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

Proceeding	91209617
Party	Defendant Debra Wiseberg
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Submission	Reply in Support of Motion
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Date	03/18/2015
Attachments	Applicant's Reply Brief in Support of Motion for Leave to Amend.pdf(361846 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Xikar, Inc.,	1	
	§	
	§	
Opposer,	§	Opposition No. 91209617
	§	
v.	§	Mark: Cicar
	§	
Debra Wiseberg d/b/a	§	Serial No. 85/652496
Bram Warren Company,	§	
	§	
Applicant.	§	
_____	↓	

APPLICANT AND COUNTERCLAIM PLAINTIFF'S  
REPLY BRIEF IN SUPPORT OF MOTION FOR LEAVE TO AMEND (FRAUD) PLEADING

Debra Wiseberg, Applicant and Counterclaim Plaintiff (hereafter "Applicant") hereby responds to Xikar, Inc., a Kansas corporation, Opposer and Counterclaim Defendant's (hereafter "Opposer") opposition response to her motion. The Opposer's opposition response to the Applicant's Motion for Leave to Amend (Fraud) Pleading contained no arguments and incorporated by reference their opposition response to the Applicant's Motion for Reconsideration of Decision on Motion (Dismissal of Fraud Claim) into their opposition response to this motion. In their opposition response to the Applicant's motion for reconsideration the Opposer attempts to mislead the Board and discredit the Applicant's fraud claim against them. The Applicant has filed a reply brief to the Opposer's opposition response to the Applicant's motion for reconsideration and hereby incorporates by reference such reply brief in support of the motion for reconsideration and its arguments into this reply brief, since the Opposer has put forth no arguments in their opposition response to this motion.

In response to the Opposer's statement in their opposition response to this motion that I have essentially requested the same relief in two motions, though both motions request the Board

allow the Applicant to amend the fraud claim, they have been filed for different procedural purposes and contain separate arguments and the concurrent filing of such motions allow the Board to collectively decide the matter. TBMP § 502.02(b) states, "in general, all motions should be filed separately".

This is the first amendment to the fraud claim against the Opposer and the Applicant respectfully requests the Board grant her leave to amend the fraud pleading and accept the Applicant's amended counterclaim pleading attached to her motion for leave to amend into the record and have the Opposer answer such pleading.

Dated: March 18, 2015

Respectfully submitted,

By:   
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CERTIFICATE OF FILING

I hereby certify that this Reply Brief was filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board by ESTTA on March 18, 2015.

By:   
Debra Wiseberg

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Reply Brief was sent to the counsel for the Opposer by the United States Postal Service, first class mail on March 18, 2015 to the following address:

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By:   
Debra Wiseberg