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

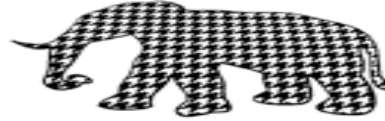
Proceeding	92057550
Party	Defendant Richard Diaz
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Submission	Other Motions/Papers
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Date	06/26/2014
Attachments	Opposition to Motion for Leave to file Second Amended Petition to Cancel.pdf(148258 bytes)

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

BOARD OF TRUSTEES OF THE)
UNIVERSITY OF ALABAMA and)
PAUL W. BRYANT, JR.,)
)
Petitioners,)
)
v.)
)
RICHARD DIAZ,)
)
)
Registrant.)

Cancellation No.: 92057550

Mark:



Registration No.: 3993520

**REGISTRANT’S OPPOSITION TO PETITIONERS’ MOTION FOR LEAVE
TO FILE SECOND AMENDED PETITION TO CANCEL**

COMES NOW the Registrant, Richard Diaz, and sets forth the following grounds in opposition of Petitioners’ Motion for Leave to file a Second Amended Petition to Cancel:

1. The Petitioners’ initial Petition to Cancel was filed with the Board on July 11, 2013. Thereafter, Petitioners filed a Motion for Leave of Court to File a First Amended Petition to Cancel on April 25, 2014. The Board granted the motion on June 3, 2014.

2. Petitioner’s Motion for Leave to File a Second Amended Petition to Cancel was filed on June 6, 2014 on the basis of Fed. R. Civ. P. 15(a) and TBMP §507.01. The substance of the proposed Second Amended Petition to Cancel concerns the University of Alabama’s acquisition of the federal application for the mark HOUNDSTOOTH MAFIA & design (Serial NO. 77/342,852) (“the Houndstooth Mafia Mark”).

3. Pursuant to Fed. R. Civ. P. 15(a) and TBMP § 507.01, the time has passed for Petitioners to amend their petition as a matter of course. Nearly an entire year has lapsed between the filing of the initial Petition to Cancel and motion subject to this opposition. Likewise, by rule, Petitioners are allowed only one amendment as a matter of course and have already been granted leave to amend the petition once outside of the permitted statutory period. Furthermore, the Registrant does not give his consent to such an

amendment. Moreover, the Registrant would be prejudiced by such an amendment and justice does not require it.

Dated: June 26, 2014.

Respectfully submitted,

/s/ Michael J. Douglas
Michael J. Douglas
Attorney for Registrant

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing pleading upon all counsel of record, via email on this the 26th day of June, 2014. A copy will additionally be mailed via first class mail, postage prepaid, on June 27, 2014, to:

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s/ Michael J. Douglas
Attorney for Registrant

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing OPPOSITION TO MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT is being filed electronically with the TTAB via ESTTA on this day, June 26, 2014.

s/ Michael J. Douglas
Attorney for Registrant