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TTAB

February 6, 2007

US Mail

United States Patent and Trademark Office
Trademark Trial and Appeal Board
PO Box 1451
Alexandria, VA 22313-1451
Attn: Cheryl S. Goodman

Re: Opposition No. 91167219
Serial # 78447127

Megazooka Trademark Published 6/14/05

Cheryl S. Goodman, Interlocutory Attorney,

Dear Ms. Goodman,

I am in receipt of your communication dated February 1, 2007, of which a copy is attached hereto, regarding the above referenced Trademark.

Once again, as has happened many times in the past, I have not been copied on any communication from Howard C. Miskin's office, as well as any communications from your office.

In your letter of February 1, 2007 you make reference to opposer filing on October 25, 2006, a motion to strike various things in my answer of October 18, 2006. You also state that I have not filed a response thereto.

Be advised that Howard C. Miskin has quite deliberately never, at anytime, copied me on one single piece of communication regarding this matter. Further, your office likewise did not copy me on any such recent communication as well.

I demand that all future communications be sent via a recognized carrier requiring signatures and that I further be copied on any missing documents. I also request and require an appropriate street address be provided to me by your office so that I may send communications via United Parcel Service or Federal Express.

02-09-2007

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

I would also demand that action and an investigation be undertaken against Howard C. Miskin for his dishonest and deliberately obstructive actions with regard to this whole matter. Moreover, I additionally request an explanation as to why Miskin, a registered patent attorney, has not been required by your office to copy me on various communications the same as you have demanded of me.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Gary Ahlert", written over a horizontal line.

Gary Ahlert

Cc: Howard C. Miskin

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.