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

Proceeding	91218484
Party	Defendant TOM MILES
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Submission	Motion to Reopen
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Date	12/28/2014
Attachments	Motion to Reopen Time to Answer 91218484.pdf(28981 bytes)

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

Opposition Proceeding 91218484

In the matter of Trademark Registration No. 86049631

For the mark: RE REAL ENERGY REAL FOOD . . .FOR
REALLY BUSY PEOPLE (design mark)



Publication Date: Aug. 26, 2014

International IP Holdings, LLC v. Tom Miles

MOTION TO REOPEN TIME TO ANSWER

As noted in the Answer filed by Applicant as a pro se respondent, Plaintiff's lead counsel, on 11/17/14, gave an email consent for a second extension of time to file ANSWER, which would have set answer due on 1/2/14. Applicant asks that the extension effectively be granted as consented as a motion to reopen since the time period had expired when the answer was filed.

The Pioneer factors weigh in favor of Applicant in that there was excusable neglect: [1] the nonmoving party is not prejudiced and consented to the extension, [2] the length of the time of delay was minimal (and consented) and in light of the attached simultaneously filed Motion to Consolidate would have no effect on the calendar, [3] the reason for the delay was within the control of the movant (the only factor against Applicant), and [4] the Applicant was acting in good

faith and not for purposes of delay. The Applicant has taken good faith steps to avoid any further errors under its control by appointing counsel.

Applicant asks that the Board grant its Motion to Reopen the time period and accept the Amended Answer filed by Applicant attached to this Motion as a replacement for the Answer filed on 12/12/2014.

Submitted By: /Wendy Peterson/

Date: December 28, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2014, the foregoing was served upon Opposer by first class mail:

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By: /Wendy Peterson/

Date: December 28, 2014

Wendy Peterson, Attorney for Tom Miles, Applicant