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

Proceeding	91190326
Party	Plaintiff TeleTracking Technologies, Inc.
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Submission	Reply in Support of Motion
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Attachments	IDTRAC Reply ISO Opposition to Motion for Judgment.pdf (4 pages)(85455 bytes)

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

In the matter of trademark application Serial No. 77/561,677
For the mark IDTRAC
Published in the Official Gazette on January 20, 2009

TeleTracking Technologies, Inc.,)	
)	Opposition No. 91190326
Opposer,)	
)	
vs.)	
)	
SecurLinx Holding Corporation,)	
)	
)	
Applicant.)	
_____)	

**OPPOSER’S REPLY BRIEF IN SUPPORT OF OPPOSER’S OPPOSITION TO
APPLICANT’S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

TeleTracking Technologies, Inc. (“Opposer”), by and through its undersigned counsel, hereby replies to Applicant’s Reply In Support of Applicant’s Motion for Partial Judgment on the Pleadings, filed on October 5, 2009. Opposer is aware that reply briefs are discouraged. As such, Opposer limits this reply to one remarkable claim put forth in Applicant’s response that could not have been foreseen by Opposer when filing the opposition to the motion. It should be noted that October 25, 2009 fell on a Sunday and thus this response is timely as it is filed on the next business day.

In the reply, Applicant misconstrues for the Board a significant statement made by Opposer in its opposition to Applicant’s motion for partial judgment on the pleadings. On page 3 of Applicant’s reply, Applicant puts forth that Opposer asserts that not one of

the cases cited by Applicant in its entire motion involved a motion for judgment on the pleadings:

Finally, Opposer states that “not one of the cases [cited by Applicant] involves a motion for judgment on the pleadings.” (Opp’n to Mot. 7) On the contrary, *Ava* clearly involves such a motion. *Ava*, 86 USPQ2d at 1661 (“applicant’s motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12 (c) is granted”).

Applicant’s Reply In Support of Applicant’s Motion for Partial Judgment on the Pleadings, p. 3. However, Opposer unmistakably qualified this assertion by referring specifically to the list of cases cited on page 6 of Applicant’s reply, which did not include *Ava* and did not include any cases involving a motion for judgment on the pleadings. See *Opposer’s Opposition*, p. 7.

The cases listed by Applicant on page 6 of the motion were cases Applicant considered directly related to its motion for partial judgment on the pleadings. Thus, Opposer’s statement was clearly pointing out to the Board that not one of these cases involved a motion for judgment on the pleadings. In addition, it is clear that Opposer’s statement did not refer to the entirety of Applicant’s motion because Opposer twice cited *Ava* and, therefore, was well aware that *Ava* involved a motion for judgment on the pleadings. *Opposer’s Opposition*, pp. 2, 4.

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With this reply, Opposer is respectfully offering the Board clarification of Opposer's assertion concerning the cases cited by Applicant on page 6 of the motion in light of the mistaken interpretation provided in Applicant's reply.

Respectfully Submitted,

FERENCE & ASSOCIATES LLC

Dated: October 26, 2009

By: /s/ Stanley D. Ference III

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CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that the foregoing OPPOSER'S REPLY BREIF IN SUPPORT OF
OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS is being electronically filed with:

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

and is being served by first-class mail, postage pre-paid, to:

Michael B. Pallay, Esquire
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this 26th day of October, 2009.

/s/ Stanley D. Ference III
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