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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	Applicant's Request to Extend
Attachments	Extension Request LIVE ON POINT.pdf(271506 bytes)
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Signature	/Tatyana V. Gilles/
Date	09/02/2020

**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 APPEAL BRIEF**

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

Applicant filed its application to register the mark LIVE ON POINT (“Applicant’s Mark”) on April 10, 2019. In an Office Action issued on May 22, 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) (collectively the “Cited Registrations”). Applicant filed a response to Office Action on November 22, 2019, arguing against the refusal. In response, the Examining Attorney issued a Final Action on December 17, 2019, maintaining the refusal. On June 17, 2020, Applicant filed a Request for Reconsideration after Final Action and an appeal to the Trademark Trial and Appeal Board (“Board”). The Examining Attorney denied Applicant’s request for reconsideration, and the Board resumed the appeal. Applicant was allowed until September 11, 2020 in which to file an appeal brief.

Applicant respectfully requests that the Board allow it additional thirty (30) days to file an appeal 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 an appeal 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, which on its own is sufficient to establish good cause for an extension of time request. In addition, the delay in filing an appeal brief in this proceeding is caused by Applicant’s counsel evaluating new arguments and evidence introduced by the Examining Attorney as part of his denial of Applicant’s request for reconsideration, discussing the appeal strategy with Applicant, and determining next steps. The fact that the time allowed to Applicant for filing an appeal brief fell during the global pandemic delayed handling of the matter due to various stakeholders tending to other responsibilities. Now that Applicant’s counsel had time to consider the additional arguments and materials and discuss with Applicant, Applicant’s counsel needs additional time to properly prepare an appeal brief in this proceeding. Applicant’s request is made in good faith and is not for purposes of delay.

CONCLUSION

Based on the foregoing, *i.e.*, because Applicant has demonstrated that it has good cause for filing this Request for Extension of Time, Applicant requests that the Board allow it an additional thirty (30) days to file an appeal brief in this proceeding.

Respectfully Submitted,

LOEB & LOEB LLP

Dated: September 2, 2020

By: /Daniel D. Frohling/

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