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

Proceeding	91201937
Party	Defendant Soft 'N Sleek Inc.
Correspondence Address	M SHNEERSON SOFT N SLEEK INC 719 EASTERN PARKWAY, SUITE 3 BROOKLYN, NY 11213 UNITED STATES davidlipsker@gmail.com
Submission	Motion to Dismiss - Rule 12(b)
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IN THE PATENT OFFICE
TTAB
OPPOSITION NO. 91201937
SLEEK SENSATIONS LLC
VS.
SOFT 'N SLEEK, INC

DEFENDANT'S RESPONSE TO PLAINTIFF'S OPPOSITION TO MOTION FOR
RECONSIDERATION

IT IS IMPORTANT TO NOTE THAT PLAINTIFF HAS NOW REDUCED ITS CONTENTION
FROM ITS ORIGINAL
POSITION THAT "DEFENDANT WAS A PARTY TO ARBIITRATION PROCEEDINGS"
TO "PLAINTIFF HAD A REASON TO BELIEVE THAT DEFFENDANT WAS A PARTY TO
SUCH PROCEEDINGS"

AGAIN PLAINTIFF PROFFERS NO AFFIDAVIT IN SUPPORT OF IT POSITIONS.
DEFFENDANT HAS THROWN AN AFFIRMED AFFIDAVIT INTO THE SCALES. AN
AFFIDAVIT THAT STATES IN NO UNCERTAIN TERMS, THAT,

A. DEFFENDANT WAS NOT A PARTY TO ANY ARBITRATION PROCEEDINGS WITH
PLAINTIFF.

B. DEFFENDANT GAVE NO REASON WHATSOEVER TO PLAINTIFF TO THINK THAT IT
WOULD WITHDRAW ITS APPLICATION TO REGISTER ITS MARK, AS FALSELY
SUGESTED IN THE SECOND REQUEST FOR EXTENTION TO FILE THE OPPOSITION.

C. DEFFENDANT ACTUALLY ADVISED PLAINTIFF PRIOR TO THE FILING OF THE
SECOND EXTENTION TO FILE THE OPPOSITION, THAT IT WOULD NOT CONSIDER
WITHDRAWING THE APPLICATION AT ISSUE HEREIN.

PLAINTIFF'S CONTENTION THAT IT "HAD A REASON TO BELIVE THAT DEFFENDANT
WOULD WITHDRAW ITS APPLICATION IS A MANUFACTURED ALIBI, AS
MANUFACTURED AS ITS CONTENTION THAT APPLICANTS MOTION TO DISMISS THE
OPPOITION WAS UNTIMELY.

APPLICANT RESPECTFULLY STATES THAT PLAINTIFF'S SHANANIGANS SHOULD NOT
BE REWARDED BY THE BOARD, AND, THAT THE OPPOSITION SHOULD BE DISMISSED.
PLAINTIFF WOULD NOT SUFFER SERIOUS DAMAGE, AS IT COULD FILE A
CANCELLATION PROCEEDINGS, WHICH WOULD NOT DAMAGE DEFFENDANTS RIGHTS TO
ITS REGISTRATION AS MUCH AS AN OPPOSITION PROCEEDING.

NOTICE OF SERVICE

DEFFENDANT STATES THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS
PREPARED FOR MAILING / MAILED TO PLAINTIFF'S COUNCEL OF RECORD AT HIS
ADDRESS OF RECORD THIS 12 27 2011

/STEIN/

S STEIN, VP