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

Proceeding	92056168
Party	Defendant Quentin Davis
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Submission	Opposition/Response to Motion
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Date	06/11/2013
Attachments	REGISTRANTS_OBJECTION_TO_PETITIONERS_MOTION_TO_AMEND.pdf(229582 bytes)

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

IN THE MATTER OF REGISTRATION NO.: **4,106,459**

for the mark **LEGENDARY**

Date of Issue: February 28, 2012

LEGEND PICTURES, LLC,)	
)	
Petitioners,)	
)	
v.)	Proceeding No. <u>92056168</u>
)	
)	
QUENTIN DAVIS)	
Registrant.)	
)	

REGISTRANT’S OBJECTION TO PETITIONER’S MOTION TO AMEND

In accordance with TBMP 507 and FED. R. CIV. P. 15(A) & (B), Registrant does hereby object to Petitioner’s 5/30/2013 “MOTION FOR LEAVE” & “FIRST AMENDED PETITION TO CANCEL”. Petitioner’s motion to amend does not comply with the requirements set forth in TBMP 507and FED. R. CIV. P. 15(A) & (B). Registrant does object to this motion to amend on the grounds that:

- 1.** It is untimely under the guidelines set forth under TBMP 507 and FED. R. CIV. P. 15(A) & (B) which allows a pleading to be amended...

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

According the guidelines set forth in TBMP 507and FED. R. CIV. P. 15(A) & (B), Petitioner was granted allowance to amend its original pleading as a matter of course until no later than

November 13 2012, as this date is 21 days after Registrant served responsive pleading to original petition.

2. Registrant granted absolutely no consent whatsoever to Petitioner for untimely amendment. Petitioner also did not request consent.

As the Board will note from Petitioner's 5/30/2013 MOTION FOR LEAVE, Petitioner has referenced TBMP 507.02 as justification for leave. TBMP 507.02 states...

*a party may amend its pleading **only by written consent of every adverse party or by leave of the Board;** and leave must be freely given **when justice so requires.***
[Note 3.]

As petitioner has received no such consent from Registrant, leave to amend would require consent of the Board in the circumstance that absence of leave would impede justice.

Registrant consents to no such leave and does respectfully request that the Board deny Petitioner's request for leave as the Petitioner's stated reasons for leave are disguised attempts to avoid Registrant's equitable defenses. **Petitioner's intended amendments do impede justice, by attempting to hide facts and actions which are of paramount relevance to this proceeding.**

CONCLUSION

Registrant does respectfully request that the Trademark Trial and Appeal Board deny Petitioner's MOTION FOR LEAVE on the grounds that **it is untimely, it is non-compliant with civil procedure, and that it would impede justice if so granted.**

Respectfully submitted,

/Quentin Davis/
Quentin Davis – Registrant
P.O. Box 47893
Tampa Fl. 33646

6/11/2013

Date

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June 2013, a true and complete copy of the foregoing **REGISTRANT'S OBJECTION TO PETITIONER'S MOTION TO AMEND** was served to Petitioner via electronic mail to:

Carla Calcagno and Janet Ricciuti at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

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and

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/Gloria Walters/

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