

2.146 petition to the Director

The table below presents the data as entered.

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SERIAL NUMBER	85737435
REGISTRATION NUMBER	
FORM TEXT	
	<p>Empire respectfully requests that the Director grant this Petition and enter an order granting Empire a thirty-day (30) extension of time in order for Attorney Quinn to regain his health and have time to file reply briefs in further support of (1) Empire’s Motion for Reconsideration of the Denial of Empire’s Motions for Judgment on the Pleadings; (2) Empire’s motion for Reconsideration of the April 1, 2015 Order Consolidating Opposition Proceedings; and (3) Empire’s Petition (previously “Motion”) for Suspension of the Rules and for Extended Time to Petition the Director Regarding Procedural Improprieties Respecting the Board’s April 1, 2015 Decision Denying Empire’s Motion for Judgment/Partial Judgment on the Pleadings.</p> <p>Empire further requests that the Director order that Empire’s timely filed May 1, 2015 Motion for Suspension of the Rules be considered as a petition under 37 C.F.R. 2.146(d)(2), since the filing was timely and the fee is being tendered herewith.</p> <p>Additionally, Empire further requests that the Director stay all Proceedings pending a decision on this Petition.</p>
ATTACHMENT(S)	
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ORIGINAL PDF FILE	Declaration_201542043759173.pdf
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PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Charles N. Quinn/
SIGNATORY'S NAME	Charles N. Quinn
SIGNATORY'S POSITION	Attorney for Applicant, Member PA Bar
SIGNATORY'S PHONE NUMBER	610-458-4984
DATE SIGNED	05/20/2015
SUBMISSION SIGNATURE	/Charles N. Quinn/
SIGNATORY'S NAME	CHARLES N. QUINN
SIGNATORY'S POSITION	Attorney for Petitioner
SIGNATORY'S PHONE NUMBER	610-458-4984
DATE SIGNED	05/20/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
TEAS STAMP	USPTO/PDR-XX.XXX.XXX.XXX- 20150520165336702199-8573 7435-20150520163417599578 -CC-3633-2015052016341759 9578

Global Format; No Form Number (Rev 8/2009)
OMB No. 0651-0054 (Exp. 10/31/2017)

2.146 petition to the Director

To the Commissioner for Trademarks:

The following is submitted for application serial number. **85737435** :

FORM INFORMATION

Empire respectfully requests that the Director grant this Petition and enter an order granting Empire a thirty-day (30) extension of time in order for Attorney Quinn to regain his health and have time to file reply briefs in further support of (1) Empire's Motion for Reconsideration of the Denial of Empire's Motions for Judgment on the Pleadings; (2) Empire's motion for Reconsideration of the April 1, 2015 Order Consolidating Opposition Proceedings; and (3) Empire's Petition (previously "Motion") for Suspension of the Rules and for Extended Time to Petition the Director Regarding Procedural Improprieties Respecting the Board's April 1, 2015 Decision Denying Empire's Motion for Judgment/Partial Judgment on the Pleadings.

Empire further requests that the Director order that Empire's timely filed May 1, 2015 Motion for Suspension of the Rules be considered as a petition

under 37 C.F.R. 2.146(d)(2), since the filing was timely and the fee is being tendered herewith.

Additionally, Empire further requests that the Director stay all Proceedings pending a decision on this Petition.

FORM FILE NAME(S)

Original PDF file:

[Petition_201542043749162.pdf](#)

Converted PDF file(s) (9 pages)

[Attachments-1](#)

[Attachments-2](#)

[Attachments-3](#)

[Attachments-4](#)

[Attachments-5](#)

[Attachments-6](#)

[Attachments-7](#)

[Attachments-8](#)

[Attachments-9](#)

Original PDF file:

[Declaration_201542043759173.pdf](#)

Converted PDF file(s) (4 pages)

[Attachments-1](#)

[Attachments-2](#)

[Attachments-3](#)

[Attachments-4](#)

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth above are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature: /Charles N. Quinn/ Date: 05/20/2015

