ESTTA Tracking number: **ESTTA429439**
Filing date: **09/08/2011**

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

Proceeding	92052260
Party	Defendant Edgar Alexander Barrera
Correspondence Address	R EMMETT MCAULIFFE RIEZMAN BERGER PC 7700 BONHOMME, 7TH FLOOR ST LOUIS, MO 63105 UNITED STATES rem@riezmanberger.com
Submission	Other Motions/Papers
Filer's Name	Edgar Alexander Barrera
Filer's e-mail	Axlellism@netbusiness.com
Signature	/EdgarAlexanderBarrera/
Date	09/08/2011
Attachments	Objection.pdf (2 pages)(466431 bytes)

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

STEPHEN A. WESTLAKE,	)	
	)	
Petitioner,	)	Cancellation No. 92/052,260
	)	(Serial No. 77/378,015)
	)	
EDGAR ALEXANDER BARRERA	)	
	)	
Respondent.	)	

OBJECTION TO MEMORANDUM BY RESPONDENT'S ATTORNEYS

Comes now the Respondent EDGAR ALEXANDER BARRERA and hereby submits this Objection to the Memorandum by Respondent's Attorneys in the above-captioned Opposition proceeding.

1. Since my counsel, Mr. R. Emmett McAuliffe, filed with the TTAB to withdraw, I have attempted repeatedly to telephone him since early Tuesday, Sep. 6. He did not return my calls until the afternoon of Sep. 8.

2. The only notification I had that Mr. McAuliffe was withdrawing from the case was a brief, informal email sent at 2:36 p.m. on Labor Day, Sep. 5. I did not pick up this message until late evening, as I took the day off to celebrate the holiday. Indeed, I had no reason to expect any legal business would be conducted over the holiday.

3. I had to find Mr. McAuliffe's official motion to withdraw by searching the TTAB Web site. He did not even afford me the courtesy of a copy of his motion as an attachment to his email.

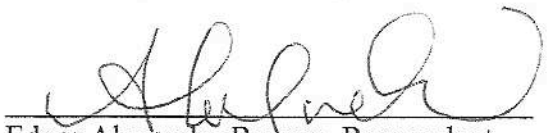
4. Most egregiously, Mr. McAuliffe appears to have notified counsel for the opposing side prior to notifying his own client. In the final sentence of his motion to withdraw, Mr. McAuliffe states that: "On September 4, 2011, an attorney for Opposers, Kevin Guyette Esquire, confirmed that Opposers do not object to the withdrawal of the undersigned attorneys."

5. Therefore, by his own admission, Mr. McAuliffe notified the other side in this case a full day prior to notifying his own client. This raises serious questions of professional ethics and attorney-client privilege.

6. Mr. McAuliffe's sudden, callous, and unprofessional abandonment has already taken a physical toll on me. The TTAB has been kept apprised of my long and painful recovery from a near-fatal attack of pancreatitis in September, 2010. This week, I was briefly hospitalized for stomach pains on Sept. 7. I am responding well to medication, but

my doctors believe I may have an ulcer, on top of my other medical problems, none of which are being helped by the severe stress of this legal proceeding.

Certified and Respectfully submitted by:



Edgar Alexander Barrera, Respondent
10 Castania Ct.
St. Augustine, FL 32086

Telephone (386) 852-0012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument was placed in the United States Mail, postage prepaid, this 8th day of September, 2011, addressed to:

Mark Levy, 700 Security Mutual Bldg., 80 Exchange Street, Binghamton, NY 13902

and

Kevin Guyette, 19 Chenango St. #1101, Binghamton, NY 13901-2904

and

R. Emmett McAuliffe, Riezman Berger PC, 7700 Bonhomme, 7th Floor, St. Louis, MO 63105