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

Proceeding	92057511
Party	Plaintiff Ann Mayo
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Submission	Motion to Extend
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Date	08/20/2014
Attachments	CAN-PetitionersMotionToExtendTimeWithoutConsent2- 92057511.pdf(71445 bytes )

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

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Ann Mayo  
Petitioner,

Cancellation No. 92057511

v.

Mark: LIVING LOCKETS

Origami Owl, LLC  
Respondent.

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**PETITIONER'S MOTION TO EXTEND TIME WITHOUT CONSENT**

Petitioner, through its undersigned counsel, hereby requests to extend all dates by 30 days without consent. A motion to extend must set forth with particularity the facts that allegedly constitute good cause for the requested extension, with mere conclusory statements lacking factual detail not being sufficient. **TBMP** § 509.01 (a). Petitioner presents this motion in good faith and has not been negligent in prosecuting its case. However, Petitioner, as a small business, has had great difficulty in retrieving data to support its claims of first use of January 1, 2002 and allegations that current owners, executives, or high level employees of Origami Owl LLC or a predecessor organization were former customers of Petitioner's jewelry business and adopted Petitioner's mark with actual knowledge of Petitioner's earlier use. Petitioner's representative, Julie Mayo, testified at length during her April 21, 2014 deposition of a wide variety of documents that would establish Petitioner's earlier use, including labels, business cards included with orders, transaction data, and order return sheets that would establish first use of the LIVING LIFE LOCKETS mark. However, much of the required documentary evidence is stored on computer equipment and saved in file formats that are over a decade old. Moreover, Petitioner, as a small business, did not anticipate the need to save detailed records of use and the origin of the mark in question for over 10 years. As such, a thorough search of the documents at hand has been incredibly

technically challenging for Petitioner. An additional 30 days will allow Petitioner to more fully explore the files they are able to access and will allow a more detailed development of the record that both parties can review and challenge without undue prejudice.

Petitioner moves to extend the close of the discovery period by 30 days subsequent to the date of the Board's ruling.

Dated: August 20, 2014

Respectfully submitted,

**/LB/**  
Luke Brean

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## CERTIFICATE OF SERVICE

This is to certify that a copy of this PETITIONER'S MOTION TO EXTEND TIME WITHOUT CONSENT, is being deposited with the U.S. Postal Service on August 20, 2014 by first-class mail, postage prepaid to the counsel of record in an envelope addressed as follows:

RAY K HARRIS  
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