plaintiff's testimony period, and the other deadlines in this Concurrent Use Proceeding by sixty (60) days.

Both Parties have diligently conducted the proceedings in this case and have made no unreasonable delays; however, the Parties require additional time for Plaintiff to depose Defendant during its testimony period. The Parties have good cause for this extension. Specifically, Plaintiff noticed the depositions of (1) WC Heating & Air Conditioning Inc. and of (2) Rusty Cochran, its principal, to take place on October 17, 2018 and October 18, 2018. However, counsel for Defendant has indicated that Rusty Cochran and WC Heating & Air Conditioning, Inc. are not available on these dates because Mr. Cochran and the corporate designee for Defendant are out of the country and will not return until after Plaintiff's testimony period closes.

Therefore, the Parties respectfully request that the deadlines in this proceeding be extended by sixty (60) days, so Plaintiff may take the depositions of Rusty Cochran and WC Heating & Air Conditioning, Inc. and gather evidence during its testimony period. This is the first request for an

extension of the deadlines contained in the Board's August 29, 2018 Order. Counsel for all Parties consent to this request for an extension.

Granting the request would extend the deadlines in this Concurrent Use Proceeding to:

Plaintiff's 30-day Trial Period Ends	12/21/2018
Defendant's Pretrial Disclosures Due	1/5/2018
Defendant's 30-day Trial Period Ends	2/19/2019
Plaintiff's Rebuttal Disclosures Due	3/6/2019
Plaintiff's 15-day Rebuttal Period Ends	4/5/2019
Plaintiff's Opening Brief Due	6/4/2019
Defendant's Brief Due	7/4/2019
Plaintiff's Reply Brief Due	7/19/2019
Request for Oral Hearing (optional) Due	7/29/2019

Based on the foregoing, the Parties request the Board grant this Combined Motion to Extend Time in conformity with the above schedule.

Respectfully submitted this 11th day of October, 2018.

**LILENFELD PC**

*/s/ Kaitlyn A. Haase*

David M. Lilenfeld, Esq.

Georgia Bar No. 452399

Kaitlyn A. Haase

Georgia Bar No. 431935

3379 Peachtree Road N. E.

Suite 980

Atlanta, Georgia 30326

Telephone: (404) 201-2520

david@lilenfeld.com

kaitlyn@lilenfeld.com

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

We Care Heating & Air, LLC, )  
 )  
 Plaintiff, )  
 ) Concurrent Use No. 94002791  
 v. )  
 )  
 W C Heating & Air Conditioning, Inc., )  
 )  
 Defendant. )

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2018, I served the foregoing *Combined Motion to Extend Time* on Defendant by email as follows:

Thomas A. Polcyn, Esq.  
Hadi S. Al-Shathir, Esq.  
Thompson Coburn LLP  
One US Bank Plaza  
Saint Louis, MO 63101  
*tpolcyn@thompsoncoburn.com*  
*hal-shathir@thompsoncoburn.com*

Dated: October 11, 2018

/s/Kaitlyn A. Haase  
Kaitlyn A. Haase