

ESTTA Tracking number: **ESTTA484542**

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

Proceeding	92055598
Party	Defendant Emanuel J. Severe
Correspondence Address	EMANUEL J SEVERE 8531 NW 54TH STREET LAUDERHILL, FL 33351 UNITED STATES
Submission	Opposition/Response to Motion
Filer's Name	Emanuel J. Severe
Filer's e-mail	ejsevere@gmail.com
Signature	/Emanuel J. Severe/
Date	07/20/2012
Attachments	Registrants Opposition Response Letter.pdf (3 pages)(200747 bytes)

July 20, 2012

To: Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Registrant's Opposition Response Letter to Petitioner's Petition for Cancellation

Dear Commissioner for Trademarks,

Please accept this response from me the Registrant, Emanuel J. Severe, the sole owner of record for the trademark: PERSEVERE (Registration# 3398561) which I registered with the USPTO on March 18, 2008.

As a proud owner of my very first and only trademark thus far, I was happy to have successfully completed the application process in registering my very own trademark and have continued to use the mark and have sold goods that display my mark.

My family business will be damaged if DK Holdings' petition to cancel my trademark is granted by the Trademark Trial and Appeal Board. I am further requesting that judgment by default not be entered against me due to my late response for the following reasons:

- 1.) Upon receipt of letter from petitioner's attorney, regarding the Petition for Cancellation, I attempted to contact the attorney's office to further discuss the matter for my own understanding and clarification of the matter and in hopes to resolve any issues. I left messages for the Paralegal, Julie Obermeyer at the offices of Brownstein Hyatt Farber Schreck ph# 702-464-7079 but my calls went unanswered. Therefore, I began my search for legal representation.
- 2.) In my search for legal representation I was not satisfied with my choices and felt that my desire to maintain my first and only trademark would involve my complete attention and determination in order to keep my growing business alive.
- 3.) It was also during this period that I had prescheduled travel arrangements which required me to be away from home for two weeks without access to my personal computer.

Below is an image of my **Certificate of Registration** which I proudly display in my business office.



Below is also the Prosecution History from when I first submitted my application to register for this trademark till now. I have worked hard to obtain this registration and it would be devastating to me and my family if all of my hard work were erased. Wherefore, I pray that the U.S. Trademark Registration No. 3398561 not be cancelled and that I may continue my many years work in growing my family business.

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-11 - Cancellation Instituted No. 999999

2008-03-18 - Registered - Principal Register

2008-01-01 - Published for opposition

2007-12-12 - Notice of publication

2007-11-27 - Law Office Publication Review Completed

2007-11-06 - Assigned To LIE

2007-10-04 - Approved for Pub - Principal Register (Initial exam)

2007-10-03 - Teas/Email Correspondence Entered

2007-10-02 - Communication received from applicant

2007-10-02 - TEAS Request For Reconsideration Received

2007-10-02 - Notification Of Action Denying Req For Recon E-Mailed

2007-10-02 - Action Granting Req For Recon E-Mailed

2007-10-02 - Continuation of final refusal mailed

2007-09-25 - Teas/Email Correspondence Entered

2007-09-24 - Communication received from applicant

2007-09-24 - TEAS Request For Reconsideration Received

2007-06-25 - Notification Of Final Refusal Emailed

2007-06-25 - Final refusal e-mailed

2007-06-25 - Final Refusal Written

2007-05-30 - Teas/Email Correspondence Entered

2007-05-29 - Communication received from applicant

2007-05-29 - TEAS Response to Office Action Received

2007-05-29 - TEAS Response to Office Action Received

2006-11-29 - Non-final action e-mailed

2006-11-29 - Non-Final Action Written

2006-11-29 - Assigned To Examiner

2006-07-01 - Notice Of Design Search Code Mailed

2006-06-30 - New Application Entered In Tram

Respectfully submitted,

Dated: July 20, 2012 By: /Emanuel J. Severe/

Registrant

PERSEVERE (Registration# 3398561) Trademark Owner