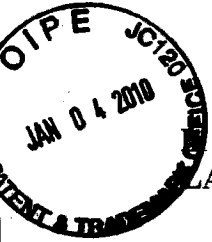



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

the matter of Application Number 77626835 for **ONE HUNDRED BLACKS IN LAW ENFORCEMENT WHO CARE** *Published on April 14, 2009*

<p>100 BLACKS IN LAW ENFORCEMENT WHO CARE, INC. AND 100 BLACKS WHO CARE, INC.,</p> <p>Opposers,</p> <p>v.</p> <p>MARQUEZ CLAXTON AND 100 BLACKS IN LAW ENFORCEMENT WHO CARE, an unincorporated association,</p> <p>Applicant.</p>	<p>Opposition No. 91190175</p> <p></p>
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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
BOX TTAB / FEE

MOTION FOR RECONSIDERATION OF DECISION ON MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Noel Leader, *Pro Se* Representative for Opposers, sworn to on December 21, 2009, Opposers 100 BLACKS IN LAW ENFORCEMENT WHO CARE will move this board for an order pursuant to T.T.A.B Rule 518.01, and 37 C.F.R. § 2.127(b), granting Noel Leader's Motion for Reconsideration for Decision on Motion for the Opposers 100 BLACKS IN LAW ENFORCEMENT WHO CARE and 100 BLACKS WHO CARE, INC., ("hereafter 100 BLACKS").



01-04-2010

Opposers 100 BLACKS will move this board to reconsider the T.T.A.B decision to terminate the above entitled action. The Opposers 100 BLACKS request reinstatement of their action under Opposition No. 91190175, be granted by this board for reasons of a minor corrective procedural error. Pursuant to 37 C.F.R. § 2.127(b) which states in part, *“Any request for reconsideration or modification of an order or decision issued on a motion must be filed within one month from the date thereof,”* this Motion for Reconsideration for Decision on Motion is properly based and it clearly complies with this rule. If Applicant chooses to do so, a brief in response must be filed within 15 days from the date of the service of the request.

STATEMENT OF FACTS

On December 11, 2009, Opposers 100 BLACKS received notice from T.T.A.B by regular U.S. Postal Mail informing Opposers that their opposition has been “dismissed with prejudice,” for “no response by Opposers” to prior correspondence from the T.T.A.B. Opposers 100 BLACKS hereby aver that we never received any prior notice regarding this board’s action on an Order to Show Cause, based on a perceived “apparent loss of interest by Opposers.” It is the Opposers 100 BLACKS understanding from their inquiry to the T.T.A.B on this matter that the alleged notice was sent by regular mail without proof of certification. Opposers 100 BLACKS were first made aware of this action to terminate our opposition on December 11, 2009, on notice dated December 7, 2009, [see attached exhibit].

After Opposers thorough and further review of this matter, Opposers 100 BLACKS assume that T.T.A.B initial interest in our continued action in this case arose

from our former attorney's Motion to Withdraw as Counsel, [see attached exhibit]. As noted in her withdrawal notice, we made the decision to discontinue their services for "financial considerations." However, Applicant MARQUEZ CLAXTON counsel Conor F. Donnelly was well aware that Opposers 100 BLACKS were preceding *pro se* in this matter, as we have been timely and actively trading discovery with counsel in compliance and satisfaction of the T.T.A.B Discovery Schedule until this matter was wrongfully terminated. Thus Opposers 100 BLACKS are prepared to move forward in this matter as directed by T.T.A.B order on this motion. Based upon the aforementioned, reinstatement of Opposers 100 BLACKS opposition should in no way prejudice the Applicant.

CONCLUSION

Opposers 100 BLACKS are vehemently interested in continuing this action and adamantly seek resolution in our opposition to the Applicant MARQUEZ CLAXTON based upon the Opposers 100 BLACKS existing valid New York State Service Mark, similar and identical to the Applicants' trademark application. It is vital that this board reinstate this action as a matter of law. Opposers 100 BLACKS will commit to be more diligent in monitoring the Prosecution History of the TTABVUE Inquiry System to remedy this matter from future errors or misunderstandings.

In connection and support of this motion, annexed are the following documents:

EXHIBIT A: T.T.A.B. Notice to Opposers regarding termination order

EXHIBIT B: Opposers 100 BLACKS former attorney's Notice to Withdraw

EXHIBIT C: Prosecution History of the TTABVUE Inquiry System

EXHIBIT D: TTABVUE Discovery Schedule for this action

WHEREFORE, Opposers 100 BLACKS respectfully request that this motion be granted in reversing the termination decision of the T.T.A.B and to fully reinstate this action in all respects in the interest of justice.

