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

Proceeding	92061245
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THREE DAUGHTERS INTERNATIONAL LLC

Petitioner,

v.

NDOEMA

Registrant .

Cancellation No. 92061245
Registration No. 3,316,938

**REGISTRANT’S REPLY IN SUPPORT OF HER MOTION TO STRIKE
PETITIONER’S OPPOSITION TO MOTION TO QUASH NOTICE OF DEPOSITION
AND CROSS-MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS**

I NDOEMA (“Registrant”), hereby file this Reply in support of my Motion to Strike Petitioner’s Opposition to Motion to Quash Notice of Deposition and Cross-Motion to Compel Discovery and for Sanctions.

My Motion to Quash was filed on October 22, 2017. Therefore, the 20-day deadline for the filing of Petitioner’s Opposition was **November 11, 2017**. Consequently, and contrary to Petitioner’s patently false claims, the due date for Petitioner’s Opposition to my Motion to Quash was neither November 14, 2017 (as Petitioner falsely alleges in its November 14 Opposition), nor November 13, 2017 (as Petitioner yet again falsely and shamefully attempts to argue in its December 4 Opposition).

Petitioner does not and cannot justify its **3-day late** filing. Indeed Petitioner’s 3-day late Opposition is **unequivocally and inexcusably untimely**. Consequently, and pursuant to TBMP § 517, Petitioner’s Opposition must be **stricken**.

I find it inconceivable that Petitioner’s desperate legal gamesmanship and ongoing contemptible tactics could sink so low that I should be forced to argue about kindergarten math.

As for Petitioner’s violative Cross-Motions to Compel and for alleged “Sanctions,” Petitioner failed entirely to legally substantiate any its claims. Instead Petitioner merely rehashes the same pointless arguments, the same patently false representations, the same baseless slanderous attacks and the same legally improper demands that the Board should somehow rule in violation of its very own Order of November 1, 2017, in violation of the TTAB rules and in violation of the Federal Rules of Civil Procedure.

Clearly, Petitioner's Opposition and Cross Motions must all be **stricken**, and my Motion to Quash Notice of Deposition must be **granted as conceded**.

I. PRELIMINARY STATEMENT

Petitioner failed entirely to justify its inexcusable **3-day late filing**.

Indeed, my Motion to Quash was filed on October 22, 2017. Therefore, and contrary to Petitioner's preposterous claims, the 20-day deadline for the filing of Petitioner's Opposition was **November 11, 2017**. Even a five year old can figure that out. However, apparently Petitioner shockingly believes that the Board cannot count to 20.

I personally wholly trust that the Board is indeed capable of adding up the numbers and ascertaining that (1) Petitioner's Opposition dated November 14 was filed 3 days past its November 11, 2017 deadline (contrary to Petitioner's astoundingly false claim that 20 days from October 22, 2017 is allegedly November 13); and (2) that my Motion to Strike is fully compliant with TBMP § 517, and therefore must be granted.

Petitioner's revolting blame-shifting tactics alleging that the TTAB itself should purportedly be held accountable for Petitioner's own inexcusable violation of TBMP § 502.02, Petitioner's unjustified and unjustifiable 3-day late filing, Petitioner's ludicrous **fabricated story of alleged "ESTTA malfunction"** and Petitioner's inane purported "six-minute delay" that never was (and never could be), are all utterly appalling and down right insulting to the Board.

Clearly Petitioner's consistent showing of **bad faith** is reaching new heights. Regardless Petitioner's preposterous antics are utterly pointless.

Indeed Petitioner's *fraught-with-lies* Opposition is not only disgraceful but it is entirely moot in that the entirety of Petitioner's arguments against my Motion to Strike rests solely on the fabricated story of a **fictitious "six-minute delay"** and the patently false claim that Petitioner's Opposition was purportedly "due on November 13, 2017," when it is indisputably not the case. *See Opposition of 12/04/2017 at II. ¶ 1*

It goes without saying that Petitioner's preposterous arguments (including the handful of non-precedential rulings Petitioner hopelessly throws in to somehow lend its fatuous fabrications with some false semblance of legal authority) are therefore not only meritless but also entirely moot.

Truly ironic that Petitioner should feel entitled to amp up its contemptible Opposition by unduly lashing out at me with slanderous accusations, patently false allegations of purported discovery evasion attempts, and ludicrous "legal gamesmanship" claims, especially so in light of Petitioner's indefensible violative conduct, and given the fact that all I have done is simply move to strike Petitioner's several-days-late brief in **full compliance** with TBMP § 517 and diligently sought to uphold my legal rights

against the pervasiveness and egregiousness of Petitioner's discovery violations in **full compliance** with TBMP § 404.03(b).

In spite of Petitioner's best effort to distract from the obvious, the simple truth remains that Petitioner's **3-day late brief is unequivocally and inexcusably untimely**. Consequently, and pursuant to TBMP § 517, Petitioner's Opposition must be **stricken**.

