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

Proceeding	91212131
Party	Defendant Timarron Owners Association, Inc.
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Submission	Motion to Extend
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Date	03/17/2014
Attachments	Applicant's Motion to Extend Deadline for Expert Disclosures with Opposer's Consent.pdf(15567 bytes )

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

**BARBARA LOUISE MORTON D/B/A  
TIMARRON COLLEGE PREP**

**Opposer,**

v.

**TIMARRON OWNERS  
ASSOCIATION, INC.**

**Applicant.**

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**Opposition No.: 91212131**

**Mark: TIMARRON**

**In re Trademark No.: 85516680**

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**APPLICANT’S MOTION TO EXTEND DEADLINE FOR EXPERT DISCLOSURES  
WITH OPPOSER’S CONSENT**

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**COMES NOW** Applicant **TIMARRON OWNERS ASSOCIATION, INC.** (“TIMARRON”) and files this Motion to Extend Deadline for Expert Disclosures with Opposer’s Consent (the “Motion”), which Motion Opposer has consented to, and, in support of said Motion, would show the Board the following:

1. On or about October 18, 2012, under Opposition No. 91207557, Applicant **TIMARRON OWNERS ASSOCIATION, INC.** (“TIMARRON”) filed a Notice of Opposition to Opposer **BARBARA LOUISE MORTON D/B/A TIMARRON COLLEGE PREP’s** (“MORTON”) federal trademark application, Serial No. 85/516680 (the “First Opposition”).

2. On or about June 12, 2013, **TIMARRON** filed a Motion to Suspend Opposition Pursuant to 37 C.F.R. § 2.117 in the First Opposition based upon on-going litigation with **MORTON** in state court related to the subject trademark, which might have a bearing on the First Opposition (the “First Motion to Suspend”).

3. On or about July 9, 2013, this Board entered its order granting **TIMARRON’s**

Motion to Suspend Opposition Pursuant to 37 C.F.R. § 2.117 and suspended the First Opposition.

4. On or about August 21, 2013, MORTON filed this Opposition to TIMARRON's federal trademark application, Serial No. 85/780484 (the "Second Opposition"). The same day, this Board acknowledged the Second Opposition and set certain deadlines to govern the proceedings thereof, including a deadline of March 29, 2014 for the parties to make expert disclosures.

5. On or about November 21, 2013, after its litigation with MORTON in the state court had been dismissed, TIMARRON filed its Notice of Dismissal of Civil Litigation and Motion to Re-Open and Consolidate Opposition proceedings in the First Opposition (the "First Motion to Reinstate"), arguing that the First Opposition should be reinstated due to the dismissal of the State Case and that, because the First Opposition and the Second Opposition both revolve around TIMARRON and MORTON's respective rights to use and/or register trademarks containing the term "Timarron," the Board should consolidate the First Opposition with this Opposition upon reinstatement of the First Opposition.

6. On or about December 11, 2013, having filed her Notice of Appeal in relation to the state court litigation MORTON filed her Motion to Suspend Opposition Pursuant to 37 C.F.R. §2.117, seeking to have the Board suspend this Opposition on the basis of her appeal of the litigation with TIMARRON in the state court (the "Second Motion to Suspend").

7. On or about December 20, 2013, TIMARRON filed its Response to Opposer's Motion to Suspend Opposition Pursuant to 37 CFR §2.117 and Motion to Consolidate Subject to Reinstatement, *inter alia*, opposing the suspension of the Second Opposition and seeking to consolidate the Second Opposition with the First Opposition, subject to the re-opening of the First Opposition (the "Second Motion to Consolidate").

8. As of the date of this Motion, the First Motion to Consolidate, the Second Motion to Suspend, and the Second Motion to Consolidate remain outstanding and have not been ruled upon by the Board (the “Outstanding Motions”).

9. Accordingly, in consideration of the foregoing procedural history and the Outstanding Motions, TIMARRON respectfully requests, with MORTON’s consent, that the deadline for the parties to make expert disclosures be extended not less than sixty (60) days in order to allow greater opportunity for the Board to rule upon the Outstanding Motions. There is good cause for such extension in that the parties will be better able to make their respective decisions as to what expert(s), if any, to employ and/or disclose based upon the resolution of the Outstanding Motions: if the Board grants the First Motion to Consolidate and/or Second Motion to Consolidate, the parties’ decisions as to experts will be affected by the corresponding shifts in their respective burdens of proof; alternatively, if the Board grants the Motion to Suspend, the parties may desire to avoid unnecessary expense and burden by awaiting the resolution of the appeal of the state litigation to determine which, if any, expert(s) to employ and/or disclose in this Opposition.

10. For these reasons, Applicant TIMARRON OWNERS ASSOCIATION, INC. respectfully prays that this Board extend the deadline for expert disclosures in this Opposition by not less than sixty (60) days.

**DATED:** March 17, 2014

Respectfully submitted,  
**WILSON LEGAL GROUP P.C.**

By: /s/John T. Wilson  
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**ATTORNEYS FOR APPLICANT  
TIMARRON OWNERS ASSOCIATION,  
INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on March 17, 2014, a true and correct copy of the foregoing was served on Warren V. Norred of The Law Office of Warren V. Norred, located at 200 E. Abram St., Ste. 300, Arlington, Texas 76010; facsimile no.: (817) 549-0161 in accordance with the Federal Rules of Civil Procedure.

/s/John T. Wilson  
John T. Wilson

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, on March 17, 2014, counsel for Applicant conferred with counsel for Opposer regarding the foregoing Motion; counsel for Opposer indicated that he was not opposed to this Motion and gave his consent to the Motion.

/s/John T. Wilson  
John T. Wilson