Dated: December 22, 2009
Brooklyn, New York

Respectfully submitted,

/s/ Noel Leader
/by/ Eric Josey
Pro Se Representatives for Opposers
593 Vanderbilt Avenue
Suite 133
Brooklyn, NY 11238
Tel: 917.335.2784
Fax: 718.574.4236

TO: Conor F. Donnelly
Applicants' Counsel
41 Prospect Park SW, Suite 4E
Brooklyn, NY 11215
UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR RECONSIDERATION OF DECISION ON MOTION has been served on applicant's counsel: CONOR F. DONNELLY, ESQ. by mailing said copy to counsel office at 41 Prospect Park SW, Suite 4E, Brooklyn, New York, 11215, via First Class Priority Mail, Delivery Confirmation #9405 5036 9930 0091 7382 32, postage prepaid to: OPPOSERS 100 BLACKS IN LAW ENFORCEMENT WHO CARE, by ERIC JOSEY, *Pro Se Rep.*, at 101 West 130th Street, Suite 4C, New York, New York, 10027.

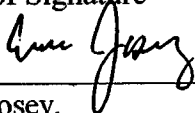
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Priority Mail, Delivery Confirmation # 9405 5036 9930 0091 7382 49, in an envelope addressed to:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

on December 22, 2009

Date of Signature



Eric Josey,
Pro Se Rep. for Opposers
100 Blacks in Law Enforcement Who Care

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

kk

Mailed: December 7, 2009

Opposition No. 91190175

100 Blacks in Law Enforcement Who Care, Inc.;
and 100 Blacks Who Care,
Inc.

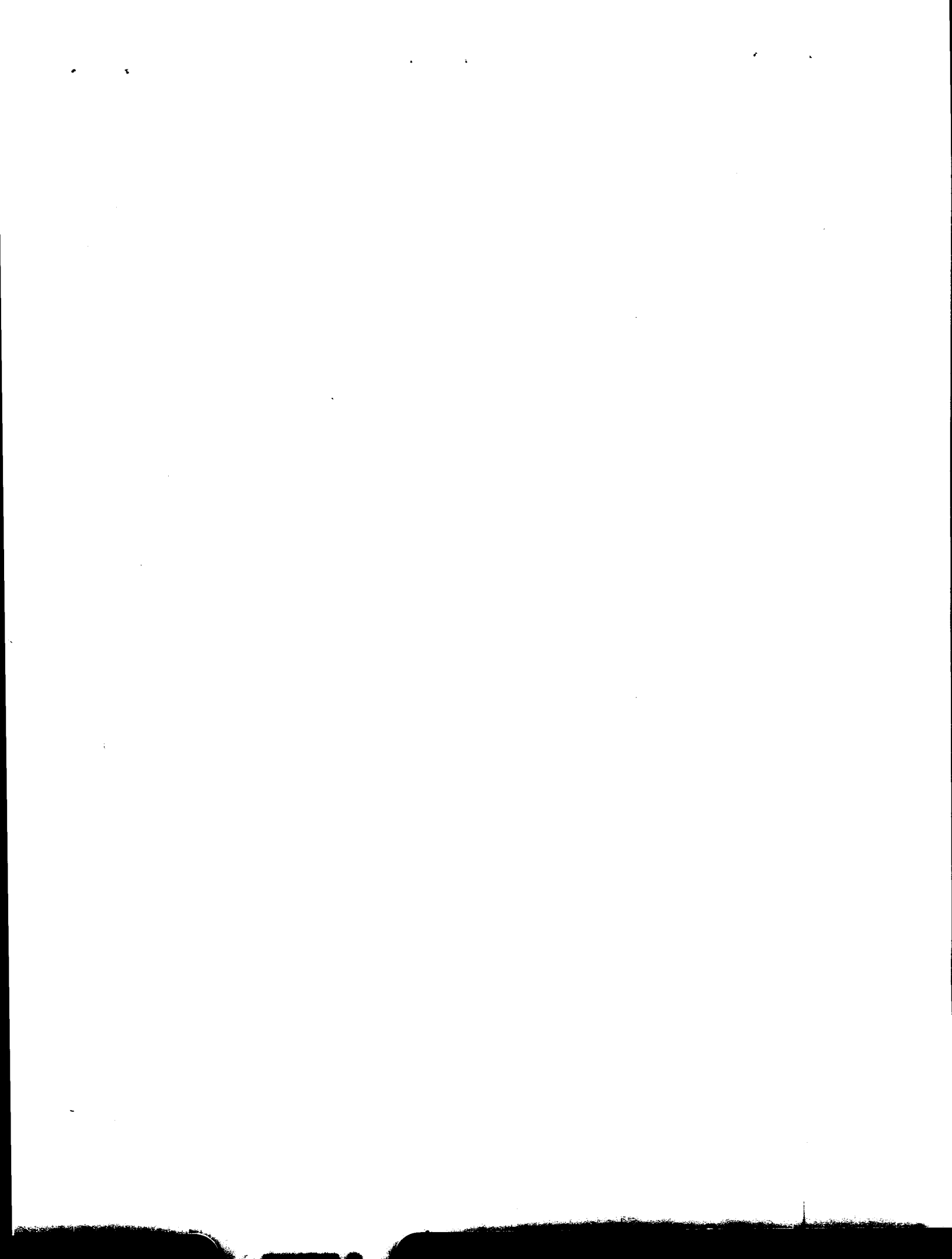
v.

