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

Proceeding	91185291
Party	Plaintiff Regional Economic Models, Inc.
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Submission	Opposition/Response to Motion
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Date	09/10/2008
Attachments	(2371_501) Response To Applicant_s Request For Extension Of Time.PDF (14 pages)(363457 bytes)

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

In the Matter of Application:

Opposition No.: 91185291
Serial No.: 78/963,853
Filed: August 30, 2006
Applicant: Macroeconomic Advisers, L.L.C.
Mark: MONETARY POLICY INSIGHTS
Published: June 17, 2008

REGIONAL ECONOMIC MODELS, INC.,)
)
Opposer,)
)
v.)
)
MACROECONOMIC ADVISERS, L.L.C.)
)
Applicant.)

RESPONSE TO APPLICANT'S
REQUEST FOR EXTENSION OF
TIME

Regional Economic Models, Inc. (“REMI”) opposes Macroeconomic Advisers, L.L.C.’s (“MA”) Request for Extension of Time, filed August 26, 2008, which seeks to extend the August 27, 2008, deadline for MA to file an answer to REMI’s Opposition. MA does not show good cause for the requested extension of time, and MA’s requested extension of time was necessitated by MA’s own lack of diligence and unreasonable delay in filing an answer.

To request an extension of time, the moving party must show good cause for the requested extension. Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) §509.01. The moving party must also demonstrate that the requested extension of time is not necessitated by the party’s own lack of diligence or unreasonable delay in taking the required action. TBMP § 509.01(a). MA’s request cites two grounds for “good cause,” both false, for its failure to file a timely answer, and MA’s cited grounds show MA’s lack of diligence and unreasonable delay.

First, MA cites settlement discussion between the parties. The parties have discussed settlement intermittently for over a year before the start of the present opposition proceeding, but this is not an excuse for MA's failure to file a timely answer. MA's counsel contacted REMI's counsel on August 20, 2008, requesting REMI's consent to an extension of time for MA to file its answer. REMI's counsel clearly stated that REMI *did not consent* to an extension of time for MA to file its answer, but that REMI was interested in continuing discussion of a possible settlement. MA's answer, if timely filed, would have advanced discussion of a possible settlement by helping to establish the disputed and undisputed facts of the opposition. There is no reason MA could not have filed a timely answer by the August 27, 2008, deadline while simultaneously continuing to negotiate. The parties' settlement discussion is not good cause for an extension of time. *See Fairline Boats PLC v. New Howmar Boats Corp.*, 59 U.S.P.Q. 2d 1479 at 1 (T.T.A.B. 2000) (denying motion to extend testimony period and noting that mere existence of settlement negotiations or proposals, without more, would not justify party's delay).

Second, MA cites a need for additional time to research and investigate REMI's claims. REMI first raised its claims regarding the confusing similarity between MA's MONETARY POLICY INSIGHTS mark and REMI's POLICY INSIGHT mark in a November 1, 2006, letter. MA has been aware of REMI's claim for almost two years, and the parties have been corresponding about REMI's claims since November 1, 2006. *See Exhibit A*, February 14, 2007, letter from REMI's counsel attaching earlier letters from REMI and MA. MA admits that the parties' counsel have been involved in active settlement discussion starting in April 2007. There is no good cause for MA's need for further research or investigation to file a timely answer. To the extent that MA needs further time to research and investigate REMI's claims, this need was necessitated by MA's own lack of diligence and unreasonable delay in failing to research and investigate claims that REMI raised nearly two years ago.

Accordingly, MA does not show good cause for an extension of time to file its answer, and the requested extension of time was necessitated by MA's own lack of diligence and unreasonable delay in researching and investigating REMI's claims

REMI respectfully requests that the Board deny MA's request of an extension of time to file an answer after the August 27, 2008, deadline.

Dated: Boston, Massachusetts
September 10, 2008

Regional Economic Models, Inc.

By its attorneys,

/s/ Paul Kitchin

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Response to Applicant's Request for Extension of Time has been served on Donald J. Fitzpatrick, counsel for Macroeconomic Advisers, L.L.C., by overnight mail on September 10, 2008 to, Greensfelder, Hemker & Gale, P.C., 2000 Equitable Building, 10 South Broadway, St. Louis, MO 63102.

/s/ Paul Kitchin

Paul Kitchin

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