

Exhibit

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Serial No. 75/431,702
Mark: LOVING FAMILY
Date of Filing: February 10, 1998

U.S. Patent & TMO/TM Mail Rcpt. Dt. #57



07-31-2002

-----X
MICHAEL GLOSTER and :
VICTORIA GLOSTER, t/a :
GLOSTER MARKETING :
 :
Opposer :
 :
v. :
 :
RELIOS, INC., f/k/a CARLISLE :
JEWELRY COMPANY, INC. :
 :
Applicant. :
-----X

Opposition No. 113,487

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. § 1.10
"Express Mail" mailing label number: EL824776555US
DATE OF DEPOSIT: July 31, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, BOX TTAB, NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

Derrick Brown

APPLICANT'S MOTION TO COMPEL

Applicant Relios, Inc., f/k/a Carlisle Jewelry Company, Inc. ("Applicant"), files this Motion to Compel against Opposer Michael Gloster and Victoria Gloster, t/a Gloster Marketing ("Opposer"), and as grounds therefor would respectfully show the Board the following:

I. Opposer Has Failed to Comply with Applicant's Discovery Requests.

On or about June 22, 2000, pursuant to Trademark Rule 2.120(d) and Federal Rules of Civil Procedure, Rule 33 and 34, Applicant propounded its Interrogatories and Request for Production to Opposer. On or about August 15, 2000, Opposer responded to the foregoing requests. On or about September 21, 2000, Opposer provided minimal supplemental answers to interrogatories (specifically, to interrogatory nos. 1 and 8).

On July 12, 2002, Applicant sent a letter to Opposer's attorney providing extensive detail as to which answers and responses of Opposer were incomplete, insufficient, and evasive. Applicant further stated that Opposer must supplement its answers and responses with regard to the following: Request for Production Nos. 2-26 and Interrogatory Nos. 1, 2, 5-7, 9-12, 14, 15, 17, 20 and 22. *See* correspondence and analysis as to Opposer's answers and responses, attached hereto as **Exhibit A**. Applicant's discovery requests and Opposer's relevant answers and responses thereto are attached as composite **Exhibit B**.

II. Opposer's Objections are Not Justified.

Opposer's objections are global and non-specific, and are not justified. The objecting party must justify the objections, not merely invoke a litany of objections. *See Puricelli v. Borough of Morrisville*, 136 F.R.D. 393, 396 (E.D. Pa. 1991), *citing Roesberg v. Johns-Manville Corp.*, 85 F.R.D. 292, 296 (E.D. Pa.1980); *Leski, Inc. v. Federal Ins. Co.*, 129 F.R.D. 99 (D.N.J. 1989). Opposer is under a continuing obligation to supplement its discovery answers pursuant to Fed. R. Civ. P. 26(e). The purpose of discovery is to take the "game" element out of trial preparation by allowing parties to obtain evidence necessary to evaluate and resolve a dispute beforehand. *Herbert v. Lando*, 441 U.S. 153, 177, 99 S.Ct. 1635, 1649 (1979). The information and documents sought through the Interrogatories and Request for Production outlined above are relevant to this suit, reasonably calculated to lead to the discovery of admissible evidence, and necessary for Applicant to evaluate and seek resolution of this matter, as is set forth in the analysis of Opposer's discovery answers and responses, attached as **Exhibit A** and incorporated in full herein.

III. Opposer's Failure to Properly Answer and Produce Documents is Prejudicial.

Applicant will be unable to adequately prepare for the trial of this cause if the Opposer is not required to responsively answer the discovery requests that are made the subject of this Motion, and provide the documentation and information that Opposer has an affirmative duty to provide pursuant to Fed. R. Civ. P. 26(a)(1). The information and documents sought by Applicant are not subject to any privilege or exemption from discovery. Further, Applicant has substantial need of the information and documents sought, as discussed above. Without such information, Applicant will be prejudiced in its ability to disprove the allegations made by Opposer.

In sum, Opposer has improperly refused to completely answer Applicant's valid discovery requests, and Applicant brings this Motion seeking an order from the Board compelling Opposer to responsively answer such discovery, and provide the requested documentation. Applicant therefore requests that Opposer be compelled to answer and respond to Applicant's outstanding discovery requests within ten (10) days of entry of an order herein.

WHEREFORE, PREMISES CONSIDERED, Relios, Inc. f/k/a Carlisle Jewelry Co., prays that upon hearing the Board enter an order against Opposer as follows:

1. that Opposer be required to fully answer and respond to Applicant's Interrogatories and Requests for Production of Documents, and for disclosure and production of documentation pursuant to Trademark Rule 2.120, within ten (10) days of entry of order herein,
2. and for such other and further relief to which Applicant may be justly entitled.

A proposed Order is attached.

Respectfully submitted,

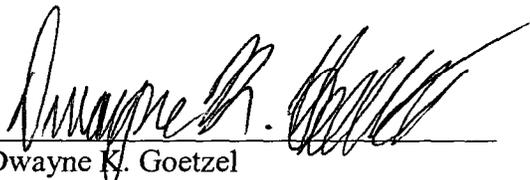


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**ATTORNEYS FOR APPLICANT
RELIOS, INC., F/K/A CARLISLE
JEWELRY CO.**

CERTIFICATE OF CONFERENCE

Pursuant to Trademark Rule 2.120(e), I hereby certify that the attorneys for Applicant have made a good faith effort, by correspondence to Opposer's attorney, to resolve all issues presented herein regarding Opposer's discovery answers, but such attempted resolution was unsuccessful, thereby requiring this Board's intervention in this matter.



Dwayne K. Goetzel

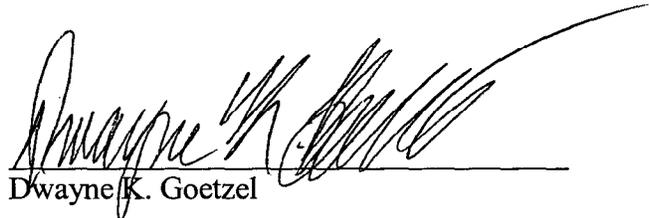
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached Motion to Compel has been deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Roberta Jacobs-Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103

this 31st day of July 2002.


Dwayne K. Goetzl

TTAB

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July 31, 2002

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57



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Derrick Brown

Assistant Commissioner for Trademarks
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Washington, D.C. 22202-3513

TRADEMARK TRIAL AND
APPEAL BOARD
02 AUG - 8 AM '02

Re: Michael Gloster et al. v. Relios, Inc., Opposition No. 113,487; In re Application Serial No. 75/431,702 for the Mark: LOVING FAMILY

Sir:

Enclosed for filing in connection with the above-identified matter are the following items:

1. Applicant's Motion to Compel; and
2. One return postcard to acknowledge receipt of same. Please stamp and return this postcard to the undersigned.

Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
July 31, 2002
Page 2

Should any additional fees be required in association with the above-referenced materials, the Commissioner is authorized to charge said fees to Conley, Rose & Tayon, P.C. Deposit Account No. 501505/5558-00401/DKG.

Sincerely,



for Dwayne K. Goetzel

Dwayne K. Goetzel

DKG/cwc
Enclosures

cc: Roberta Jacobs-Meadway (w/encl.)