

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

Mailed: February 1, 2007

Opposition No. 91167219

CYI, Inc.

v.

Gary Ahlert

Cheryl Goodman, Interlocutory Attorney:

On October 4, 2006, the Board allowed applicant time to file a proper answer.

On October 18, 2006, applicant filed its answer, and on October 25, 2006, opposer filed its motion to strike the communication arguing that it contained libelous matter and that it was not in the proper form.

Applicant has not filed a response thereto.

Federal Rule of Civil Procedure 12(f) provides that the Board may strike from any pleading any "redundant, immaterial, impertinent, or scandalous matter."

Upon consideration of applicant's filing, the Board finds that the although the answer contains numbered paragraphs which indicate the allegations in the notice of opposition are "false"¹, the answer contains some matter which would not conform to the requirements of Fed. R. Civ.

P. 8(b) and also which appears to be impertinent and/or scandalous.

However, rather than require applicant to file an amended pleading, the Board grants opposer's motion to strike to the extent that any impertinent or scandalous matter is hereby stricken from applicant's answer.

The answer otherwise stands as filed.

Dates remain as set in the Board's order dated October 4, 2006.

¹ The Board construes this statement as a denial of the allegations in the notice of opposition.