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

Proceeding	92077133
Party	Plaintiff Beereaders Inc.
Correspondence Address	BEEREADERS INC CO ZHENG ANDY LIU APTUM LAW 1875 S GRANT STREET SUITE 520 SAN MATEO, CA 94402 UNITED STATES Primary Email: Andy.Liu@aptumlaw.us Secondary Email(s): robert@waterstoneedge.com, jmcgahey70@icloud.com, andy@quan.legal 650-475-6289
Submission	Motion to Strike
Filer's Name	zheng liu
Filer's email	andy.liu@aptumlaw.us
Signature	/zal/
Date	07/22/2021
Attachments	Strike_motion.pdf(570316 bytes )

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

In re the Matter of:

Beereaders, Inc.,  Petitioner,  v.  Reader Bee, LLC  Registrant.	Cancellation No. 92077133  Trademark Registration No. 4,642,327
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**PETITIONER’S MOTION TO STRIKE READER BEE, LLC’S LATE-FILED ANSWER  
AND MOTION FOR DEFAULT JUDGEMENT**

**LEGAL STANDARD**

A party moving to extend time must demonstrate that the requested extension of time is *not necessitated by the party’s own lack of diligence* or unreasonable delay in taking the required action during the time previously allotted therefor. *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 USPQ2d 1372, 1373 (TTAB 2001) (opposers had not come forward with "detailed facts" required to carry their burden explaining their inaction); *Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Spoletoducali SCRL*, 59 USPQ2d 1383, 1384 (TTAB 2001) ("Opposer’s counsel, in his declaration, has set forth the facts relating to his other litigation matters in sufficient detail to warrant a finding that good cause exists for at least a limited extension of opposer’s testimony period"); *Fairline Boats plc v. New Howmar Boats Corp.*, 59 USPQ2d 1479, 1480 (TTAB 2000) (motion denied where party failed to provide detailed information regarding apparent difficulty in identifying and scheduling its witnesses for

testimony and where sparse motion, containing vague reference to possibility of settlement, demonstrated no expectation that proceedings would not move forward during any such negotiations); *Instruments SA Inc. v. ASI Instruments Inc.*, 53 USPQ2d 1925, 1927 (TTAB 1999) (cursory or conclusory allegations that were denied unequivocally by the nonmovant and were not otherwise supported by the record did not constitute a showing of good cause); *Luemme, Inc. v. D. B. Plus Inc.*, 53 USPQ2d 1758, 1760-61 (TTAB 1999) (sparse motion contained insufficient facts on which to find good cause); *Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 13 USPQ2d 1719, 1720 n.3 (TTAB 1989) ("The presentation of one's arguments and authority should be presented thoroughly in the motion or the opposition brief thereto.").

The Board will "scrutinize carefully" any motion to extend time, to determine whether the **requisite good cause** has been shown. *Luemme, Inc. v. D. B. Plus Inc.*, 53 USPQ2d 1758, 1760-61 (TTAB 1999) (diligence not shown; discovery requests not served until last day of the discovery period); *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Manufacturing Co.*, 55 USPQ2d 1848, 1851 (TTAB 2000) (applicant's motion to extend discovery denied when counsel knew of unavailability of witness a month before, yet delayed until last day to seek an agreement on an extension of time).

## ARGUMENT

Reader Bee, LLC's late-filed answer with leave of the Board should be denied for at least the following reasons.

First, Reader Bee, LLC provides no "detailed facts" required to carry their burden explaining their inaction. *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 USPQ2d 1372, 1373 (TTAB 2001).

Reader Bee, LLC fraudulently claims that it "joined in this proceeding and notice of the same was served by the Board on June 30, 2021." See TTABVUE 10. While, in fact, Petitioner filed this petition to cancel on May 13, 2021 (TTABVUE 1) and as a result, Reader Bee, LLC's response was due on June 22, 2021.

Reader Bee, LLC did not file an answer until July 21, 2021—one month late. Reader Bee, LLC fails to provide any details as to why they could not have reviewed and filed the answer earlier.

In fact, Reader Bee, LLC and Learning Circle Kids, LLC being managed by the same person (Sherrilyn Fisher) and residing at the same office space, it is obvious that the current owner Reader Bee, LLC has been aware of this cancellation proceeding, but for strategic reasons refuses to respond by the deadline: June 22, 2021.

Petitioner is significantly prejudiced due to Reader Bee, LLC intentional delay. Petitioner has a strong interest in using the mark and suspects that Reader Bee, LLC has abandoned the mark. Yet, Reader Bee, LLC intentional delays and continues to delay this proceeding.

Second, Reader Bee, LLC or its counsel never explained why it did not file the answer by the deadline: June 22, 2021. In fact, Reader Bee, LLC or its counsel seems to have no legitimate reason for not filing the answer by the deadline. Otherwise, they would not falsely claimed that the deadline was July 21, 2021.

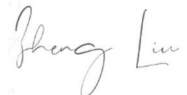
In sum, Reader Bee, LLC provides no “detailed facts” about any good cause required for their belated filing. The belated answer should be stricken and a default judgment should be entered against Reader Bee, LLC.

### **CONCLUSION**

Petitioner respectfully request the Board strike Reader Bee, LLC’s belated (TTABVUE 10) filed without leave of the Board, enter a default judgment against Reader Bee, LLC, and cancel the registration no. 4,642,327.

Dated: July 21, 2021

Respectfully submitted,



Zheng “Andy” Liu (CA Bar No. 279327)

*Attorneys for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing:

**PETITIONER’S MOTION TO STRIKE READER BEE, LLC’S LATE-FILED ANSWER  
AND MOTION FOR DEFAULT JUDGEMENT**

has been served on the opposing party’s attorneys by forwarding said copy on July 5, 2021 via  
email to:

ZEPHYR ANDREW  
ECOTECH LAW GROUP, P.C.  
5 THIRD STREET SUITE 700  
SAN FRANCISCO, CA 94103  
UNITED STATES

zephyr.andrew@ecotechlaw.com, dara.tabesh@ecotechlaw.com

Dated: July 21, 2021

Respectfully submitted,



Zheng “Andy” Liu (CA Bar No. 279327)