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

Proceeding	91255260
Party	Plaintiff STX Financing, LLC
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Submission	Reply in Support of Motion
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Signature	/Paul A. Bost/
Date	10/14/2020
Attachments	Reply Brief ISO Motion to Strike Allegations in Counterclaim - STX Fi nancing v. Bad Mommy.pdf(10295 bytes )

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

<p><i>In re Matter of Application No. 87/775,019 for the mark: <b>BAD MOMMY</b> in Class 41</i></p> <p>STX Financing, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>Bad Mommy LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91-255260</p> <p><b>COUNTERCLAIM REGISTRANT STX FINANCING, LLC’S REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE</b></p>
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Since Opposer and Counterclaim Registrant STX Financing, LLC (“Registrant”) filed its motion to strike on September 8, 2020 (14 TTABVUE), Applicant and Counterclaim Petitioner Bad Mommy, LLC (“Petitioner”) filed amended counterclaims belatedly and without leave of the Board to do so. 19 TTABVUE 7-9. The amended counterclaims materially amend the allegations at issue in the motion to strike, thereby mooted it. Specifically, Petitioner *now* alleges that Get Khosla, LLC (“Get Khosla”) purportedly assigned Petitioner’s BAD MOMMY mark on June 26, 2017 (19 TTABVUE 8), whereas before Petitioner alleged that Get Khosla licensed the BAD MOMMY mark to Petitioner. 12 TTABVUE 7. Registrant reserves its right to contest the validity of the alleged assignment and to construe the original allegation as an admission by Petitioner.

Finally, Registrant will respond to the amended counterclaims after the Board lifts the suspension (18 TTABVUE) and sets a response deadline.

Respectfully submitted,

Dated: October 14, 2020

/Jill M. Pietrini/  
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**CERTIFICATE OF E-FILING**

I hereby certify that this **COUNTERCLAIM REGISTRANT STX FINANCING, LLC'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE** is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 14<sup>th</sup> day of October, 2020.

/Paul A. Bost/  
Paul A. Bost

**CERTIFICATE OF SERVICE**

I hereby certify that this **COUNTERCLAIM REGISTRANT STX FINANCING, LLC'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE** is being sent by electronic mail addressed to lalita@badmommyedibles.com, sarah@badmommyedibles.com, and lalitakhosla@gmail.com on this 14<sup>th</sup> day of October, 2020.

/Paul A. Bost/  
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