

ESTTA Tracking number: **ESTTA720232**

Filing date: **01/13/2016**

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

Proceeding	92062793
Party	Defendant Affordable Naturals, LLC
Correspondence Address	AFFORDABLE NATURALS LLC 6401 W 106TH STREET BLOOMINGTON, MN 55438 UNITED STATES
Submission	Motion to Extend
Filer's Name	Carl E. Christensen
Filer's e-mail	carl@clawoffice.com
Signature	/Carl E. Christensen/
Date	01/13/2016
Attachments	Motion to Extend.pdf(81481 bytes )

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

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In the matter of Registration No.: 3,935,337	§	
Mark: SIMPLY	§	
	§	
Registration Date: Mar. 22, 2011	§	Cancellation No. 92062793
	§	
NutraMarks, Inc.,	§	
	§	
Petitioner,	§	
	§	
v.	§	
	§	
Affordable Naturals, LLC,	§	
	§	
Respondent.	§	
	§	

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**MOTION TO EXTEND TIME TO ANSWER  
(TBMP FED. R. CIV. P. 6(b) & TBMP § 509)**

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Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and TBMP § 509.01, Respondent Affordable Naturals, LLC (“AN”) moves the Board to extend the time for AN to Answer Petitioner’s Cancellation. Respondent makes this Motion—concurrently with its Motion to Suspend—to avoid duplicative litigation of the same facts and issues raised in a related civil action and an Opposition currently suspended by the Board. As such, Respondent respectfully requests the Board grant this Motion to Extend and allow AN no less than forty (40) days from the date of resumption, or any other time as prescribed by the Trademark Rules, to Answer Petitioner’s Cancellation if indeed the underlying civil action does not resolve the issues raised in this proceeding.

Petitioner and Respondent are actively litigating the same facts and issues in the United

States District Court for the District of Utah, *Nutraceutical Corp., et al. v. Affordable Naturals, LLC*, No. 2:14-CV-00907-JNP-PMW (the “Utah Matter”). Indeed, disposition of the Utah Matter is likely to have a direct bearing on the issues Petitioner raises in this Cancellation—issues that, if this Cancellation were to move forward, would be duplicative to litigate at this time. Moreover, AN commenced an Opposition proceeding against Petitioner on October 7, 2014, which the Board has since suspended pending the outcome of the Utah Matter.

Good cause exists to grant Respondent’s Motion to Extend. In general, when required to respond within a specified time, the Board may for good cause extend such time, with or without motion, if the request is made before the original due date. Fed. R. Civ. P. 6(b)(1)(A). Petitioner filed this Cancellation on December 3, 2015. The Board allowed Respondent until January 18, 2016 to Answer. This Motion to Extend is therefore made before the original due date. As such, and given the nature of the Utah Matter, good cause exists for the Board to grant this Motion to Extend, allowing Respondent no less than forty (40) days from the date of resumption, or any other time as prescribed by the Trademark Rules, to Answer Petitioner’s Cancellation—if indeed the Utah Matter does not resolve the issues raised in this proceeding.

For these reasons, and concurrently with its Motion to Suspend, Respondent Affordable Naturals, LLC respectfully requests the Board grant this Motion to Extend Time to Answer.

Respectfully submitted,

**CHRISTENSEN LAW OFFICE PLLC**

Dated: January 13, 2016

/s/ Carl E. Christensen  
Carl E. Christensen (MN #350412)  
800 Washington Avenue North, Suite 704  
Minneapolis, Minnesota 55401  
Ph: (612) 823-4016  
Fax: (612) 823-4777  
carl@clawoffice.com

ATTORNEYS FOR RESPONDENT  
Affordable Naturals, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Extend Affordable Naturals, LLC's Time to Answer has been served on January 13, 2016, to the following by U.S. First Class Mail, postage prepaid:

Nadya C. Davis  
1800 Broadway  
Suite 300  
Boulder, Colorado 80302-5234

and by e-mail to: *ncdavis@hollandhart.com*.

/s/ Carl E. Christensen  
Carl E. Christensen (MN #350412)