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

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
Correspondence Address	NEADOM T MEDINA J LYNN ENTERTAINMENT LLC PO BOX 12365 MILL CREEK, WA 98012 UNITED STATES tamar@j-lynnentertainment.com
Submission	Response to Board Order/Inquiry
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Date	01/02/2015
Attachments	OP- POSERS_OPPPOSITION_TO_APPLICANTS_RESPONSE_Opposition_proceedi ng_91211530.pdf(29375 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Registration No. 3682041  
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,	:	
	:	
Petitioner,	:	
	:	Opposition No. 91211530
	:	(Parent)
	:	
vs.	:	Cancellation No. 92056491
	:	(Child)
William T. Odonnell,	:	
	:	
Registrant.	:	

**OPPOSER’S OPPOSITION TO APPLICANT’S RESPONSE TO BOARD’S ORDER AND  
NOTICE OF RE-ENTRY OF COUNSEL FOR APPLICANT**

Opposer J-Lynn Entertainment LLC, respectfully submits its response and opposition to the Applicant’s Response to Board’s Order and Notice of Re-Entry of Counsel for Applicant. As I predicted and called out that the withdrawal of Matthew H Swyers a day before William T Odonnell’s deposition was strategic and yet another move in Applicant’s part to further delay this proceeding, and that Mr.Swyers would re-enter before the 30 day period.

**Factual Review**

On December 1<sup>st</sup> 2014 Matthew H Swyers submitted a withdrawal of counsel. On December 3<sup>rd</sup> the Board approved the withdrawal and gave the Applicant William T Odonnell 30 days to hire a new counsel or represent himself. Throughout this proceeding the Applicant and his counsel have been uncooperative, misleading, dishonest, and have continued a pattern of delaying this proceeding.

## **Arguments**

1. The Board did not approve the withdrawal of Mathew Swyers until December 3<sup>rd</sup> 2014. December 2<sup>nd</sup> 2014 was the scheduled deposition of Applicant William T Odonnell. J-Lynn Entertainment spoke to both the Applicant and Counsel notifying them that the withdrawal had not been approved and Mr. Swyers was still the counsel on record. Both Mr. Odonnell and Mr. Swyers refused to participate in deposition on December 2<sup>nd</sup> resulting in the Applicant not arriving to the deposition.
  
2. Both the Applicant and Matthew Swyers refuse to share the Applicant's current living address so a subpoena for the deposition of William T Odonnell can be served. The listed home address for William T Odonnell's marks and LLC has been found online for sale and empty.
  
3. There has been an outstanding settlement offer. Mr. Swyers will at times mention a settlement negotiation, but then never responds to settlement drafts sent by J-Lynn Entertainment.
  
4. The Applicant and Counsel have showed a consistent pattern of delaying this case by withdrawal, motions, not responding to emails, not returning calls, and sending documentation to the wrong address.
  
5. The Applicant and/or Counsel have fraudulently modified and omitted materials in the Applicant's discovery materials.

### **Summary**

J-Lynn Entertainment fully opposes the Applicant's response to the Board and Mr. Swyers re-entry as counsel. Based on the arguments, J-Lynn Entertainment request that the Board notice the pattern of delays brought forth by Mr. Swyers during this proceeding, requests that the re-entry of Mr. Swyers be denied and the Applicant William T Odonnell is given an additional 30 to 90 days to hire a new counsel. It is J-Lynn Entertainment's belief that Mr. Swyers will continue delays during the Plaintiff's trial period either by another withdrawal or other motions.

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Registration No. 3682041

For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Cancellation No. 92056491  
Opposition No. 91211530

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I respectfully submitted a copy on this opposer’s opposition to applicant’s response to board’s order and notice of re-entry of counsel for applicant, upon the Applicant and his counsel and to the Trademark Trial and Appeal Board via the TTAB’s Electronic System for Trademark Trials and Appeals (ESTTA) on January 1, 2014 PST.

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