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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	Other Motions/Papers
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Date	11/06/2013
Attachments	REGISTRANTS SECONDARY CORRESPONDENCE TO THE DIRECTOR IN RESPONSE TO PLAINTIFFS OBJECTION TO REGISTRANTS PETITION TO THE DIRECTOR.pdf(488210 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,)	
)	
Plaintiff,)	
)	
v.)	Proceeding No. <u>92056168</u>
)	
)	
QUENTIN DAVIS)	
Registrant.)	
)	

**REGISTRANT’S SECONDARY CORRESPONDENCE TO THE
DIRECTOR IN RESPONSE TO PLAINTIFF’S OBJECTION TO
REGISTRANT’S PETITION TO THE DIRECTOR**

On the date of 10/4/2013, Registrant submitted a Petition to the Director concerning a 9/4/2013 interlocutory order for proceeding# 92056168. Registrant does hereby address the claims made by the Plaintiff in Plaintiff’s 10/21/13 response to Registrant’s Petition to the Director.

Registrant would like to remind the Board of the guidelines concerning response to Petitions to the Director listed under 37 CFR § 2.146 (e)(2), and TBMP 905(e)(2)...

*Any brief in response to the petition shall be filed, with any supporting exhibits, **within fifteen days from the date of service of the petition.***

Plaintiff (Plaintiff will no longer be referred to as Petitioner as to avoid any confusion) issued response to Registrant’s Petition to the Director with a signature date of 10/21/2013 – 17 days after a true and complete copy of the Petition was served to the Plaintiff.

Even if Plaintiff would claim Monday Oct. 14th as an excusable federal holiday, Plaintiff stilled failed to provide timely response to Registrant’s Petition under the guidelines listed in 37 CFR § 2.146 (e)(2), and TBMP 905(e)(2) as Plaintiff’s response is still in accurate delay of at least 16 days.

Pursuant to the guidelines listed under 37 CFR § 2.146 (e)(2), and TBMP 905(e)(2), Plaintiff’s responsive objection to Registrant’s Petition to the Director is untimely and as a result, invalid.

In the event that the Director does decide to consider the Plaintiff's response despite its non-compliance, Registrant will address some of the other claims and statements that Plaintiff has asserted.

Plaintiff stated that an Interlocutory Order may be overruled only for, "clear error or abuse of discretion". Registrant has attempted to make it as clear as possible that one of these instances may have been involved in the 9/4/2013 Interlocutory Order.

As a courtesy to the Director, Registrant does also cite specific portions of the 10/22/2012 "**REGISTRANT'S RESPONSE TO THE PETITION TO CANCEL**" (TTAB Proceeding# 92056168. Document# 4.) which do prove that the Registrant's concerns which Plaintiff apparently claim to be new information and grounds for grant of Plaintiff's untimely leave, have been directly stated and readily available for responsive action since the Registrant's very first correspondence in this proceeding.

[Response #3]...

*Registrant would like to bring to the attention of the Trademark Trial and Appeal Board that Petitioner's [Plaintiff's] **Registration No. 3656926** for stylized mark "LEGENDARY PICTURES" (including medallion) **upon date of issue, July 21, 2009, did contain both words "LEGENDARY" and "PICTURES"** (as well as medallion).*

Petitioner [Plaintiff], without request, permission, or involvement of Registrant, voluntarily requested Registration No. 3656926 for amendment on Aug. 29, 2012. The amended drawing removed the word "PICTURES" from Registration No. 3656926 and left only the word "LEGENDARY" (including medallion) remaining.

[Response #5]...

*Registrant would like to bring to the attention of the Trademark Trial and Appeal Board that Petitioner's [Plaintiff's] **Registration No. 3621043** for stylized mark "LEGENDARY PICTURES" (including medallion), **upon date of issue, May 12, 2009, did contain both words "LEGENDARY" and "PICTURES"** (as well as medallion).*

Petitioner [Plaintiff], without request, permission, or involvement of Registrant, voluntarily requested Registration No. 3621043 for amendment on Aug. 29, 2012. The amended drawing removed the word "PICTURES" from Registration No. 3656926 and left only the word "LEGENDARY" (including medallion) remaining.

[end citation]

These concerns have been conveyed from the very start of this proceeding and do not constitute new or unknown information that would justify untimely leave for the Plaintiff. This is yet another reason that the Registrant believes that the 9/04/2013 Interlocutory may have been issued with the possible inclusion of error or subjective interest in favor of the Plaintiff.

Plaintiff claims that Registrant's Petition is merely an attempt to evade Plaintiff's discovery. Registrant would like to make it very clear to the Director and the Board that regardless of the frivolous accusations the Plaintiff may assert against the Registrant, my sole aim is to receive fair consideration and due process in this proceeding. The Director may personally review all of the actions the Registrant has conducted in these proceedings and discover

that they are all aligned with listed guidelines congruent with civil procedure. The Plaintiff has made and will surely continue to make several negatively false accusations concerning me but I do respectfully request that the Director consider only the facts of this proceeding.

Respectfully Submitted,

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

11/6/2013
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2013, a true and complete copy of the foregoing REGISTRANT'S SECONDARY CORRESPONDENCE TO THE DIRECTOR IN RESPONSE TO PLAINTIFF'S OBJECTION TO REGISTRANT'S PETITION TO THE DIRECTOR was served to Plaintiff via electronic mail to:

Carla Calcagno at e-mail addresses:

carla.calcagno@calcagnolaw.com

and

cccagno@gmail.com

Calcagno Law
2300 M Street, N.W., Suite 800
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/Gloria Walters/

Gloria Walters
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