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

Proceeding	91190169
Party	Plaintiff SUSINO UMBRELLA CO., LTD.
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Submission	Motion to Strike
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Date	10/28/2010
Attachments	Susino Motion to Strike.pdf ( 3 pages )(422863 bytes )

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

In the Matter of App. Ser. No. 77/355,544	)	
	)	
Susino Umbrella Co., Ltd.,	)	
	)	
Opposer,	)	
v.	)	Opposition No. 91190169
	)	
Susino USA LLC,	)	
	)	
Applicant.	)	

**MOTION TO STRIKE  
DECLARATION OF TODD NADRICH**

Opposer Susino Umbrella Co., Ltd. (“Opposer” or “Susino Umbrella”) hereby moves to strike the self-styled “Declaration of Todd Nadrich” (“Declaration”), filed by Applicant Susino USA, LLC (“Applicant”). Applicant’s Declaration is a not-so-thinly disguised attempt at an unauthorized sur-reply in violation of Trademark Rule 2.127(a): “No further papers in support of or in opposition to a motion will be considered by the Board.” 37 CFR §2.127(a).

Should the Board nevertheless choose to consider the Declaration, Opposer respectfully requests the opportunity to respond to it. Among other things, Opposer’s response would show the following:

- 1) The US Postal Service would not return misaddressed mail sent to China as “undeliverable” unless that mail were returned to the United States from China.
- 2) The email from Nadrich of October 12, 2010 referenced in paragraph 15 of the Declaration stated that “Mr. Vidas will be requesting for a waiver” of the attorney client privilege. No such request was ever received from Mr. Vidas by either Opposer or Opposer’s counsel.

3) The company referenced in paragraph 5 of the Declaration was just formed on September 1, 2010.

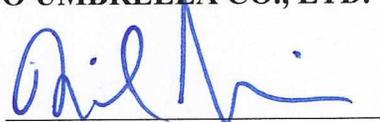
The central fact remains that Opposer was *not* served with and was unaware of Applicant's discovery and its Motion for Summary Judgment. Furthermore, Applicant has not made any trademark use of the SUSINO mark in the United States or elsewhere and used Opposer's materials as the specimen of use for its application, Serial No. 77/355,544.

For the foregoing reasons, and those previously presented to the Board, the Board should strike Applicant's Declaration and grant Opposer's Motion for Relief from Judgment. Alternatively, the Board should allow Opposer the opportunity to respond to the Declaration.

Respectfully submitted,

**SUSINO UMBRELLA CO., LTD.**

By:



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October 28, 2010

**CERTIFICATE OF SERVICE**

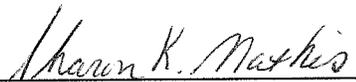
I hereby certify that a complete and true copy of the foregoing MOTION TO STRIKE DECLARATION OF TODD NADRICH was sent via first-class United States, postage prepaid mail this 28<sup>th</sup> day of October 2010 to the following:

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Sharon K. Mathis