100 Blacks in Law Enforcement Who Care

On October 20, 2009, the Board issued an order to show cause based on opposer's
apparent loss of interest in this case.

Inasmuch as no response to the Board's order has been received, judgment is hereby
entered against opposer and the opposition is dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*



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

**In the matter of Application Number 77626835 for ONE HUNDRED BLACKS IN LAW
ENFORCEMENT WHO CARE** *Published on April 14, 2009*

<p>100 BLACKS IN LAW ENFORCEMENT WHO CARE, INC. AND 100 BLACKS WHO CARE, INC.,</p> <p>Opposers,</p> <p>v.</p> <p>MARQUEZ CLAXTON AND 100 BLACKS IN LAW ENFORCEMENT WHO CARE, an unincorporated association,</p> <p>Applicant.</p>	<p>Opposition No. 91190175</p>
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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
BOX TTAB / FEE

MOTION TO WITHDRAW AS REPRESENTATIVE

PLEASE TAKE NOTICE that, upon the Declaration of Karen Bekker sworn to on August __, 2009, Norris, McLaughlin & Marcus, P.A. ("NMM") will move this Board for an Order pursuant to T.T.A.B. Rule 513.01, and 37 C.F.R. § 10.40(c)(5), granting NMM's Motion to Withdraw as Representative for the Opposer, 100 Blacks in Law Enforcement Who Care, Inc. ("100 Blacks").

Opposer has requested that NMM withdraw as counsel, based on financial considerations. 37 C.F.R. § 10.40(c)(5) provides that "a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is

because The practitioner's client knowingly and freely assents to termination of the employment" As this Motion to Withdraw is based on a request by the Opposer, it clearly meets this standard.

