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

Proceeding	91254264
Party	Defendant Ispira Srl
Correspondence Address	JASON L DEFRANCESCO HILL WALLACK LLP 21 ROSZEL RD PRINCETON, NJ 08540 UNITED STATES jdefrancesco@hillwallack.com, ipdocket@hillwallack.com 609-734-6360
Submission	Opposition/Response to Motion
Filer's Name	Jason DeFrancesco
Filer's email	jdefrancesco@hillwallack.com
Signature	/Jason DeFrancesco/
Date	05/18/2020
Attachments	Response to extension.pdf(63670 bytes ) Emails.PDF(174077 bytes )

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

M2BPens Florida LLC,

Opposer,

v.

Ispira Srl,

Applicant.

Opposition No.: 91254264

**APPLICANT'S RESPONSE TO  
OPPOSER'S MOTION FOR EXTENSION OF TIME**

Opposer requests additional time to respond to Opposer's Motion to Dismiss. Subject to the motion, Opposer improperly states "Applicant refused to consent." The false light is out of context and without merit. Under the circumstances, the undersigned could not get authorization from Applicant in Italy, within the time demanded by Opposer. Applicant did not refuse. Attached are communications.

**BACKGROUND**

On December 2019, Opposer sent Applicant a cease and desist letter. The letter accused Applicant of patent infringement for a pen design. Although Opposer has no patent, if Applicant did not agree to demands, Opposer would bring a TTAB proceeding to tie-up Applicant's application in the US and require Applicant to incur avoidable legal expenses outside its country. (Applicant's application is an extension of protection, under Section 66(A)). On December 2019, Opposer filed its own 1(b) application with the USPTO to register a same LEONARDO for pens as Applicant. The application was filed by wife of Opposer's sole-owner, using her maiden name and a different address.

On January 2020, Opposer filed its Notice of Opposition.

The Opposition alleges,

(1) Even though Opposer has an application pending for LEONARDO on pens, LEONARDO is descriptive for pens and should not register to Applicant.

(2) Even though Opposer has an application pending for LEONARDO on pens, LEONARDO creates a false association with Leonardo da Vinci for pens and should not register to Applicant.

(3) Even though there is no use requirement for trademark applications pending with the USPTO under Section 66(A), Opposer alleges Applicant defrauded the USPTO or abandoned its mark because Applicant did not have use when the IB transmitted the International Application to the USPTO.

(4) Even though Applicant has an Italian trademark registration, which allows Applicant to use ® in US commerce, Opposer incorrectly concludes this is misuse of the registration symbol.

The Opposition is fatally defective and without merit. The sole purpose is to harass Applicant and use the TTAB as a vehicle for leverage in an unrelated “patent” dispute.

Notwithstanding, Applicant does not enter an objection, but respectfully requests the Board determine appropriateness of the request under the circumstances.

Dated: May 18, 2020

Respectfully submitted,  
Hill Wallack LLP

By: /Jason DeFrancesco/  
Jason DeFrancesco  
21 Roszel Rd.  
Princeton, NJ 08540  
(609) 734-6360

Attorneys for Applicant,  
Ispira Srl

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on this day via e-mail upon Kaustubh Nadkarni <[ip@nadkarnilaw.com](mailto:ip@nadkarnilaw.com)> on May 18, 2020.

/Jason DeFrancesco/  
Jason DeFrancesco

**Jason L. DeFrancesco**

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**From:** Kaustubh Nadkarni <ip@nadkarnilaw.com>  
**Sent:** Thursday, May 14, 2020 2:01 PM  
**To:** Jason L. DeFrancesco <jdefrancesco@HillWallack.com>  
**Cc:** IPDocket <ipdocket@HillWallack.com>  
**Subject:** Re: M2B Pens v Ispira, TTAB 91254264 (Leonardo Officina Italiana, Serial No. 79247573)

**FRE 408**  
**Settlement Purposes Only**

Jason,

Its rather unfortunate that you and your client could not reciprocate and extend the same professional courtesy of consent to extension of time. Please see receipt of our filing.

We ask that you do not threaten us again with your baseless comments on harassment and gamesmanship. They have no merit as far as the case or our client is concerned. However, in the unlikely event that such meritless statements are made to tarnish our client's reputation, please be advised that M2B Pens is fully prepared to respond against your client as well.

[REDACTED]

Thank you.

Best Regards,

Kaustubh Nadkarni, Esq.

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**From:** Jason L. DeFrancesco <jdefrancesco@HillWallack.com>  
**Sent:** Thursday, May 14, 2020 11:21 AM  
**To:** 'Kaustubh Nadkarni' <ip@nadkarnilaw.com>  
**Cc:** IPDocket <ipdocket@HillWallack.com>  
**Subject:** RE: M2B Pens v Ispira, TTAB 91254264 (Leonardo Officina Italiana, Serial No. 79247573)

Kaustubh.

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