

ESTTA Tracking number: **ESTTA744671**

Filing date: **05/05/2016**

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

Proceeding	92061981
Party	Plaintiff Kosher Supervision Service, Inc.
Correspondence Address	MICHAEL R FRISCIA MCCARTER & ENGLISH LLP FOUR GATEWAY CENTER, 100 MULBERRY STREET NEWARK, NJ 07102-4056 UNITED STATES mfriscia@mccarter.com, crodrigue@mccarter.com, dpopovic@mccarter.com
Submission	Other Motions/Papers
Filer's Name	Michael R. Friscia
Filer's e-mail	mfriscia@mccarter.com, crodrigue@mccarter.com, dpopovic@mccarter.com
Signature	/Michael R. Friscia/
Date	05/05/2016
Attachments	Response to Motion for Reconsideration of Decision on Motion.pdf(199427 bytes )

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

In the Matter of Trademark Registration No.: 3,830,599

For the Mark:



Registration Date: August 10, 2010

KOSHER SUPERVISION SERVICE, )  
INC. )

Petitioner, )

v. )

YOEL STEINBERG D/B/A )  
CUPK KOSHER SUPERVISION )

Respondent. )

CANCELLATION NO. 92061981

**RESPONSE TO RESPONDENT’S MOTION FOR RECONSIDERATION  
OF DECISION ON MOTION**

Petitioner Kosher Supervision Service, Inc. submits this Response to Respondent’s Motion for Reconsideration of Decision on Motion (the “Motion”).

Each of Respondent’s arguments in the Motion is (1) a reargument of the points presented in Respondent’s briefs on the original motions decided in the Board’s order dated March 30, 2016 (the “Order”), (2) irrelevant to the original motions and matters decided in the Order, and/or (3) not a demonstration that, based on the facts before it and the applicable law, the Board made legal error in reaching the Order. As such, Respondent’s Motion addresses matter not appropriate for a motion for reconsideration. *See* TBMP § 518 (A motion for reconsideration “may not properly be used to introduce additional evidence, nor should it be devoted simply to a

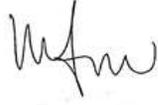
reargument of the points presented in a brief on the original motion. Rather, the motion should be limited to a demonstration that based on the facts before it and the applicable law, the Board's ruling is in error and requires appropriate change.") (citing *Vignette Corp. v. Marino*, 77 U.S.P.Q.2d 1408, 1411 (T.T.A.B. 2005) (reconsideration denied because Board did not err in considering disputed evidence)). See also *United States Postal Serv. v. RPost Int'l Ltd.*, 2014 WL 788339, at \*4 (T.T.A.B. Feb. 7, 2014) (denying defendant's motion for reconsideration because "defendant points to no error on the part of the Board in our June 17, 2013 decision but rather expresses disagreement with the result reached therein and reargues positions raised in its brief on final decision"); *Nettadoz Enters. v. Citron Beverage Group, LLC*, 2013 WL 9838166, at \*1 (T.T.A.B. Sept. 26, 2013) (denying motion for reconsideration where opposer merely used the motion "as a vehicle . . . to reargue points that have already been presented in the briefs on the original motion" and failed to demonstrate that the Board erred in its ruling on the original motion).

For example, in asking the Board to reconsider the requirements that Respondent must meet before filing any unconsented motion, Respondent does not argue that the Board made legal error in imposing these requirements. In requesting reconsideration of the Board's decision to grant Petitioner's Motion to Amend, Respondent presents arguments that are irrelevant to the original motion and reargues the points presented in his brief responding to the Motion to Amend and in his Motion for Sanctions, which was simultaneously before the Board and decided in the Order. Also, in asking the Board to reconsider the decision precluding Respondent from filing a motion to dismiss under Fed. R. Civ. P. 12(b)(6), Respondent does not argue that the Board made legal error in reaching its decision.

Accordingly, Petitioner respectfully requests that the Board deny Respondent's Motion for Reconsideration.

Dated: May 5, 2016

Respectfully submitted,



By:

---

MICHAEL R. FRISCIA  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
4 Gateway Center  
Newark, New Jersey 07101-0652  
Phone (973) 622-4444

*Attorneys for Petitioner*

CERTIFICATE OF SERVICE UNDER 37 CFR §§ 2.111

I hereby certify that the foregoing Response to Respondent's Motion for Reconsideration of Decision on Motion has been served via first class mail upon the Respondent on May 5, 2016, at the Respondent's address as reflected in the records of the U.S. Patent & Trademark Office, as follows:

Yoel Steinberg  
DBA CupK Kosher Supervision  
1823 53<sup>rd</sup> Street  
Brooklyn, New York 11204

Date: May 5, 2016



---

Michael R. Friscia