

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

THE HOUSE OF TERENCE PTY. LTD,)	
)	
Opposer,)	Opposition No. 91212703
)	
v.)	Mark: INSTANT ROCKSTAR
)	Serial No.: 85/794800
CRAIG ANDREW DELMO, as trustee for)	
The IRS Holdings Unit Trust and)	
MARGARET MIRSALINA CLAYTON, as)	
trustee for The IRS Holdings Unit Trust,)	
)	
Applicant.)	

MOTION TO REOPEN TIME

Craig Andrew Delmo, as trustee for The IRS Holdings Unit Trust and Margaret Mirsalina Clayton, as trustee for The IRS Holdings Unit Trust, (collectively "Applicant"), hereby submit a motion to reopen time to appoint new counsel, or to file a paper stating that applicant chooses to represent itself. The reasons for the motion are as follows:

1. Applicant is an Australian based business that is not well versed in United States Trade Mark Opposition proceedings and procedures.
2. Thus, the Applicant engaged the services of Andrew L. Goldstein of Freeborn & Peters to act as counsel in these proceedings.
3. Following an in principal agreement to settle the matter between the Applicant and the Opposer, subject to a formal written agreement to be executed by the parties, the Applicant agreed that Freeborn & Peters would no longer represent the Applicant to prevent further considerable expense to the Applicant.
4. The Applicant is now self-represented in relation to the trial proceedings.



11-05-2014

5. In the period that the parties were drafting and negotiating the formal settlement agreement, the Applicant misinterpreted the notices provided by the Board that it must notify the Board that it wished to be self-represented, assuming the matter was suspended until settlement was reached.
6. Thus, the Applicant inadvertently missed the deadlines to respond to the Board's requests.
7. The Applicant has requested the consent of the Opposer to the motion to reopen time, so that the parties may finalise the settlement in this matter and give effect to their agreement. Given the stage of the settlement negotiations, the Applicant believes consent will be given in due course.
8. Further, given that the parties expect to have settled their dispute shortly to the effect that the opposition will be withdrawn and the Applicant's mark will proceed to registration, there is no prejudice to the nonmovant by granting the motion.

WHEREFORE, Applicant respectfully requests that the Board reopens time to respond to it's request for the Applicant to appoint new counsel, or to file a paper stating that applicant chooses to represent itself.

Respectfully submitted,



October 30, 2014

On behalf of Applicants Craig Andrew Delmo,
as trustee for The IRS Holdings Unit Trust,
and Margaret Mirsalina Clayton, as trustee for
The IRS Holdings Unit Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing motion to reopen has been served on:

Dean R. Karau
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by electronic mail and by First Class Mail, postage prepaid.



On behalf of Applicants Craig Andrew Delmo, as trustee for The IRS Holdings Unit Trust, and Margaret Mirsalina Clayton, as trustee for The IRS Holdings Unit Trust