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

Proceeding	88380382
Applicant	Royal Realty Corp.
Applied for Mark	LIVE ON POINT
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Submission	To file a reply brief
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Date	01/19/2021

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

In re Application of: Royal Realty Corp.	Examining Attorney:
Serial No.: 88380382	Jules J. Dean
Filing Date: April 10, 2019	Law Office 120
Mark: LIVE ON POINT	

**REQUEST FOR A THIRTY (30) DAY
EXTENSION OF TIME TO FILE REPLY BRIEF**

Applicant, Royal Realty Corp. (“Applicant”), through its undersigned counsel, files this request for a thirty (30) day extension of time to file its reply brief in this proceeding.

Applicant filed its application to register the mark LIVE ON POINT (“Applicant’s Mark”) on April 10, 2019. The Examining Attorney refused registration of Applicant’s Mark based on an alleged likelihood of confusion between the Mark and the registered marks ON POINT CAROLINAS REALTY (Reg. No. 5058585) and ON POINT CAROLINAS REALTY and Design (Reg. No. 5058586). Applicant argued against the refusal, but the Examining Attorney made the refusal final and denied Applicant’s request for reconsideration. Applicant appealed the refusal to the Trademark Trial and Appeal Board (“Board”) and filed its appeal brief on October 14, 2020. The Examining Attorney’s answering brief has been filed on December 29, 2020 and Applicant’s reply brief is due twenty (20) days later.

Applicant now respectfully requests that the Board allow it additional thirty (30) days to prepare and file its reply brief. As set forth below, Applicant has good cause for filing this Request for Extension of Time.

ARGUMENT

Under Rule 1203.02(d) of the Board Manual of Procedure (“TBMP”), an applicant may request an extension of time to file a reply brief upon showing good cause for the requested extension. The rule states that “[t]he determination of good cause will be based upon all relevant circumstances, including the length of time of any previously granted extensions and the reason(s) for the requested extension(s).” TBMP § 1203.02(d). For example, the “press of other business” may be sufficient to show good cause for an initial thirty (30) day extension of time under the same rule. *Id.*

The present request is Applicant’s first request for an extension of time to file a reply brief, which on its own is sufficient to establish good cause for such an extension of time request. Further, the delay in filing a reply brief in this proceeding is unintentional and caused by Applicant’s counsel evaluating new arguments introduced by the Examining Attorney as part of his answering brief, discussing the main issues on the appeal with Applicant, conducting relevant legal research and crafting a reply strategy. The fact that the time allowed to Applicant for filing a reply brief fell during the end-of-year holidays delayed handling of the matter due to various stakeholders taking time off. Now that Applicant’s counsel has had time to consider the Examining Attorney’s arguments, conduct relevant research and discuss these matters with Applicant, counsel needs additional time to properly prepare a reply brief in this proceeding. Applicant’s request is made in good faith and is not for purposes of delay. Given the foregoing, Applicant believes it has shown good cause for the requested extension.

CONCLUSION

In sum, because Applicant has demonstrated that it has good cause for filing this Request for Extension of Time, Applicant requests that the Board allow it additional thirty (30) days or

any other limited period of time the Board sees appropriate under these circumstances, in which to file a reply brief in this proceeding.

Respectfully Submitted,

LOEB & LOEB LLP

Dated: January 19, 2021

By: /Daniel D. Frohling/

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