

ESTTA Tracking number: **ESTTA867221**

Filing date: **12/24/2017**

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

Proceeding	92065911
Party	Defendant NERO World, LLC
Correspondence Address	JOVANNA R BEARDEN BEARDEN LAW 104 S MAIN STREET BUTLER, MO 64730 UNITED STATES Email: jovannabearden@gmail.com, email@bearden.law
Submission	Other Motions/Papers
Filer's Name	Jovanna R Bearden
Filer's email	email@bearden.law
Signature	/Jovanna R Bearden/
Date	12/24/2017
Attachments	Reply ISO Motion to Strike 2nd Amended Complaint - Joe - Google Docs.pdf(89579 bytes)

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

In the matter of trademark Registration No. 4697406, Serial No. 86181507
For the mark NERO
Registered on March 3, 2016

Joseph Valenti,) Cancellation No. 92065883
Plaintiff,)
v.)
William Joseph Bearden,)
Defendant,)

Joseph Valenti,) Cancellation No. 92065911
Plaintiff,)
v.)
Nero World, LLC,)
Defendant,)

**DEFENDANT’S REPLY IN SUPPORT OF HIS MOTION TO STRIKE SECOND
AMENDED PETITION FOR CANCELLATION,
OR IN THE ALTERNATIVE,
MOTION FOR EXTENSION OF TIME**

Comes now Defendants, William Joseph Bearden and NERO World, LLC, by and
through counsel, Jovanna Bearden, and file their Reply in Support of their Motion to Strike
Second Amended Petition for Cancellation, or in the Alternative, Motion for Extension of Time.
These motions are made in accordance with Fed. R. Civ. P 15(a) and 6(b). In support of this
Motion Defendant states the following:

1. Defendants note that in his discussion of the procedural history, Plaintiff has conceded that the Petition was amended twice at this point, and that no order or consent for the second amended petition was obtained prior to its filing.
2. Defendants also note that good cause was stated in their motion for extension of time, namely, responding to the second amended petition would be moot and redundant if the Court orders an amended complaint be filed if additional parties are added to this action.
3. Finally, Defendant is not required to state facts as to a “lack of diligence or unreasonable delay” in this matter as a request for extension of time was filed prior to the expiration of the response period at issue.

Therefore, for good cause shown, Defendants ask that the Court Strike the Second Amended Complaint, or in the alternative, grant Defendants an extension of time to respond to this complaint pending the Board’s action on Plaintiff’s Motion to Add Parties.

Dated: December 13, 2017

By: / Jovanna R. Bearden /
Jovanna R. Bearden MO#60294
Bearden Law
104 S. Main Street
Butler, MO 64730
T: (816) 787-1979
F: (816) 569-9909
E: jovannabearden@gmail.com
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Jovanna R. Bearden, certify that on this 13th day of December, 2017, a true and correct copy of the foregoing document was filed with the Trademark Trial and Appeal Board via the Electronic System for Trademark Trials and Appeals and sent by email to Counsel for Plaintiff, Phillip Thomas Horton at NEROLitigation@gmail.com .

Dated: December 13, 2017

By: / Jovanna R. Bearden /
Jovanna R. Bearden