

ESTTA Tracking number: **ESTTA750091**

Filing date: **06/03/2016**

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

Proceeding	92063367
Party	Plaintiff Serious, Inc.
Correspondence Address	RICHARD M KLEIN FAY SHARPE LLP 1228 EUCLID AVENUE 5TH FLOOR CLEVELAND, OH 44115 UNITED STATES rklein@faysharpe.com, sbobka@faysharpe.com, lkalemba@faysharpe.com, docketing@faysharpe.com, ghuan@faysharpe.com, bwerner@faysharpe.com
Submission	Other Motions/Papers
Filer's Name	Richard M. Klein
Filer's e-mail	rklein@faysharpe.com
Signature	/s/Richard M. Klein
Date	06/03/2016
Attachments	Motion to File Surreply.pdf(17309 bytes)

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

In the matter of Trademark Registration No. 4,017,207
For the mark BASEBOARDERS
Date registered August 23, 2011

Serious Inc.)	
)	
Petitioner,)	
)	Cancellation No. 92/063,367
v.)	
)	
Buss General Partner Co. Ltd.)	
)	
Respondent.)	
_____)	

PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY

Petitioner, Serious Inc., in support of its Motion for Leave to File Surreply, states as follows:

Respondent's Reply in Support of Motion to Suspend Proceeding makes unfounded assumptions regarding Petitioner's position. Counsel for Respondent gave a two-day deadline for responding to its demand, knowing that counsel for Petitioner was out of town. Any characterizations made by Respondent due to the inability to respond within this arbitrary and short deadline should be attributed to Respondent, not to Petitioner. Petitioner stands by the arguments made in its Opposition to Motion to Suspend Proceeding. Petitioner also notes that Respondent's offer to withdraw its motion was subject to two conditions. The second condition was strictly a litigation tactic and had nothing to do with the issues in this cancellation proceeding or the civil action.

Petitioner thus requests leave to file a Surreply and apprise the Board of inaccuracies in Respondent's Reply.

Respectfully submitted,

Date: June 3, 2016

/Richard M. Klein/
Richard M. Klein (0029451)
FAY SHARPE LLP
1228 Euclid Avenue, Fifth Floor
Cleveland, Ohio 44115
Phone: (216) 363-9000
Fax: (216) 363-9001
E-Mail: rklein@faysharpe.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that this PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY was filed electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on June 3, 2016.

A true and complete copy of the foregoing PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY has been served on the Correspondence address, as listed on the TTABVUE website of the United States Patent and Trademark Office, by mailing said copy via First Class Mail, postage prepaid, to:

Buss General Partner Co. Ltd.
11765 Summit Crescent
Delta, Canada

with a courtesy copy to:

Mark C. Johnson
Nicholas J. Gingo
RENNER OTTO
1621 Euclid Avenue, Floor 19
Cleveland, Ohio 44115

/Richard M. Klein/
Richard M. Klein
Attorney for Petitioner