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

Proceeding no.	91269040
Party	Plaintiff Rheynard Howard (Presidential Wear, LLC)
Correspondence address	RHEYNARD HOWARD RHEYNARD HOWARD (PRESIDENTIAL WEAR LLC) PO BOX 20011 HOUSTON, TX 77225 UNITED STATES Primary email: presidential@presidentialbrand.com No phone number provided
Submission	Other Motions/Submissions
Filer's name	Rheynard Howard
Filer's email	presidential@presidentialbrand.com
Signature	/Rheynard Howard/
Date	05/25/2022
Attachments	Motion To Compel Discovery Response.pdf(199553 bytes) Discovery and Extended Discovery.pdf(114106 bytes)

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

Presidential Wear, LLC)
a Texas limited liability company,))
Opposer,)
)
v.)
)
FREELIFE7, LLC)
a Louisiana limited liability company,))
Applicant.)
_____)

Opposition No.: 91269040
Application No.: 90/135,451

**RHEYNARD HOWARD’S REPLY BRIEF TO FREELIFE7, LLC’S RESPONSE TO
OPPOSER’S MOTION TO COMPEL DISCOVERY RESPONSES AND MOTION FOR
SANCTION**

PRESIDENTIAL WEAR, LLC (Opposer) files this Reply in Opposition to FREELIFE7, LLC (Applicant) response to opposer motion to compel discovery responses and motion for sanctions.

Opposer hereby adopts the arguments and summary of material facts contained in the number paragraphs in the substantive Motion as if same is set forth fully herein. Opposer further relied on all the records and exhibits cited before this Board and urge this Bord to discountenanced the arguments of the Applicant.

Though, the Applicant failed to channel it argument chronological in order of the issues presented; it seems at a point it sought to set aside the earlier Board’s Decision granting extension

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of time and at a point it seeks to the Board to reconsider and or it conclusory arguing that Opposer's Motion is untimely, and or it was not aware of the Motion. Applicant has failed to satisfy the prerequisites for such relief.

Must issues formulated appear to have been abandoned and hereby deemed waived. Although they make numerous issues alleging that Opposer had gained the extension of discovery from the Board based on a false statement by Opposer in its filing regarding consent. This allegation is misleading. Applicant failed to substantiates this allegation with evidence, neither supported by legal argument and authority. If a party fails to support issues presented with legal arguments, they will not be considered. *Schmidt v. Cornerstone Invs., Inc.*, 115 Wn.2d 148, 795 P.2d 1143 (1990).

The party seeking relief from a judgment bears the burden of demonstrating he satisfies the prerequisites for such relief. *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). A motion to reconsider is not a second opportunity for the losing party to make its strongest case or to dress up arguments that previously failed. *Voelkel v. Gen. Motors Corp.*, 846 F.Supp. 1482, 1483 (D.Kan.)

A cursory look at the Appeaser's April 14, 2022's NOTICE OF MOTION TO REOPEN DISCOVERY, AND EXTEND DISCOVERY document was never filed as a consented agreement. Neither did Applicant failed to make this argument in its initial opposition to Opposer's NOTICE OF MOTION TO REOPEN DISCOVERY, AND EXTEND DISCOVERY. Applicant is bringing this argument for the first time when it learnt that Opposer filed this motion to sanction and to compel discovery. A copy of the Motion is attached as exhibit before this Board.

Applicant is making this false allegation to make the Board believed that the Order was

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obtained by false.

Applicant has not made herculean efforts to produce responsive documents as promptly as practicable and have not produced all responsive documents at this juncture.

Applicant has failed to exonerated itself while it failed to timeously file it Responses to Opposer's Discovery Request.

On April 14, 2022 Opposer filed a motion to extend disclosure, and limited discovery, and trial dates. On April 16, 2022 the Board through Victoria von Vistauxx, Paralegal Specialist extended disclosure, discovery, and trial dates, pursuant to Trademark Rule 2.127(a) as good cause shown. Opposer never, stated in its Motion to extend disclosure, and limited discovery, and trial dates that it is a consented motion, rather it sought the leave of the Board for an extension which was graciously granted by the Board. On April 20, 2022, the Opposer timeously filed a request for production of document, Interrogatories, and request for admission, these were mailed to the Applicant on same date.

Applicant misconstrue the facts when it stated in its Response that the current status of this case involves Applicant Freelif7, LLC's response to Opposer's Motion to Reopen Discovery, and Extend Discovery, filed in a timely fashion on April 21, 2022. While this is not true, the current status of this case is for Applicant to file their responses to Opposer's Discovery Requests such as; notice for production of document, Interrogatories, and request for admission, these were filed and mailed to the Applicant on April 20, 2022.

