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

Proceeding	91236811
Party	Plaintiff BioWorld USA Inc
Correspondence Address	PETER SEAN BRADLEY 7045 NORTH FRUIT AVE FRESNO, CA 93711 UNITED STATES petersean@aol.com, penner.bradley@sbcglobal.net 559-431-3142
Submission	Testimony For Plaintiff
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Date	05/18/2020
Attachments	200518 S BW Reply Dec PSB Final.pdf(113499 bytes)

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

In the Matter of Trademark Application
For the mark
Published in the Official Gazette

Serial No 87387727
“BioWorld.”
On August 29, 2017.

BioWorld USA, Inc., Opposer

v.

Advanced BioTech, LLC, Applicant

DECLARATION OF PETER SEAN BRADLEY IN
SUPPORT OF OPPOSITION TO TRADEMARK
SUBMITTED IN LIEU OF DEPOSITION BY
AGREEMENT OF PARTIES.

Opposition No.: 91236811
Mark: BIOWORLD
Serial No.: 83787727

I, Peter Sean Bradley, declare:

1. I am an attorney at law licensed to practice before the state and federal courts of the State of California. I know the facts contained herein and if called as a witness, I would be competent to testify.
2. I have reviewed the Declaration of Paul McLean in this matter. This is my response to the statements and claims made in that declaration.
3. The prior federal trademark owned by Philip Barnes was cancelled for failure to file a timely “Section 8 Declaration.” However, during the relevant period for filing a Section 8 Declaration, i.e., for the last approximate four to six months of the relevant period, Barnes was prevented from filing such a declaration because Advanced BioTech LLC had obtained a cancellation of the trademark. Although the cancellation was taken by default and the default was rescinded, the Patent and Trademark Office did not toll the relevant time period

to allow the filing of the Section 8 Declaration, which had been prevented by the earlier improper default.

4. In addition, there was no reminder to my client to file the Section 8 Declaration by the attorney who had obtained the trademark registration for them initially. That attorney was Paul McLean, who represented Advanced BioTech LLC in obtaining the cancellation.
5. Mr. McLean advises that no cancellation action has been filed. That omission is being rectified and a Petition for Cancellation has been prepared and is in the process of being filed. Mr. McLean does not mention that the parties met for a day long mediation of issues in approximately November 2019; Mr. Barnes filed a federal action for theft of trade secrets against BioWorld USA, Inc., Don Damschen and Diane Barnes in approximately September 2019; defendants in that action filed a motion to dismiss pursuant to FRCP 12(b)(6) in approximately January of 2020, which is still pending and has not been decided; the counsel for Advanced BioTech LLC have asked for a variety of extensions in filing their evidence in this present case on the grounds of settlement discussions and issues in their law practice; and, finally, of course, the Covid-19 issue has caused delays throughout the legal system.
6. I obtained the docket for the bankruptcy filing in Advanced BioTech Products, Inc. bankruptcy case – attached as Exhibit E to Diane Barnes declaration submitted in this matter on April 18, 2020 - through PACERS. PACERS is a computerized Electronic Case Information System maintained by the federal courts via filings made by the clerks in the various federal courts, including bankruptcy courts. I am experienced with the PACERS system and know that filings are filed with the PACERS system by court employees at or near the time of the filings.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed in Fresno, California on May 18, 2020.

Peter Sean Bradley

Peter Sean Bradley