TTAB

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

85612859

_____X

Signal Share, LLC,

Opposer,

OPPOSITION NO. 91206495

MOTION FOR AN ORDER EXTENDING TIME TO RETAIN NEW TRADEMARK LITIGATION COUNSEL

vs.

Amy R. Gurvey,

Respondent *Pro se.*

_____X

PLEASE TAKE NOTICE that Respondent *Pro Se* herein Amy R. Gurvey, a USPTO inventor and trademark registration applicant, owning intellectual property assets in primary and secondary mobile ticketing operations, and event and broadcast production, editing and distribution systems, hereby moves the USPTO Trademark Trial and Appeals Board ("TTAB"), for an extension of time of 30 days until November 18, 2013 to retain new litigation counsel for the instant trademark opposition proceeding.

Respondent, who has been represented in trademark matters since 2005 by the Rutgers Law Clinic is permanently disabled as defined under the Americans With Disabilities Act, 42 USC 12000 et seq. ("ADA"). In addition, Respondent has been hospitalized three times over the past six months including for two weeks commencing August 10, 2013 suffering from acute ulcerative colitis, diverticulitis, Clostridium difficile colitis and pleurisy of the left lung with nodule proliferation (Documents annexed).

10-21-2013
U.S. Patent and Trademark Office #72

Respondent's previous IP attorneys Ohlandt Greeley Ruggerio & Perle, LLP ("OGRP") were retained in March, 2012 to handle Respondent's patent prosecution matters only. Respondent was then represented in trademark matters by the Rutgers Law Clinic.

However, seventeen months after being retained, in August, 2013, an OGRP patent partner conceded to Respondent that the firm had failed to perform Respondent's patent prosecution work but had all of Respondent's relevant files. In addition, he said that OGRP had been performing services on the instant opposition proceeding. In fact services herein had been performed without Respondent's express authorization and the relevant files were sent to a different attorney of the firm.

A dispute then ensued as to the scope of OGRP's retainer and the firm's failure to perform services per retainer. On August 27, 2013, OGRP then unilaterally moved to withdraw from this proceeding . This was the exact time Respondent was released from the hospital. [Respondent now has stricture of the descending colon that may now require surgery.]

Early in September, 2013, during the continuing acute illness, Respondent was granted 30 days by this Court until October 18, 2013 to retain a new attorney for this proceeding. However, the Court did not compel return of all Respondent's files from OGRP.

OGRP's has since refused without justification to return all of Respondent's relevant files including those relevant to Opposer's discovery demands. The combination of factors – non-cooperation by OGRP and Respondent's illness, has made it impossible for Respondent to retain a new litigation attorney in the time allotted.

There is an additional for majeure issue that explains why Respondent does not have second copies of relevant IP files.

On May 5, 2009 Respondent's NJ home and offices were virtually destroyed when insurance carrier and their water remediation firm cut soaking plaster ceilings damaged from a pipe burst without performing pre-asbestos testing required as by law. Upon imposing the cuts, the entire ceilings avalanched

contaminating the entire home, offices, air systems and all contents with friable asbestos and ultrahazardous waste that were primary component of the plaster. Respondent and her husband were seriously injured and were in forced evacuation for 27 months, during times relevant to this proceeding . This is how Respondent contracted the chronic pleurisy and nodules in the left lung.

Respondent and her husband's asbestos property damages and personal injuries lawsuit was filed in 2010 before Superior Court of NJ, Essex Vicinage, [*Gurvey v. State Farm Insurance and Allan Industries et al.*, 2010-L-10711]. Respondent was in forced evacuation and her personal hard copies of the relevant IP files could not be salvaged by the remediation firm.

Based on the foregoing, Respondent pro se Amy R. Gurvey prays that her motion for an extension of time to retain new trademark litigation counsel be granted. Respondent requires new counsel to move to compel production of all Respondent's IP files from OGRP, to respond to Opposer's discovery requests, to move for an order for in camera inspection under seal of Respondent's confidential business files, and to submit objections to certain of Opposer's discovery requests and seek discovery from Opposer.

