

ESTTA Tracking number: **ESTTA602636**

Filing date: **05/06/2014**

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

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|------------------------|--|
| Proceeding | 91213097 |
| Party | Defendant RADILLO, JOSE ADRIAN CORONA |
| Correspondence Address | STACEY R HALPERN KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES efiling@kmob.com |
| Submission | Reply in Support of Motion |
| Filer's Name | Stacey \$. Halpern |
| Filer's e-mail | efiling@knobbe.com, stacey.halpern@knobbe.com |
| Signature | /Stacey R. Halpern/ |
| Date | 05/06/2014 |
| Attachments | grupo.pdf(21926 bytes) |

Response into a Motion to Compel, a Motion to Compel is not before the Trademark Trial and Appeal Board (the “Board”) and should not be before the Board because as noted above, Applicant has provided supplemental responses in response to Opposer’s meet and confer letter.

Instead, Applicant’s Motion was filed in an effort to save the resources of the parties and the Board. Specifically, as discussed in Applicant’s Motion, a cancellation action has been filed against Opposer’s registrations alleged in the Notice of Opposition. This cancellation action has been assigned Cancellation Action No. 92058411 by the Board. The basis for the cancellation action is that Opposer has abandoned its rights in its alleged REBEL mark. If the Board finds that Opposer has abandoned its rights in Opposer’s alleged REBEL mark, not only will Opposer’s registrations be cancelled but also Opposer’s alleged common law rights would also cease to exist.

Further, while Opposer claims it has alleged four independent REBEL marks, Opposer fails to mention the two remaining alleged marks are two intent to use based applications that were assigned to Opposer prior to the filing of statements of use in violation of Section 10 of the Trademark Act. In addition, as noted above, if Opposer has abandoned its rights in the REBEL mark, the abandonment could impact all of Opposer’s alleged rights, not just the two registrations that Opposer implies are at issue in the cancellation action.

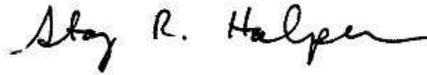
Applicant notes that T.B.M.P. 510 provides that the Board may suspend one proceeding in which only one of the parties is involved. Thus, contrary to Opposer’s allegation that good cause does not exist for granting Applicant’s Motion, Applicant submits that valid grounds exist for suspending the above-referenced Opposition proceeding pending a determination in Cancellation Action No. 92058411.

Accordingly, as the cancellation of Opposer’s registrations will impact Opposer’s allegations in the above-referenced Opposition proceeding, Applicant requests that this Opposition proceeding be suspended pending resolution of Cancellation Action No. 92058411.

Moreover, Applicant requests a suspension of all deadlines in the above-referenced Opposition proceeding, pending the Board's determination of this motion. Should the Board require any additional information or have any questions, please contact the undersigned.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: May 6, 2014

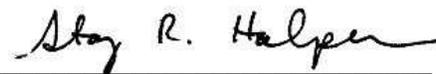
By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **APPLICANT'S REPLY TO OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO SUSPEND PENDING CANCELLATION ACTION AGAINST OPPOSER'S REGISTRATIONS AND MOTION TO SUSPEND** upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on May 6, 2014 addressed as follows:

Michael R. Annis
Andrew R. Gilfoil
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105



Stacey R. Halpern

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