Opposer PRESIDENTIAL WEAR, LLC filed this current motion for sanction compelling Applicant FREELIFE7, LLC to respond to discovery requests and sanction for failure to obey the

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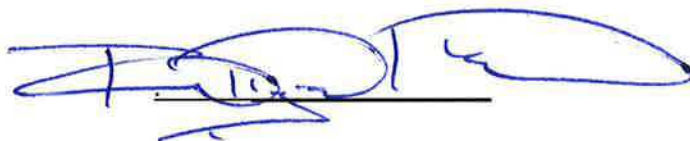
board's Order extending disclosure, discovery, and trial dates, dated April 16, pursuant to Trademark Rule 2.127(a).

August 30, 2021, the Board granted Opposer' Counsel request to withdraw as an attorney of record for Opposer. That, ever since, the Opposer chooses to represent itself in this proceeding. Opposer has made numerous attempts, albeit largely unsuccessfully, to obtain discovery from Applicant prior to and preceding after the disengagement of it counsel.

CONCLUSION

For all of the reasons set forth in the foregoing law and argument, Opposer requests this Board to discountenance the Applicant's argument and compelling Applicant to answer fully, and produce all documents and tangible things in response to, all of Opposer's document requests and Sanction Applicant for disrobing Board's Order.

Respectfully submitted, this May 24, 2022



Rheynard Howard
(Pro se) Presidential Wear, LLC
PO Box 20011 Houston,
TX 77225

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CERTIFICATE OF TRANSMITTAL

I hereby certify that on May 24, 2022, a true copy of the foregoing Reply to Applicant's Response to Opposer's Motion to Compel Discovery and Sanction is being served upon interested counsel via the email address shown below.

SERVICE LIST

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Attorney for Applicant



Rheynard Howard

Handwritten note: Filed 5/24/22

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Opposition No.: 91269040
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**REPLY TO FREELIFE7, LLC RESPONSE TO OPPOSER’S MOTION TO REOPEN
DISCOVERY, AND EXTEND DISCOVERY**

Applicant purported to file a response on May 21, 2022 after the board had granted Opposer’s Motion extending discovery and resetting the trial date.

The finality of the Board’s decision should not be disbursed and under this rule require the court to balance the interest in finality of judgments, which “should not lightly be disturbed”, and the desire to achieve justice. The United States Patent and Trademark Office is mandated to do equity by its procedural rules, and equity allows this board to extend discovery for the purpose of doing justice to the case. Opposer had earlier demonstrated that Applicant did not provide Opposer with the means to develop the full factual record during the period of his self-representation, which he requires to adequately prepare for and proceed to trial.

Further, this case has not been properly discovered, despite Opposer’s diligence, and Opposer will be severely prejudiced if he is forced to proceed to trial without discovery.

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Reopening discovery, and or extension of time cannot be overemphasize, because Opposer will use the services of experts - for writing an expert opinion as well as conducting consumer confusion surveys, which may consume time and the means to access these data were difficult as the discovery were not available to Opposer including Opposer's busy travel schedule – which also necessitated the extension.

Applicant's conduct was an attempt to delay discovery by its opposition after the Board has granted extension.

Applicant claims in its Response based upon which they assert the judgment entered by the Board in this action should be re-opened, is not founded on any justifiable grant.

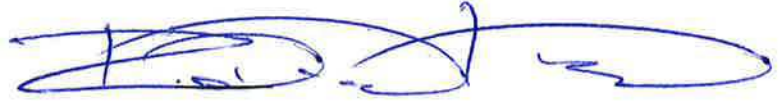
On April 14, 2022 Opposer filed a motion to extend disclosure, and limited discovery, and trial dates. On April 16, 2022 the Board through Victoria von Vistauxx, Paralegal Specialist extended disclosure, discovery, and trial dates as good cause shown.

After five days later when the board had granted the extension for the discovery, Applicant now filed a document attempting to oppose the April 14, 2022 motion to extend disclosure, and limited discovery, and trial dates claiming that it was not aware of the motion. Whereas, Opposer timeously filed it motion on April 14,2022 and served the Applicant, the motion extending discovery on the same date. Applicant was aware of this motion and failed to respond. Even though, it timeously responds, equity demands the grant of the motion to extend discovery.

Applicant's conduct is an abuse of the proceedings of the Board; Applicant has failed to comply with the Board's April 16, 2022 Order extending discovery and Applicant be sanctioned. See *Fifth Generation Inc. v. Titomirov Vodka LLC*, 2019 USPQ2d 418666 (TTAB 2019).

Absent a Board order, Applicant Freelif7, LLC will likely continue to leverage its near-limitless legal and financial resources to obstruct Opposer's discovery requests.

Respectfully submitted, this May 24, 2022

A handwritten signature in blue ink, appearing to read 'R. Howard', written in a cursive style.

Rheynard Howard

(Pro se) Presidential Wear, LLC

PO Box 20011 Houston,

TX 77225

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