

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

In the Matter of Registration No, 3,913,147
For the mark: SQRAT
Registered: February 1, 2011

TTAB

FOX ENTERTAINMENT GROUP, INC.)
and TWENTIETH CENTURY FOX FILM)
CORPORATION)
)
Petitioners,)
)
- v.)
)
SILBERSTEIN AND SILBERSTEIN LLC)
AND IVY SILBERSTEIN,)
)
Registrant.)
)

Cancellation No. 92056259

**BRIEF IN RESPONSE TO MOTION FOR LEAVE TO AMEND
AND FOR ENLARGEMENT OF TIME AND REPLY
BRIEF IN SUPPORT OF MOTION TO DISMISS**

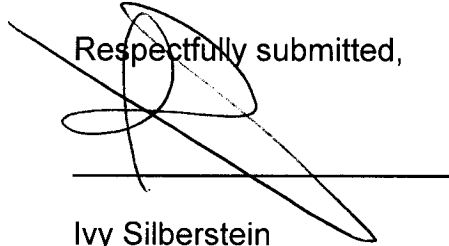
Registrant, Ivy Silberstein ("Silberstein") respectfully opposes Petitioners' Motion for Leave to Amend and for Enlargement of Time. In her motion to dismiss, Silberstein specifically requests that the Petition for Cancellation be dismissed with prejudice and that Petitioners not be provided with an opportunity to re-plead or re-file a Petition for Cancellation. This is because Petitioner previously filed an opposition proceeding against the application which later matured into the trademark registration which is now the subject of this cancellation petition. As previously indicated, that opposition was dismissed by the Board with prejudice seven years after the opposition proceeding was filed. Petitioner should not be permitted to re-litigate its previous opposition which was dismissed with prejudice after Registrant was forced to expend the immense time and expense of seven years of litigation.

The provisions of the law cited by Petitioners, i.e., TMEP §1609.10 and 15 U.S.C. § 1057(a), do not relate to inter partes proceedings before the Board.

CONCLUSION

For the reasons set forth above and previously stated, the Board should dismiss the subject Petition for Cancellation with prejudice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ivy Silberstein', is written over a horizontal line. The signature is stylized and somewhat cursive.

Date: January 7, 2013

Ivy Silberstein
Registrant

1 Irving Place
Suite P-201
New York, NY 10003

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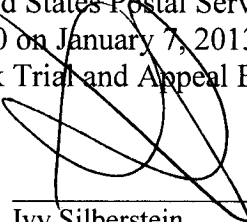
- v.)

SILBERSTEIN AND SILBERSTEIN LLC)
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Registrant.)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this BRIEF IN RESPONSE TO MOTION FOR LEAVE TO AMEND AND FOR ENLARGEMENT OF TIME AND REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" pursuant to 37 C.F.R. § 1.10 on January 7, 2013 and is addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, P.O Box 1451, Alexandria, VA 22313-1451.



Ivy Silberstein

Express Mail No.: *EG 348199005 US*

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the BRIEF IN RESPONSE TO MOTION FOR LEAVE TO AMEND AND FOR ENLARGEMENT OF TIME AND REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS was served upon counsel for Petitioners by depositing the same in the U.S. Mail, first-class postage prepaid, on January 7, 2013, in an envelope addressed to:

Tamara F. Carmichael
Jonathan Zavin
Loeb & Loeb LLP
345 Park Avenue
New York, New York 10154



Ivy Silberstein