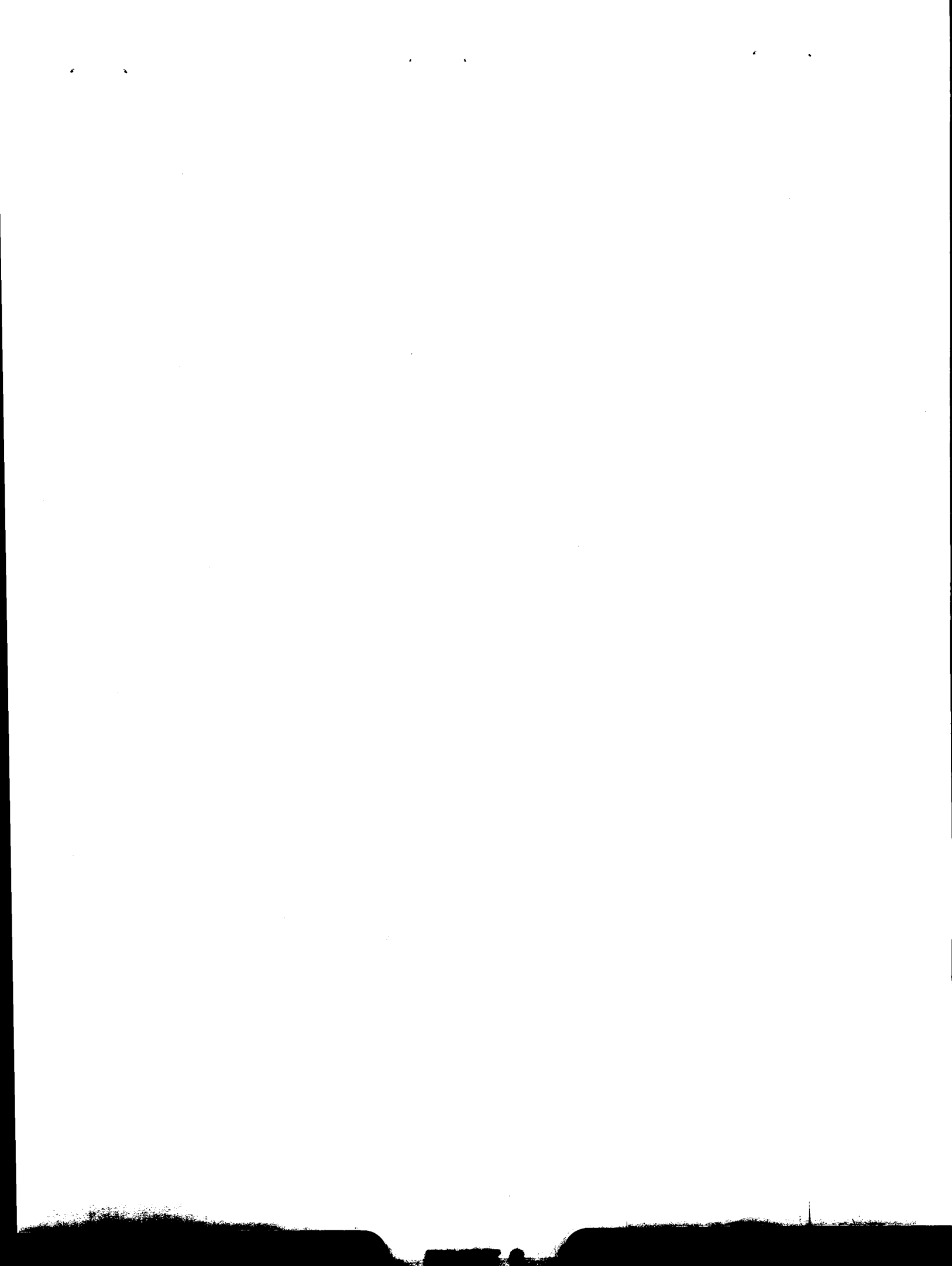
NMM has taken all steps to comply with 37 C.F.R. § 10.40(a). Opposer 100 Blacks has been notified that this Motion is being filed, and has had an opportunity to make other arrangements for representation. All papers and property that relate to the proceeding and to which the client is entitled have been delivered to the client. No part of NMM's fee has been paid in advance.

Therefore, NMM respectfully requests that this application be granted in all respects.

Dated: August __, 2009
New York, NY

Respectfully submitted,

/s/ Karen Bekker
Bruce S. Londa
Karen Bekker
Attorneys for Opposers
Norris, McLaughlin & Marcus, P.A.
875 Third Avenue
New York, NY 10022
Tel. 212.808.0700
Fax. 212.808.0844





TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Opposition

Number: 91190175

Filing Date: 05/13/2009

Status: Terminated

Status Date: 12/07/2009

Interlocutory Attorney: LINDA M SKORO

Name: 100 Blacks in Law Enforcement Who Care

Correspondence: Conor F. Donnelly
41 Prospect Park SW, Suite 4E
Brooklyn, NY 11215
UNITED STATES

Serial #: 77626835

Application File

Application Status: Published For Opposition

Mark: 100 BLACKS IN LAW ENFORCEMENT WHO CARE

Name: 100 Blacks in Law Enforcement Who Care, Inc.; and 100 Blacks Who Care, Inc.

Correspondence: 100 Blacks in Law Enforcement Who Care, Inc.
593 Vanderbilt Ave., Suite 133
Brooklyn, NY 11238
UNITED STATES

