

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: February 17, 2005

Opposition No. 91159871

MARIO DIAZ

v.

Servicios de Franquicia  
Pardo's S. A. C.

**David Mermelstein, Attorney:**

On February 16, 2005, applicant filed a surreply brief in opposition to opposer's motion for Rule 56(f) discovery.

The Trademark Rules provide that while "[t]he Board may, in its discretion, consider a reply brief[,} ... [n]o further papers in support of or in opposition to a motion will be considered by the Board." Trademark Rule 2.127(a)(emphasis added).

Accordingly, applicant's February 16, 2005, filing is STRICKEN, and will be given no consideration.

The pending motions will be decided in due course.

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