Dated: October 18, 2013
Upper Montclair, NJ

Respectfully submitted,

AMY R. GURVEY

To: Eric Stevens, Esq.
Poyner & Spruill
Attorney for Opposer Signal Share, LLC
301 Fayetteville Street Suite 1900
Raleigh, NC 27601

Patient: Weissbrod, Amy - 050137862
Doctor: Modi, Chinton
Facility: Mountainside Hospital

Proc: COL
Date: 08/15/2013
Time: 12:03pm

Image 7

Image 6

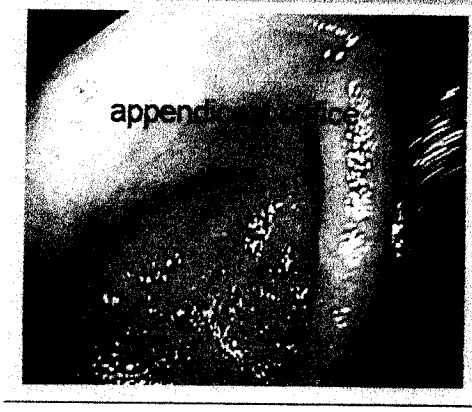

Image 1

Image 2

Image 9

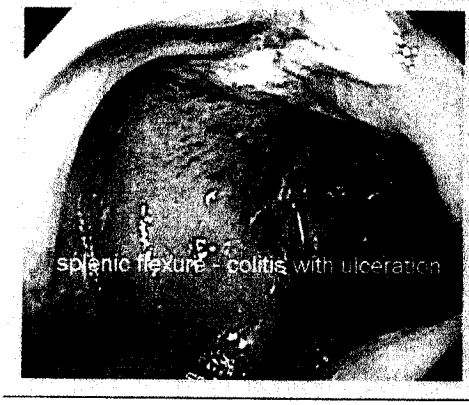

Image 11

Image 12

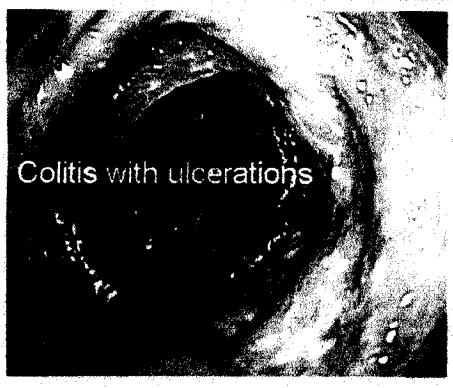

Image 17

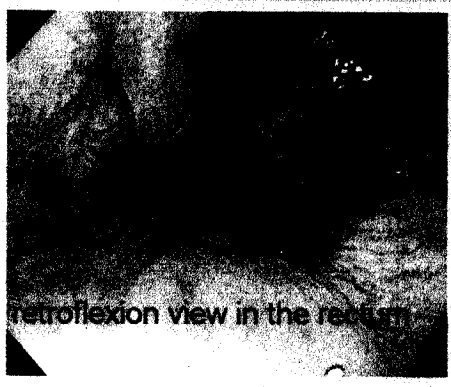

Image 10

CERTIFICATION OF SERVICE

I, Amy R. Gurvey, Respondent pro se, certify that on October 18, 2013, I served a true and accurate copy of Respondent's within Motion for an Extension of Time to Retain Counsel upon Opposer Signal Share, LLC by depositing a true and accurate copy thereof in a mailbox duly maintained by the US Postal Service, duly addressed to Signal Share's attorney of record herein, as follows:

Eric P. Stevens, Esq.
Poyner Spruill, LLP
301 Fayetteville Street
Suite 1900
Raleigh, NC 27601

A true and accurate copy Respondent's motion was filed on October 18, 2013 by ESTTA upon the USPTO Trademark Trial and Appeal Board, with a separate copy by mail, USPTO TTAB, PO Box 1451, Alexandra, VA 22313-1451.

AMY R. GURVEY