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Filing date: **07/01/2019**

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

Proceeding	92071028
Party	Defendant AG Concepts Corporation
Correspondence Address	AG CONCEPTS CORPORATION 439 E SHORE DRIVE STE 200 EAGLE, ID 83616 UNITED STATES no email provided no phone number provided
Submission	Motion to Extend
Filer's Name	Tom C. Morris
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Signature	/Tom C. Morris/
Date	07/01/2019
Attachments	Motion to Extend Time for Answering.pdf(86764 bytes)

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Attorney for Respondent

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

DRTIM'S AQUATICS, LLC,

Petitioner,

vs.

AG CONCEPTS CORPORATION,

Respondent.

Cancellation No. 92071028

**RESPONDENT'S MOTION TO EXTEND
TIME FOR ANSWERING PETITION TO
CANCEL**

COMES NOW, Respondent, AG Concepts Corporation, by and through its attorneys of record, MORRIS BOWER & HAWS PLLC, and hereby moves this Board pursuant to 15 U.S.C. § 1064 and Federal Rule of Civil Procedure 6(b)(1) to extend time for answering or otherwise responding to Petitioner's Petition to Cancel and Notice of Default by thirty (30) days.

The basis of this motion is that Respondent has a deadline of July 5, 2019 to show cause why judgment by default should not be entered against it in accordance with Fed. R. Civ. P. 55(b)(2) and,

a. Respondent did not receive notice of this cancellation action until default had already been entered and the June 5, 2019 notice of default was received.

b. Respondent has not abandoned, and has no intent to abandon, the REFRESH mark and is currently using the mark in interstate commerce.

c. Respondent intends to vigorously defend the validity of the mark if required to do so.

d. Respondent has agreed to sign a Trademark Consent Agreement and is currently working out the details of that Agreement with Petitioner. That Agreement will likely result in this Cancellation Action being withdrawn.

This Motion is further supported by the pleadings and other documents on file and on record in this action.

DATED this 1st day of July, 2019.

MORRIS BOWER & HAWS PLLC

/s/ Tom C. Morris

Tom C. Morris

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing RESPONDENT’S MOTION TO EXTEND TIME FOR ANSWERING PETITION TO CANCEL has been served on LAURA J. WINSTON by forwarding said copy on July 1, 2019, via email to:

Laura J. Winston
OFFIT KURMAN, P.A.
10 East 40th Street
New York, NY 10016

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | U.S. Mail |
| <input type="checkbox"/> | Hand Delivered |
| <input type="checkbox"/> | Facsimile |
| <input checked="" type="checkbox"/> | Email: trademarks@offitkurman.com
lwinston@offitkurman.com |

Attorneys for Petitioner

/s/ Tom C. Morris

Tom C. Morris