Furthermore, pursuant to Trademark Rule 2.127(d); pursuant to the TTAB Suspension Order of November 1, 2017; and pursuant to TBMP § 404.03(b); Petitioner's violative Cross Motions to Compel Testimony Deposition and Production of Documents and Petitioner's Motion for alleged "Sanctions" **must all be stricken as well**.

I therefore respectfully request that my Motion to Quash Notice of Deposition be **granted as conceded**.

II. PETITIONER'S 3-DAY LATE FILING IS UNJUSTIFIED AND INEXCUSABLE

1. Petitioner's "six-minute delay" argument is completely and utterly moot

The entirety of Petitioner's arguments against my Motion to Strike rests solely on a **fabricated "six minute delay" that never was** (and never could be) given the fact that Petitioner's Opposition brief was due by November 11, 2017, not November 13 as Petitioner falsely argues. Therefore the entirety of Petitioner's arguments in its Opposition (at III. A to E) is completely and utterly **moot**.

Petitioner does not once attempt to argue that its 3-day late Opposition should not be stricken, simply because Petitioner cannot do so. Instead, Petitioner (in an appalling show of bad faith) manufactures a fictitious purported "six-minute delay" and **argues in vain on the basis of a patently false factual representation**.

Clearly Petitioner's arguments are entirely moot, therefore the Motion to Strike must be granted.

2. Petitioner failed entirely to justify its 3-day late filing

Petitioner does not once attempt to justify its 3-day late filing. Indeed Petitioner's 3-day late filing remains **utterly unexplained and unexplainable**.

As already stated, Petitioner's desperate last-ditch effort to (unsuccessfully) attack my wholly compliant Motion to Strike is utterly in vain in that the entirety of Petitioner's arguments **relies exclusively** on the blatantly false premise of an alleged November 13 deadline and a purported "six-minute delay," however both are pure fiction.

Indeed Petitioner's ludicrous "six minute delay" fabrication is entirely pointless and clearly it is but a mere exercise in distraction from the inescapable fact that Petitioner simply **cannot justify why Petitioner's team of five (5) litigation attorneys waited for days** past the November 11, 2017 due date before filing Petitioner's inexcusably late Opposition of November 14.

Petitioner's Opposition of December 4, 2017, is not only utterly pointless but it is an intolerable waste of the TTAB's time and resources.

Clearly, it is indisputable that Petitioner failed entirely to justify its 3-day late filing, therefore the Motion to Strike must be granted.

3. Petitioner acted in bad faith

Petitioner has not and cannot attempt to argue that its **3-day late** filing is allegedly "excusable" because it is clearly not the case. Furthermore, though Petitioner attempts mightily hard to (falsely) claim otherwise, Petitioner has made an undeniably strong showing of bad faith.

I respectfully remind the Board that, unlike me, Kimberly Briner Conrad of Three Daughters International LLC is **not** appearing *pro se* in these proceedings. Indeed, in order to file her bogus fraud claims and carry out her inexplicably hateful character assassination attempts against me, Kimberly Briner Conrad has retained the services of no less than half a dozen litigation attorneys at K&L Gates, which apparently is (according to Wikipedia) the 11th largest Law firm in the world. *See Exhibit A*

Kimberly Briner Conrad's relentless and vicious legal bullying tactics have all been carefully orchestrated by her fleet of aggressive litigation attorneys, which includes Eric Prager, Seth Gold, Margaux Nair, Kate Hummel and Alexis Douglas. Each and every counsel brags about having extensive trademark litigation experience, with Eric Prager and Seth Gold alone claiming what appears to add up to a combined 40 years of experience in TTAB litigation. *See Exhibits B, C, D, E, F and G*

In addition, Seth Gold further states in a sworn declaration before the US District Court for the Central District of California: "*As an attorney working on the Three Daughters TTAB matter and this miscellaneous action, I have access to all correspondence and documents in the file. As a matter of practice, the firm routinely files documents that it receives at or near the time we receive them and the attorneys on the matter make records of telephone conferences they have on the matter. In addition, I regularly speak about this matter with my colleagues who also are attorneys -- including Eric Prager, Margaux Nair, and Kate Hummel." (emphasis added) *See Exhibit H at ¶2**

Clearly, based on Seth Gold's very own sworn statements, not just one attorney but an entire team of five (5) litigation attorneys reviewed and discussed my October 22 Motion to Quash. Petitioner's entire team of five (5) litigation attorneys knew of the 20-day deadline to respond. Consequently, Petitioner's entire team of five (5) litigation attorneys knew that Petitioner's Opposition was due by November 11, 2017. Yet all five (5) litigation attorneys inexplicably chose to wait for days past the November 11 deadline and then decided to file an inexcusably late Opposition brief on November 14, falsely claiming that Petitioner's Motion had purportedly been filed "within 20 days of the date of service of the Motion, which was served on October 22, 2017." *See Opposition of 11/14/2017 at ¶ 1*

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