

JACK F. SCHERER, P.C.

TTAB

255 West 108th Street
7E
NEW YORK, N.Y. 10025

TEL (917) 601-4289
FAX (917) 591-4763
EMAIL: jscherer@jfsny.com

June 5, 2013

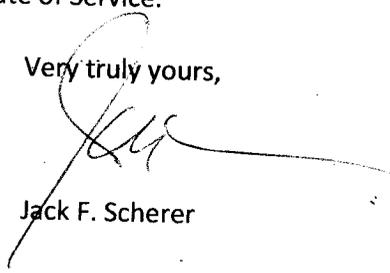
Trademark Trial and Appeal Board
Madison East
Concourse Level Room C 55
600 Dulaney Street
Alexandria, VA 22314

Re: Proceeding No. 91189474

Gentlemen:

Enclosed please find Plaintiff's Reply Brief and Certificate of Service.

Very truly yours,


Jack F. Scherer


06-10-2013

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

Cheryl Cooley,)	
)	Opposition No.: 91189474
Opposer,)	
)	Mark: KLYMAXX
v.)	
)	Serial No.: 77/571,759
Bernadette Cooper and)	
Joyce Irby)	
)	
Applicants.)	

PLAINTIFF'S REPLY BRIEF

Jack F. Scherer, Esq.
Attorney for Cheryl Cooley
255 West 108th Street
New York, NY 10025
(917) 601-4289

Plaintiff, Cheryl Cooley, by her attorney, Jack F. Scherer, respectfully submits Plaintiff's Reply Brief in support of her opposition to the application of Bernadette Cooper ("Cooper") and Joyce Irby ("Irby") for the registration of the alleged trademark KLYMAXX (the "Application").

ARGUMENT

On January 8, 2013, the attorney for the Applicants was permitted to withdraw as Applicants' attorney. On February 6, 2013, Applicants timely filed a response with the Trademark Trial and Appeal Board (the "Board") that they would continue, *pro se*.

On or about February 27, 2013, the time to file the respective briefs was reset. On or about March 18, 2013, defendant, Cooper informed the Board that she would only be representing herself. Plaintiff timely filed her brief, and Defendant, Cooper, timely filed her brief. Defendant Irby has not filed any brief, nor has the time in which to file her brief been extended. She is now in default.

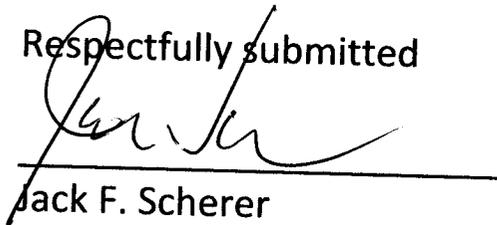
It is clear from a reading of Defendant Cooper's brief that she has no objection to the withdrawal of the Application. It is equally clear, by virtue of Defendant Irby's default, that she has no objection to the withdrawal of the Application. Defendants have demonstrated, individually and/or collectively, that they have no interest in pursuing the Application.

CONCLUSION

By virtue of the foregoing, judgment in favor of Plaintiff, Cheryl Cooley, should be entered dismissing the Application.

Dated: New York, New York
June 5, 2013

Respectfully submitted



Jack F. Scherer
Attorney for Plaintiff, Cheryl Cooley
255 West 108th Street
New York, New York 10025
(917) 601-4289

CERTIFICATE OF SERVICE

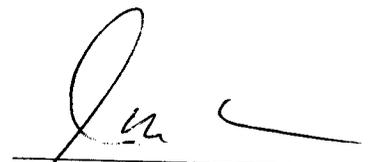
I hereby certify that a true copy of Plaintiff's Reply Brief
was served upon Applicants on or about June 5, 2013, by delivering a copy of same to
the United States Office for priority delivery to:

Bernadette Cooper
8306 Wilshire Blvd., No. 8072
Beverly Hills, CA 90211

and

Joyce Irby
9189 Snipe Lane
Jonesboro, GA 30236

Dated: June 5, 2013



Jack F. Scherer