

ESTTA Tracking number: **ESTTA58946**

Filing date: **12/22/2005**

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

Applicant:	Wagner, Deborah Moren
Application Serial Number:	78461585
Application Filing Date:	08/04/2004
Mark:	LIFE IS SWEET TEA
Date of Publication	11/22/2005

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Carolina Tailors, Inc., 5192 Hwy 70 WEst, Morehead City, NC 28557, UNITED STATES, a corporation organized under the laws of North Carolina , respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good cause is established for this request by:

- *COMES NOW Carolina Tailors, Inc., by and through its legal counsel, Adams Evans, PA, pursuant to 37 C.F.R. §2.102 and hereby moves the Board for an extension of 90 (ninety) days in which to file a Notice of Opposition in the above-captioned proceeding. The owner of the application in the above referenced matter, Deborah Wagner, is a former employee of Carolina Tailors, Inc. The LIFE IS SWEET... TEA trademark was developed for, and on behalf of, Carolina Tailors, Inc. When Ms. Wagner left the employ of Carolina Tailors, Inc. she filed an application to register the LIFE IS SWEET TEA trademark in her own name. That application was assigned Serial No. 78,461,585 (hereinafter, the ##585 Application#). Carolina Tailors, Inc. has since filed its own application to register the LIFE IS SWEET... TEA trademark. The Carolina Tailors, Inc. application was assigned Serial No. 78/545,660 (hereinafter, the ##660 Application#). The Trademark Office has cited the #585 Application against the #660 Application. The parties are currently involved in active litigation that will should resolve, inter alia, the issue of ownership of the LIFE IS SWEET TEA trademark. The case is pending in Carteret County Superior Court under the caption Carolina Tailors, Inc. and Promotional Products, Inc. v. Deborah Wagner, Civil Action No. 03CVS1214. A bench trial has already been conducted and the Judge has taken the case under advisement. A ruling could come at any time. For this reason Carolina Tailors, Inc. respectfully requests an extension of 90 days, for good cause shown, in which to file a Notice of Opposition in the above-captioned proceeding.*

The time within which to file a notice of opposition is set to expire on 12/22/2005. Carolina Tailors, Inc. respectfully requests that the time period within which to file an opposition be extended until 03/22/2006.

Respectfully submitted,
/Matthew J. Ladenheim/
12/22/2005

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