

ESTTA Tracking number: **ESTTA359481**

Filing date: **07/22/2010**

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

Proceeding	91195203
Party	Defendant Angel Playing Cards Co., Ltd.
Correspondence Address	NEIL M. ZIPKIN AMSTER ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE, FL 21 NEW YORK, NY 10016-1301 UNITED STATES ptodocket@arelaw.com
Submission	Other Motions/Papers
Filer's Name	Holly Pekowsky
Filer's e-mail	ptodocket@arelaw.com
Signature	/Holly Pekowsky/
Date	07/22/2010
Attachments	Request for Reconsideration - 203 Opposition.pdf ( 6 pages )(230291 bytes )

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

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THE UNITED STATES PLAYING CARD COMPANY,	:	
	:	Opposition No.: 91195203
	:	
Opposer,	:	Application Serial No.: 77/860,456,
	:	77/860,480 and 77/860,502
v.	:	Filing Date: October 29, 2009
	:	Publication Date: April 6, 2010
ANGEL PLAYING CARDS CO., LTD.,	:	Trademark: Designs L, M and N
	:	
Applicant.	:	

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ANGEL PLAYING CARDS CO., LTD.,	:	Cancellation No.:
	:	Registration No.: 48763
Petitioner,	:	Registration Date: January 9, 1906
	:	Trademark: Design
v.	:	
	:	
THE UNITED STATES PLAYING CARD COMPANY,	:	
	:	
	:	
Registrant.	:	

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**REQUEST FOR RECONSIDERATION**

Applicant/Counterclaim Petitioner Angel Playing Cards Co., Ltd. (“Angel”) submits this Request for Reconsideration in response to the Trademark Trial and Appeal Board’s (“the Board”) Order of July 22, 2010, holding that Angel’s Counterclaim to cancel Opposer/Counterclaim Registrant The United States Playing Card Company’s pleaded Registration No. 0048763 will not be considered since the proper fee was not paid.

Angel’s counsel’s records indicate that the proper fee was, in fact paid, and therefore, Angel believes that its Counterclaim should be considered, and respectfully

requests reconsideration of the Board's Order. As indicated in Exhibit 1, the "Validate and Submit" form which Angel submitted through the Board's electronic filing system indicates that a fee of \$300 is being paid. Indeed, it is our understanding that the Board's electronic form for filing a counterclaim will not let you proceed with the filing unless you provide payment online. For example, the only options on the bottom of the "Validate and Submit" form are: (1) going to the "Payment Screen"; (2) going "Back,"; or (3) "Cancel." In other words, there is no option to proceed without first going to the Payment Screen and submitting a payment electronically.

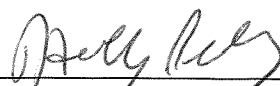
As indicated in Exhibit 2, which is a page from our firm's Deposit Account Statement for the United States Patent and Trademark Office for Account No. 011785, a payment was made in the amount of \$300.<sup>1</sup> The 7401 number on our Statement matches the "fee code" on the "Validate and Submit" form and the 48763 number matches up with the "Property #" on the "Validate and Submit" form.

Based on all of the foregoing, Angel respectfully requests reconsideration of the Board's Order.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Angel Playing Cards Co. Ltd.  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000

Dated: New York, New York  
July 22, 2010

By:   
Anthony F. Lo Cicero  
Holly Pekowsky

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<sup>1</sup> All other entries have been redacted from the Statement.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is one of the attorneys for Applicant/Counterclaim Petitioner Angel Playing Cards Co., Ltd. in the above-captioned opposition proceeding and that on the date which appears below, she caused a copy of the foregoing REQUEST FOR RECONSIDERATION to be served on the attorneys for Opposer/Counterclaim Registrant, The United States Playing Card Company, by first class mail by causing a copy thereof to be placed in a depository under the care and custody of the United States Postal Service, in the State of New York, postage pre-paid, in a wrapper addressed as follows:

Stuart R. Dunwoody, Esq.  
Davis Wright Tremain LLP  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101

  
\_\_\_\_\_

Holly Pekowsky

Dated: New York, New York  
July 22 2010



### Electronic System for Trademark Trials and Appeals

Answer and Counterclaim  
Navigation: [Answers](#) - [Attachments](#) - [File](#) - [Validate](#)

ESTTA v 3.0  
PTO-2151 (Exp. 01/31/2011)  
OMB No. 0651-0040 (Exp. 01/31/2011)

## Validate and Submit

Review the information below and click on the "Submit" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).

**DO NOT USE THE BACK BUTTON ON YOUR BROWSER.**

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<b>Proceeding</b>	91195203
<b>Party</b>	Defendant Angel Playing Cards Co., Ltd.
<b>Correspondence Address</b>	NEIL M. ZIPKIN AMSTER ROTHSTEIN & EBENSTEIN LLP 90 PARK AVE FL 21 NEW YORK, NY 10016-1301  ptodocket@arelaw.com
<b>Submission</b>	Answer and Counterclaim
<b>Filer's Name</b>	Holly Pekowsky
<b>Filer's e-mail</b>	ptodocket@arelaw.com, hpekowsky@arelaw.com
<b>Signature</b>	/Holly Pekowsky/
<b>Date</b>	07/16/2010
<b>Attachments</b>	Opposition No. 91195203.PDF ( 20 pages )(2427348 bytes )

### Registration Subject to the filing

<b>Registration No</b>	48763	<b>Registration date</b>	01/09/1906
<b>Registrant</b>	UNITED STATES PLAYING CAR COMPANY, THE BEECH AND PARK CINCINNATI, OH 45212 UNITED STATES		

<b>Grounds for filing</b>	The registered mark has been abandoned.
	The registration was obtained fraudulently.

**Goods/Services Subject to the filing**

Class U037 (International Class 028). First Use: 1885/00/00 First Use In Commerce: 1885/00/00  
 All goods and services in the class are requested, namely: PLAYING-CARDS

Fee calculated according to USPTO fee table			
<b>Fee code</b>	7401		
<b>amount</b>	300.00		
<b>description</b>	Inter Parte Counterclaim, Electronically Filed		
<b>Property #</b>	48763	<b># of Classes Opposed</b>	1
<b>Total</b>			300.00

**Note: This filing requires a fee**

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07/16/2010 12:04 PM EDT

07/16 14079 48763

03125/0111

7401

\$300.00

\$17,581.00

**Exhibit 2**