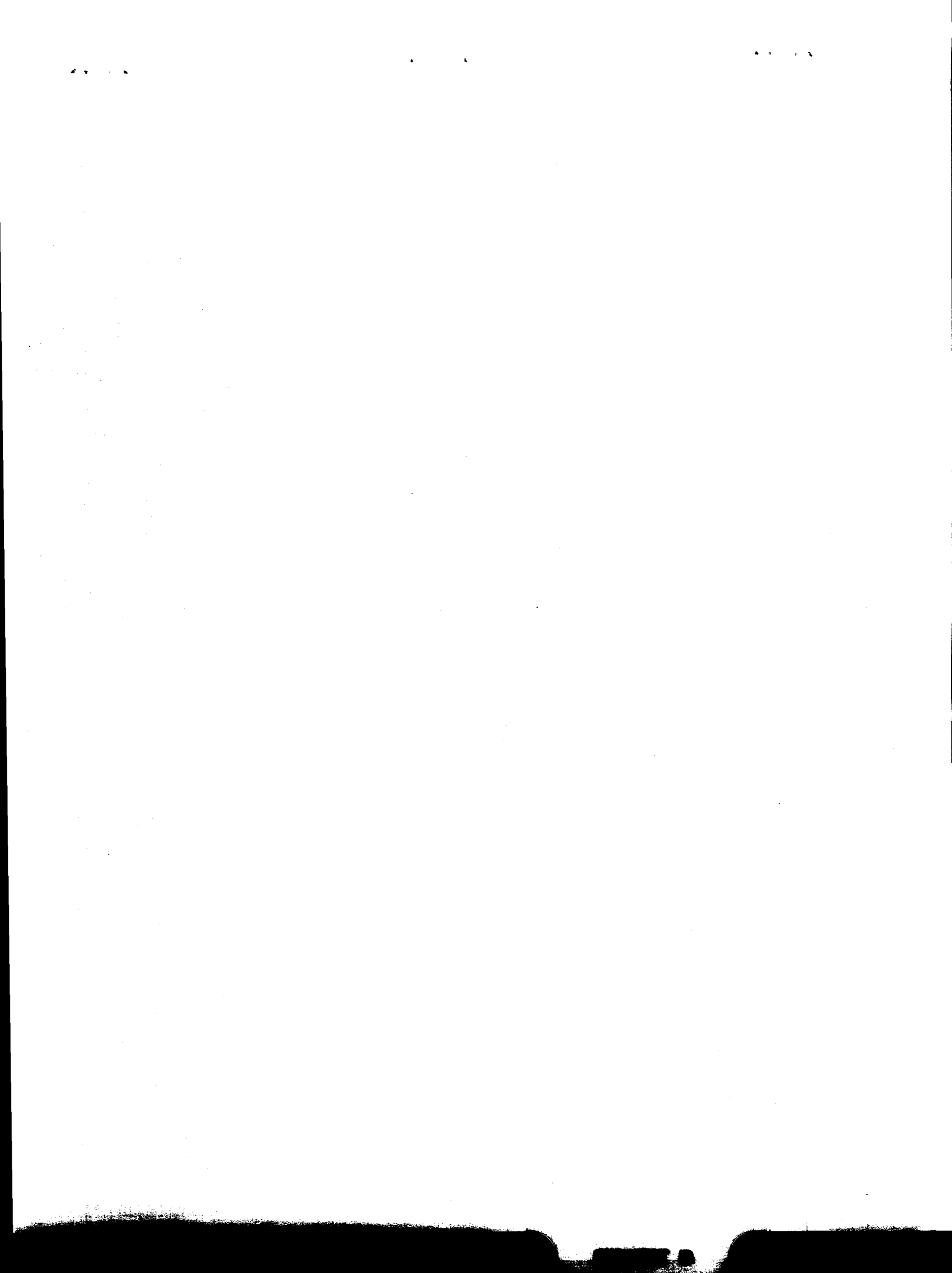
Mark: 100 BLACKS IN LAW ENFORCEMENT WHO CARE

#	Date	History Text	Due Date
10	12/07/2009	TERMINATED	
9	12/07/2009	<u>BD'S DECISION: DISMISSED W/ PREJUDICE</u>	
8	10/20/2009	<u>RESPONSE DUE 30 DAYS (DUE DATE)</u>	11/19/2009
7	09/02/2009	<u>RESPONSE DUE 30 DAYS (DUE DATE)</u>	10/02/2009
6	08/28/2009	<u>P'S REQUEST TO WITHDRAW AS ATTORNEY</u>	
5	06/19/2009	<u>ANSWER</u>	
4	06/19/2009	<u>D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY</u>	
3	05/13/2009	PENDING, INSTITUTED	
2	05/13/2009	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	06/22/2009
1	05/13/2009	<u>FILED AND FEE</u>	

Results as of 12/17/2009 09:34 AM

Search:

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Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address:
<http://ttabvue.uspto.gov/ttabvue/>.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies. See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Time to Answer	6/22/2009
Deadline for Discovery Conference	7/22/2009
Discovery Opens	7/22/2009
Initial Disclosures Due	8/21/2009
Expert Disclosures Due	12/19/2009
Discovery Closes	1/18/2010
Plaintiff's Pretrial Disclosures	3/4/2010
Plaintiff's 30-day Trial Period Ends	4/18/2010
Defendant's Pretrial Disclosures	5/3/2010
Defendant's 30-day Trial Period Ends	6/17/2010
Plaintiff's Rebuttal Disclosures	7/2/2010
Plaintiff's 15-day Rebuttal Period Ends	8/1/2010

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis