

ESTTA Tracking number: **ESTTA722581**

Filing date: **01/25/2016**

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

Proceeding	92062866
Party	Plaintiff Futurefly Oy
Correspondence Address	GEZA ZIEGLER ZIEGLER IP LAW GROUP LLC 55 GREENS FARMS ROAD WESTPORT, CT 06880 UNITED STATES ptomail@gziplaw.com
Submission	Other Motions/Papers
Filer's Name	Geza C Ziegler Jr
Filer's e-mail	gziegler@gziplaw.com
Signature	/gcz44004/
Date	01/25/2016
Attachments	160125_Response.pdf(405251 bytes )

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

**Futurefly Oy,**  
A Finland Limited Liability Co.

v.

**Interactiv Corporation,**  
A California Corporation

In the matter of Registration No. 4,242,066  
For the design mark with literal elements RAWR  
Date Registered 11/13/2012  
Cancellation No. 92062866

**Plaintiff's Response to Defendant's Motion for an Extension of Time To Answer**

COME NOW the Plaintiff, by and through its attorneys of record, and hereby respond in opposition to Defendant's Motion for an Extension of Time to Answer filed herein on January 20, 2016. In opposition thereto, Plaintiff submits the following:

**Statement of Facts**

1. Plaintiff filed its Petition to Cancel with the Trademark Trial and Appeal Board on December 17, 2015 and served process on the Defendant on the same date.
2. The TTAB issued an Institution Notice and Trial Order on December 28, 2015, which provided that an answer to the Plaintiff's Petition to Cancel is due on February 6, 2016.
3. Defendant has filed a Motion for an Extension of Time to Answer requesting a sixty (60) day extension for the answer to be due on April 6, 2016.
4. Defendant did not contact Plaintiff to obtain consent for the Motion for an Extension of Time to Answer or otherwise discuss any extension of time to file.
5. Plaintiff does not consent to Defendant's Motion for an Extension of Time to Answer, and for the reasons set forth herein requests that the TTAB deny Defendant's request.

Argument

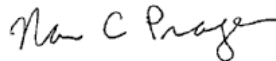
6. Defendant has requested the extension of time for “additional time to investigate the claim.”
- The claims set forth in the Petition for Cancellation are based on Plaintiff’s belief and knowledge that Defendant has not used the mark RAWR in commerce. The standard for granting a motion for the extension of time is “good cause.” Here, Defendant has all of the information regarding the use of the Mark in its possession. Therefore, Defendant should reasonably be able to file an Answer to the Complaint within the forty (40) days the TTAB provided. Here, Defendant’s claim for the need for additional time to investigate does not seem to be a basis for good cause.
7. Furthermore, Plaintiff has an application for the mark the RAWR pending which is subject to an Office Action based on the Defendant’s registration. A delay in the timing of the Cancellation proceeding would irreparably harm Plaintiff. The TTAB has set the time for filing an Answer at forty (40) days to provide ample time for defendants.
8. WHEREFORE, Plaintiff respectfully requests that the TTAB deny Defendant’s Motion for an Extension of Time to Answer. For the reasons set forth herein, Plaintiff specifically requests that the TTAB retain February 6, 2016, as the Time to Answer.

Please direct all correspondence to Geza Ziegler at the address set forth below.

Respectfully submitted,



Geza Ziegler  
Ziegler IP Law Group LLC  
55 Greens Farms Road  
Westport, CT 06880



Nancy C. Prager, Esq.  
Prager Law, LLC  
3355 Lenox Rd. Suite 750  
Atlanta, GA 30326

Attorneys for Plaintiff  
Dated: January 25, 2016

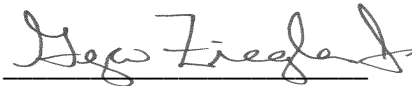
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that plaintiff's Response to Defendant's Motion for an Extension of Time To Answer Has been deposited with United States Postal Service on the date indicated below, as first class mail, with adequate postage prepaid, addressed to:

INTERACTIV CORPORATION  
P.O. BOX 613104  
SAN JOSE, CA 95161

January 25, 2016

\_\_\_\_\_  
Date



\_\_\_\_\_  
Geza C. Ziegler, Jr.  
Reg. No. 44,004  
Ziegler IP Law Group, LLC  
55 Greens Farms Road  
Westport, CT 06880  
Tel: (203) 659-0388  
Customer No. 93582