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

Proceeding	91170232
Party	Plaintiff The Versailles Foundation, Inc.
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Date	08/02/2007
Attachments	Memo 8-2.pdf (3 pages)(55689 bytes)

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

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THE VERSAILLES FOUNDATION, INC., Opposition No. 91170232

Opposer,

v.

AFB PRODUCTIONS, INC.,

Applicant.
-----X

OPPOSER'S RESPONSE TO BOARD'S NOTICE DATED JULY 31, 2007

In response to the Board's Notice dated July 31, 2007, Opposer The Versailles Foundation, Inc. (hereinafter "Opposer") respectfully requests that the Board dismiss this action without prejudice in favor of an earlier-filed action which is currently suspended.

This action should be dismissed without prejudice because this proceeding is a duplicate file. Apparently, when this proceeding was originally instituted the Board set up two separate Opposition files.¹ The original file in which the subject application has been opposed is Opposition No. 91170116 ("the '116 Opposition"). The '116 Opposition is currently suspended in favor of a related proceeding. Please see Docket No. 12 in the '116 Opposition, dated 12/30/06.

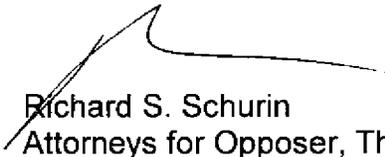
In addition, Applicant's Answer in this action dated May 15, 2006, contained a "Preliminary Statement" wherein Applicant stated the following:

¹ This may have been caused by the fact that Opposer first filed its Notice of Opposition electronically, and shortly thereafter mailed the same document to the Board in an effort to file its original certified copies of its registrations, which had been attached as exhibits to the Notice of Opposition. We apologize for any confusion that this may have caused.

"This Opposition is identical to the opposition filed by Opposer The Versailles Foundation, Inc. ("Opposer") and assigned Opposition No. 91170116. It appears that Opposer filed its opposition both electronically and by mail, thereby resulting in duplicate opposition proceedings being docketed by the Trademark Trial and Appeal Board. Opposer's error should be rectified, and this opposition proceeding dismissed and the earlier-filed proceeding allowed to continue."

Opposer agrees with Applicant's statement, and hereby requests that this Opposition proceeding be dismissed without prejudice in favor of the earlier-filed proceeding, which is currently suspended.

Respectfully submitted,
GOTTLIEB, RACKMAN & REISMAN



Richard S. Schurin
Attorneys for Opposer, The Versailles
Foundation, Inc.

Dated: August 2, 2007

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

THE VERSAILLES FOUNDATION, INC,

Opposer,

v.

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Opposition No. 91170232

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2007, I served the document entitled Opposer's Response to Board's Notice Dated July 31, 2007 by both First Class Mail and via e-mail, on counsels for Applicant, Steven C. Schechter, Mondello & Schechter, P.A. 100 27th Street, Fair Lawn, N.J. 07410 and Kenneth L. Wilton, Esq. of Seyfarth, Shaw LLP, 2029 Century Park East, Suite 3300, Los Angeles, CA 90067-3063.



Richard S. Schurin
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August 2, 2007