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

Proceeding	92062865
Party	Plaintiff TRAXXAS LP
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Submission	Other Motions/Papers
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Date	02/22/2016
Attachments	TRAX 3105019 Notice of Intention To File Response Brief.pdf(26721 bytes)

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

TRAXXAS LP	§	Cancellation No.: 92062865
	§	
Petitioner	§	
	§	
v.	§	
	§	
LIGHTUPTOYS.COM LLC	§	
	§	
Registrant	§	Registration No.: 4860604

NOTICE OF INTENTION TO FILE RESPONSE BRIEF

On February 5, 2016, Defendant LightUpToys.com LLC filed a Motion for an Extension of Time to Answer (“Defendant’s Motion”). As indicated in Defendant’s certificate of service, Defendant attempted to serve Defendant’s Motion by email copy. However, 37 CFR § 2.119 authorizes service by electronic transmission only “when mutually agreed upon by the parties.” The parties have not agreed to service by electronic transmission.

Therefore, Defendant’s attempt at service by email copy was ineffective. Because Defendant has not served Defendant’s Motion, none of the time periods for Plaintiff to file a response brief in TBMP § 502.02(b) are applicable.

If Defendant had served Defendant’s Motion by first class mail, Plaintiff’s response brief would be due February 25, 2016. Plaintiff intends to file a response brief on or before this date. Plaintiff respectfully requests the Board await and consider Plaintiff’s response brief before ruling on Defendant’s Motion.

Dated: February 22, 2016

Respectfully submitted,

/s/ Gregory W. Carr

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury that **on February 22, 2016** a true copy of the foregoing **Notice of Intention To File Response Brief** was served **via first class mail** on **Richard M. Blank** at 75 S Broadway 4th Floor, White Plains, NY 10601, attorney of record for Registrant.

/s/ Gregory W. Carr

Gregory W. Carr
Attorney for Petitioner