

ESTTA Tracking number: **ESTTA774186**

Filing date: **10/03/2016**

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

Proceeding	92063647
Party	Plaintiff International Beauty Exchange, Inc.
Correspondence Address	DONALD L DENNISON LADAS & PARRY LLP 1727 KING STREET, SUITE 105 ALEXANDRIA, VA 22314-2700 UNITED STATES ddennison@ladas.com, AVMail@ladas.com
Submission	Other Motions/Papers
Filer's Name	Donald L. Dennison - VA Bar
Filer's e-mail	ddennison@ladas.com
Signature	/donald l. dennison/
Date	10/03/2016
Attachments	img-161003110259.pdf(1656503 bytes)

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

INTERNATIONAL BEAUTY EXCHANGE, INC.]]	
]	
Petitioner,]	Cancellation No. 92063647
]	
v.]	Reg. No. 4,818,656
]	
K & N DISTRIBUTORS,]	
]	
Registrant.]	
_____]	

REPLY TO REGISTRANT’S MOTION TO STRIKE PETITIONER’S
MOTION TO COMPEL INTERROGATORY RESPONSES

The Motion to Strike was based on Petitioner’s failure to include with its Motion to Compel the required copies of the interrogatories and the responses of the Registrant.

Petitioner noted this omission immediately after the Motion was filed and the same was due to a clerical error by Petitioner’s secretary and a Supplemental submission of these voluminous documents was filed at the Board on September 22, 2016.

It should be noted that the omitted documents were already in the possession of Registrant's counsel since they comprised the original interrogatories that were submitted on July 12, 2016 and Registrant's own responses thereto dated August 25, 2016.

Since the omitted documents were part of the original Motion to Compel and since the Registrant already had copies of these documents, it was not believed that it was necessary to serve duplicates of these materials on counsel for the Registrant.

There is no way that the failure to serve these documents could prejudice the Registrant.

With regard to the Motion to Compel, counsel for the Petitioner received a telephone call from Registrant's new counsel on September 15, 2016, advising that she would be taking over the representation of the Registrant in this case. I advised her that I was completing my Motion to Compel as we talked. The completed Motion was given to my secretary late in the day of September 15th and was filed at the Board on September 16, 2016 as the record will clearly show. The service of the Motion was on Rishi Nair, Esq. since at the time the Motion was prepared, he was counsel of

record. While new counsel's appearance was filed on September 15th, the change of correspondence address was not filed until September 16th, the same day that the Motion to Compel was filed and served on Mr. Nair.

Registrant's attorney has requested that the Motion to Compel be withdrawn. This request is ludicrous since counsel for Petitioner has no objections to the grant of additional time for Registrant to submit any supplemental responses that it wishes and Registrant will in no way be prejudiced.

Accordingly, the Board is respectfully requested to deny Registrant's Motion to Strike which would only trigger a new filing of the same Motion. This would of course be a waste of time and valuable resources of counsel and the Board.

Respectfully submitted,



Donald L. Dennison
Ladas & Parry LLP
Attorneys for Petitioner
1727 King Street
Suite 105
Alexandria, VA 22314
(703)837-9600 Ext. 15
ddennison@ladas.com

October 3, 2016

CERTIFICATE OF SERVICE

This is to certify that a copy of the aforesaid Reply to Motion to Strike was served this 3rd day of October 2016, by first class mail with proper postage affixed and an additional copy by e-mail on the counsel for Registrant, Carrie Shufflebarger, c/o Thompson Hine LLP, 314 Walnut Street, 14th floor, Cincinnati, OH 45202.



Donald L. Dennison