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

Proceeding	91188973
Party	Defendant Gulam Nasser
Correspondence Address	Carey Brandt Anthony Venable, Campillo, Logan & Meaney, P.C. 1938 E. Osborn Road Phoenix, AZ 85016 UNITED STATES
Submission	Other Motions/Papers
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Date	02/19/2010
Attachments	Motion_to_ReconsiderClarify.pdf (3 pages)(13316 bytes)

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

In the matter of application Serial No. 77248780

Gapardis Health and Beauty, Inc. and Xavier P Tancogne Opposers, v. Gulam Nasser Applicant.	Opposition No. 91188973 Applicant's Request for Reconsideration and/or Clarification of Interlocutory decision dated Feb 10, 2010
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Applicant requests reconsideration or clarification of the February 10, 2010, decision (#21) by the Paralegal Specialist that the Applicant's counterclaim would not be considered.

Applicant moved the Board under Fed. R. Civ. P. 15(a) and 37 C.F.R. § 2.107, requesting permission to amend and add a counterclaim. Applicant's amended pleading would have been premature and contrary to the federal rules and trademark rules without prior approval by the Board. The Applicant was prepared to file the amended pleading and pay the required fee if Applicant's consented motion to amend was granted. Applicant also clarifies herein that it does not seek an amendment or enlargement of the conferencing, disclosure, discovery and testimony periods previously set.

Applicant requests that the February 10, 2010 decision be reconsidered and/or clarified to state whether or not the Applicant could file its amended pleading and pay the required fee.

Dated February 19, 2010.

Respectfully submitted,

s/Michael F. Campillo/

A. David Logan
Carey Brandt Anthony
Michael F. Campillo

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Attachment: Applicant's 1st Amended Answer with Counterclaim

Certificate of Service

I hereby certify that the forgoing was served via email upon Opposers' counsel:

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David M. Rogero, P.A.
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at the following email address: dmrogero@dmrpa.com on February 19, 2010.

By: s/Michael F. Campillo/