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

Proceeding	91245118
Party	Plaintiff Audemars Piguet Holding SA
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Submission	Reply in Support of Motion
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Date	01/13/2020
Attachments	91245118-Opposer Reply in Motion to Strike.pdf(97948 bytes)

Audemars Piguet Holding S.A.)	IN THE UNITED STATES
)	PATENT AND TRADEMARK OFFICE
Plaintiff/Opposer)	
)	TRADEMARK TRIAL AND APPEAL BOARD
v.)	
)	
Oakcoins)	APPL. NO. 87/838,976
)	
Defendant/Applicant)	OPPOSITION NO. 91245118
_____)	

OPPOSER’S REPLY IN MOTION TO STRIKE APPLICANT’S ANSWER

Audemars Piguet Holding S.A. ("Audemars Piguet", "Plaintiff", or "Opposer"), hereby replies in its motion to strike Oakcoins’s (“Oakcoins”, “Defendant”, or “Applicant”) answer filed on November 27, 2019, and states:

I. APPLICANT’S RESPONSE TO THE MOTION IS UNTIMELY.

Applicant’s response to Opposer’s motion is untimely and thus should not be considered. Applicant’s response was filed on January 6, 2020, which is well beyond 20 days after Opposer’s November 29, 2019 motion. 37 C.F.R. § 2.127. Applicant did not request a time extension, either before or after the response deadline had passed. Fed. R. Civ. P. 6(b).

II. APPLICANT’S RESPONSE ALSO FAILS FROM A SUBSTANTIVE AND PROCEDURAL STANDPOINT.

Applicant’s response fails to address any of Opposer’s arguments in the motion. The response fails to dispute that Applicant’s November 27, 2019 filing does not meet the requirements for an answer; fails to dispute that Applicant did not request leave to amend its answer as required; and fails to dispute that Opposer will be prejudiced if

Applicant's answer is accepted. Instead, Applicant's response to the motion merely repeats the same few, brief sentences which were contained in Applicant's numerous deficient answers filed in this proceeding.

In addition, Applicant's response contains no caption, as required by Fed. R. Civ. P. 10(a) and discussed in TBMP § 311.01(a). There is also no Rule 7(a) designation, as also required by Fed. R. Civ. P. 10(a). The filing, as served, is also not signed as required by Fed. R. Civ. P. 11 and discussed in TBMP § 311.01(b). The mere printing of a name does not constitute a signature.

The filing also does not include a description of the capacity in which the signing individual signs, as discussed in TBMP § 311.01(a). Finally, the certificate of service is also defective, because it states "a copy of the foregoing to answer the Defendant has been served to the Opposer Royal Oak". This is improper in two respects: first, the filing is not to answer the defendant, because the defendant is Oakcoins. Second, the Opposer is not Royal Oak.

CONCLUSION

For all the above reasons, Opposer's motion should be granted, and Applicant's November 27, 2019 answer stricken.

Respectfully submitted,

/John A. Galbreath/
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Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Reply in Motion to Strike and referenced attachments, if any, were served by e-mail on the applicant OAKCOINS at the following correspondence email address:

coins@oakcoins.com

13 January 2020

/John A. Galbreath/
John A. Galbreath