Signatory's Name: Charles N. Quinn

Signatory's Position: Attorney for Applicant, Member PA Bar

Signatory's Phone Number: 610-458-4984

Submission Signature

Signature: /Charles N. Quinn/ Date: 05/20/2015

Signatory's Name: CHARLES N. QUINN

Signatory's Position: Attorney for Petitioner

Signatory's Phone Number: 610-458-4984

RAM Sale Number: 3633

RAM Accounting Date: 05/21/2015

Serial Number: 85737435

Internet Transmission Date:

TEAS Stamp: USPTO/PDR-XX.XXX.XXX.XXX-201505201653367

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633-20150520163417599578

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

LVGV LLC,	:	Opposition Nos.
	:	91215208 (Parent), 91215212, 91215216,
	:	91215246, 91215247 and 91215415
	:	
Opposer ,	:	Mark: “ME. (stylized)”
	:	
v.	:	Serial Numbers 85/734,289;
	:	85/734,672; and 85/773,861
	:	
	:	Mark: “M (stylized)”
	:	
Empire Resorts, Inc.,	:	Serial Numbers 85/737,435;
	:	85/736,924; and 85/736,471
	:	
Applicant.	:	
	:	

**EMPIRE’S PETITION FOR SUSPENSION OF THE RULES AND
FOR EXTENSION OF TIME TO FILE REPLY BRIEFS**

Pursuant to 37 C.F.R. § 2.146(a)(3) and (5), Applicant Empire Resorts, Inc. (“Empire”), by and through its undersigned counsel, hereby petitions the Director for an order suspending the rules and granting Empire a thirty-day (30) extension of time file reply briefs in further support of (1) its Motion for Reconsideration of the Denial of Empire’s Motions for Judgment on the Pleadings; (2) its Motion for Reconsideration of the April 1, 2015 Order Consolidating Opposition Proceedings; and (3) its Motion for Suspension of the Rules and for Extended Time to Petition the Director Regarding Procedural Improprieties Respecting the Board’s April 1, 2015 Decision Denying Empire’s Motion for Judgment/Partial Judgment on the Pleadings.

Empire further petitions the Director for an order that Empire’s “Motion for Suspension of the Rules and for Extended Time to Petition the Director Regarding Procedural Improprieties Respecting the Board’s April 1, 2015 Decision Denying Empire’s Motion for Judgment/Partial Judgment on the Pleadings” filed 1 May 2015 be considered as a petition under 37 C.F.R. 2.146, and that the fee for the same be charged together with the charge for the instant petition (which charge is being paid online), or if

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such combining the fees is not possible, that the charge for the motion which is now being requested to be considered a petition under 37 C.F.R. 2.146 be made to deposit account 50-1943.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. The Marks at Issue

Empire filed applications 85/734,289, 85/734,672 and 85/733,861 on September 20, September 21, and September 27, 2012 respectively, seeking registration of the following mark in connection with various goods and services in Classes 28, 41 and 43:

Me.

Empire filed applications 85/736,924, 85/737,435 and 85/736,472 on September 24, September 25 and September 27, 2012 respectively, seeking registration of the following mark in connection with various goods and services in Classes 28, 41 and 43:

M

(the two marks are hereinafter collectively referred to as “Empire’s Marks”).

On March 3, 2014, Opposer LVGV LLC (“LVGV”) filed five separate opposition proceedings against applications 85/736,924, 85/737,435, 85/736,472, 85/734,672, and 85/734,289. On March 7, 2014, LVGV filed a sixth opposition proceeding against application 85/773,861. LVGV opposed each of Empire’s applications on grounds of likelihood of confusion and asserted the same sixteen United States trademark registrations against each of Empire’s applications: 3,411,031; 3,628,876; 3,544,752; 3,627,974; 3,664,380; 3,747,310; 3,920,133; 3,894,290; 3,512,483; 3,632,946; 3,667,648; 3,620,814; 3,620,816; 3,896,121; 3,896,122; and 3,977,752. The seven LVGV marks encompassing LVGV’s sixteen federal registrations asserted against Empire are as follows:

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