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

Proceeding	91200183
Party	Defendant Miss G-String International LLC
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Date	11/29/2011
Attachments	APPLICANT'S REPLY 11-29-11.pdf (4 pages)(250166 bytes)

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

For: “MISS G-STRING INTERNATIONAL”

Serial No. 77/753000

THE WORLDS PAGEANTS, LLC

Opposition No. 91200183

Opposer,

Published December 7, 2010

-Against-

Filed: June 5, 2011

MISS G-STRING INTERNATIONAL LLC

Applicant

November 29, 2011

COMMISSIONER OF TRADEMARKS
UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT’S REPLY TO OPPOSER’S OPPOSITION TO APPLICANT’S
MOTION TO STRIKE OPPOSER’S *NUNC PRO TUNC* ASSIGNMENTS**

Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, 37 C.F.R. Section 2.127 and Section 506 of the Trademark Trial and Appeal Board Manual of Procedure, Miss G-String International LLC, a Florida Limited Liability Company (“Applicant”), by and through its Attorney, Luke Lirot, respectfully submits this *Reply to Opposer’s Opposition to Applicant’s Motion to Strike Opposer’s Nunc Pro Tunc Assignments*, dated and filed November 14, 2011, by Attorney Thomas Aquilla (“Aquilla”), representing The Worlds Pageants, LLC (“Opposer”).

Applicant’s Reply herein is limited to Opposer’s claims which are not otherwise addressed in Applicant’s *Motion to Strike Nunc Pro Tunc Assignments* filed on October 28, 2011.

In Applicant’s *Motion to Strike Nunc Pro Tunc Assignments*, Applicant makes “no collateral attack on the registration,” only an assertion that all of the exhibits establish that *Opposer never owned the Miss Nude International mark, not when the matter was first initiated, and not now*. As such, there is

no basis to assert that Applicant missed or neglected to file any “compulsory counterclaim” or “forfeited any affirmative defenses.” These arguments have been made and responded to repeatedly, but they simply do not address the true issues involved in this action.

Opposer’s false statements of facts are purposefully intended to perpetuate a fraud upon the United States Patent and Trademark Office (“USPTO”) by continuing this Opposition. Notably, Opposer’s Response fails to address Applicant’s reference to Aquilla’s letter of May 13, 2009, which shows that Opposer was never the owner of the subject mark on May 6, 2009. At that point in time, as the letter is dated *seven days after the alleged (and fraudulent) effective date of May 6, 2009*, it is clear that the Opposer desperately sought to manipulate time and space as a matter of convenience for his client(s), regardless of the truth or the actual sequence of critical events.

Furthermore, Opposer’s Response fails to address Applicant’s reference to Aquilla’s letter of October 6, 2011, dated *nine days after the nunc pro tunc assignments were executed and filed*. This October 6th letter from Aquilla to the *Attorney Discipline Office of the New Hampshire Bar Association*, **affirmed in writing** that, “*The statements made in my letter to Mr. Eadie dated May 13, 2009 are true and correct...*” This affirms that Judgment Debtor R&D, **not Opposer**, was the Owner of Record for the *Miss Nude International* mark on May 6, 2009, and also on September 22, 2011, the date on which Judgment Creditor William Eadie, a third party, asserted a lawful ownership interest in the mark pursuant to the execution of a lawful and enforceable judgment. The records of the USPTO support the fact that Judgment Debtor R&D was the Owner of Record for the mark on September 22, 2011, not any other entity. This pattern by Opposer, and its counsel, of manipulating the facts and re-creating history should not be allowed by the Board.

For the reason stated in Applicant’s *Motion to Strike Opposer’s Nunc Pro Tunc Assignments* the automatic assignments to Assignees, Judgment Debtor Cardoso and Opposer for, specifically, the *Miss Nude International* mark were improper because the Assignors, Judgment Debtor R&D and Judgment Debtor Cardoso **did not own the *Miss Nude International* mark on September 27, 2011**. The *nunc pro Tunc* Trademark Assignments were further ineffective as the actions were irrefutably ***fraudulent***

conveyances of assets to avoid execution of a valid and enforceable court order by a lawful third party, Judgment Creditor Eadie.

Applicant's Motion to Strike *nunc pro tunc* Assignments should be granted and, as Opposer has no standing to continue the subject opposition, the Opposition should be denied and Applicant's mark should proceed to registration..

RELIEF REQUESTED

WHEREFORE, Applicant respectfully restates its request that this panel take judicial notice of the fraudulent assignments and order the *nunc pro tunc* Trademark Assignments be set aside, nullified and stricken from the record of the USPTO.

By: /s/ Luke Lirot
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Dated: November 29, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO STRIKE OPPOSER'S *NUNC PRO TUNC* ASSIGNMENTS has been served on Thomas T. Aquilla, Esq., domestic representative of THE WORLDS PAGEANTS, LLC by mailing said copy on November 29, 2011, via First Class Mail, postage prepaid to:

 /s/ Luke Lirot
Attorney for Applicant
Signed November 29, 2011

Thomas T. Aquilla, Esq.
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