



June 24, 2011

VIA E-FILING

Magistrate Judge Howard Lloyd
United States District Court for the Northern District of California

Re: Bridget Brown and Bella Bridesmaid LLC v. Yvonne Young
Case No. 5:11-cv-02517-HRL

Dear Magistrate Judge Lloyd:

We are in receipt of Defendant's counsel's request for an extension of time in which to respond to the motion for preliminary injunction. Plaintiffs' opposition to this motion is twofold. First, Defendant's motion requests a 30 day extension for all dates. This extension would substantially extend Defendant's time to respond to the motion for preliminary injunction beyond the normal time frame. Defendant's counsel's initial request for a 14 day extension is compelling evidence that a month-long extension is not necessary. Further, under the Civil Local Rules, Civ. L. R. 7-3, an opposition to a motion is typically due "not more than 14 days after the motion is served and filed." Counting from the date of counsel's entry into this matter, counsel could obtain that entire period of time ordinarily afforded with an extension of Defendant's time to answer to July 7th. The extension sought by Defendant is excessive and harms Plaintiffs, in that it allows trademark infringement to continue without an opportunity for judicial review.

Second, Defendant's counsel suggests that Plaintiffs have taken no action against trademark infringement for "years" and that this suggests that there is no threat of harm. As Plaintiffs' motion and the Complaint explain, Plaintiffs did not file litigation on this matter earlier due to their reliance on Ms. Young's promises and assurances to them about the manner in which she was operating her business and her ongoing efforts to distinguish her business. Plaintiffs did not discover until late April 2011 that Ms. Young's promises were false and that she apparently had no intention of honoring such assurances. Plaintiffs moved immediately to file litigation after making this discovery and have promptly moved for injunctive relief in order to protect the mark at issue from further damage.

It is also difficult not to see Defendant's conduct in securing counsel as yet another delaying tactic, calculated to buy her additional time to infringe on Plaintiffs' mark. Ms. Young previously consulted with another attorney, R. Stephen Goldstein, Esq., who communicated with

the undersigned several times over a period of days on the matter beginning on June 3rd (after we provided Ms. Young with a courtesy copy of the Complaint, but before she was served), before finally disclosing that he had not been retained by her. While we cannot speculate as to why Ms. Young delayed at that point in retaining counsel, the result of her delay, despite her knowledge of the dispute, is to her direct benefit and consistent with her prior excuses and delays.

To the extent that this Court is inclined to grant an extension of time for Defendant to respond, we respectfully request that the granted extension is no longer than that necessary to provide Defendant's counsel the statutory time for filing an opposition to a motion, so as to limit the harm to Plaintiffs from a continued period of infringement which is ongoing. The undersigned notes, for example, that as of the writing of this letter, the infringing website is still active (see, e.g., www.thebellabride.com/yves).

Very truly yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

By



Dawn Newton

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