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

Proceeding	92049029
Party	Defendant Review Publishing Limited Partnership
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Submission	Opposition/Response to Motion
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DAVID. J. LONG, JR.	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92/049,029
	:	
REVIEW PUBLISHING	:	
LIMITED PARTNERSHIP	:	
	:	
Registrant.	:	

Registrant’s Response to Petitioner’s Seventh, Eighth, and Ninth Legal Briefs

Registrant respectfully requests that the Board issue an order directing the Petitioner not to file any additional papers in this proceeding until the Board has ruled on Registrant’s motion to dismiss.

On April 23, 2008 Registrant filed a motion to dismiss the cancellation petition. On May 5, 2008 the Board suspended the proceedings pending the disposition of Registrant’s motion, and warned the parties that any paper that is not relevant to Registrant’s motion “will be given no consideration.” Despite this warning, Petitioner has filed a “Memorandum of Law” which asks the Board for permission to add another basis for revoking Registrant’s registration. (*See* Docket Item 16, filed May 14, 2008.) In other words, Petitioner has filed a motion to amend the cancellation petition. In addition, Petitioner has filed a “Memorandum of Law” which asks the Board to enter summary judgment in his favor. (*See* Docket Item 17, filed May 15, 2008.) Petitioner should not have filed these motions, because they are not relevant to the issues

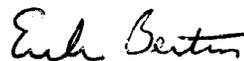
presented in Registrant's motion to dismiss the initial cancellation petition.¹

On April 14, 2008 Registrant filed a reply brief in support of its motion to dismiss, along with three supporting declarations. (See Docket Items 12, 13, 14 & 15.) The next day, Petitioner filed yet another legal brief in response to Registrant's reply brief. (See Docket Item 18.) Petitioner's latest filing is an impermissible surreply brief, which cannot be considered by the Board. TBMP § 502.02(b) ("The Board may, in its discretion, consider a reply brief in support of a motion," but "[n]o further papers (including surreply briefs) will be considered by the Board, an any such paper filed in violation of this rule may be returned to the filing party.").

Since the Registrant filed its motion to dismiss, Petitioner has filed nine legal briefs and supporting affidavits. Petitioner is representing himself in this proceeding. However, that is no excuse for ignoring the order that the Board issued on May 5th or for failing to comply with the established rules governing motions practice. Accordingly, the Board should return Docket Items 16, 17, and 18 to the Petitioner, and should instruct Petitioner not to file any additional papers until the Board has ruled on Registrant's motion to dismiss.

Attorneys for Registrant
REVIEW PUBLISHING
LIMITED PARTNERSHIP

Dated: May 15, 2008



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¹ Petitioner claims that his motion to amend is "germane to the disposition of the Motion to Dismiss," but does not offer any argument or evidence to support that claim. (Docket Item 16 at page 2 of 3.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Registrant's Response to Petitioner's Seventh, Eighth, and Ninth Legal Briefs has been duly served by mailing such copy first class, postage prepaid, to David J. Long, Jr., 2050 Delsea Drive, Sewell, NJ 08080 on May 15, 2008.

Erik Bertin

Erik Bertin