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

08-22-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

MICHAEL GLOSTER and VICTORIA GLOSTER, t/a GLOSTER MARKETING Opposer v. RELIOS, INC., f/k/a CARLISLE JEWELRY COMPANY, INC. Applicant.	Opposition No. 113,487

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EL824776997US

DATE OF DEPOSIT: August 22, 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

TRADEMARK TRIAL AND APPEAL BOARD
2002 AUG 28 PM 8:44

APPLICANT'S REPLY TO OPPOSER'S RESPONSE TO THE MOTION TO COMPEL

Applicant Relios, Inc., f/k/a Carlisle Jewelry Company, Inc. ("Applicant"), files this Reply to Opposer Michael Gloster and Victoria Gloster, t/a Gloster Marketing's ("Opposer") Response to the Motion to Compel, and would respectfully show the Board the following:

I. Opposer's Supplement is Insufficient.

Opposer claims that the Trademark Trial and Appeal Board (the "Board") should deny Applicant's Motion to Compel because Opposer supplemented its document production and interrogatory responses on July 30, 2002 (the "Supplement"). *See* Response, p. 2. Opposer's Supplement is attached as **Exhibit A** to Opposer's Response to this Motion to Compel.

Opposer's Supplement does not come close to resolving all of Applicant's issues with Opposer's previous discovery responses. For example, Opposer continues to maintain its objections to twelve of the fourteen interrogatories that Applicant requested Opposer to supplement. As stated in the Motion to Compel, these objections are not justified. *See* Motion to Compel, **Exhibit A**. Essentially, Opposer filed the present opposition alleging likelihood of confusion, and has refused to provide any answers whatsoever either justifying or supporting its allegations. Opposer cannot claim that there is a likelihood of confusion and then fail to provide information corroborating (or rebutting as the case may be) such allegation. To allow such subterfuge would be highly inequitable and highlights an astonishing failure by Opposer to establish its burden of proof.

Furthermore, Opposer's Supplement does not adequately address Applicant's Requests for Production Nos. 2-26. While Opposer did provide Applicant with some additional documents in the Supplement, Opposer in no way fully responded or provided all relevant documents or tangible things. It is also unclear from Opposer's Supplement whether Opposer still maintains its objections to Applicant's Requests for Production or whether the Supplement provides to Applicant all requested documents regardless of the objections of Opposer. Until such time that Opposer is willing to state that all documents requested have been delivered to Applicant regardless of Opposer's objections, Opposer's duty to submit to discovery in this case is deficient.

For these reasons, Opposer's Supplement is insufficient and warranted the Motion to Compel.

II. Applicant Made a Good Faith Attempt to Resolve All Issues With Opposer.

Opposer alleges that Applicant has not made a good faith attempt to resolve all issues between the parties as required in 37 C.F.R. § 2.120(e). *See* Response, p. 3. As will be discussed in further detail below, this matter has a long history. Nonetheless, Applicant sent a detailed letter to Opposer on July 12, 2002 addressing all of Applicant's issues with Opposer's discovery responses. *See* Motion to Compel, **Exhibit A**. Applicant's July 12, 2002 letter set a reasonable deadline of July 30, 2002 for Opposer to "submit answers and produce documents and things to each specified discovery request." *See* Motion to Compel, **Exhibit A**. This letter qualifies as a correspondence as required by 37 C.F.R. § 2.120(e) (the attorney for the moving party shall make a written statement as to a "good faith effort, by conference or correspondence . . . ."). Opposer's only response to the July 12, 2002 letter was the Supplement, which is insufficient for the reasons stated above. Opposer never contacted Applicant to request additional time to respond to the July 12, 2002 letter, to address any of Opposer's remaining objections to the discovery requests, or inquire as to whether the Supplement sufficiently addressed Applicant's issues in the July 12, 2002 letter.

Opposer also claims that Applicant did not send its July 12, 2002 letter until "700 days after Opposer first responded to Applicant's requests for documents and interrogatory answers" and that Applicant did not object to Opposer's responses "until 20 days prior to [the] end of the discovery period." *See* Response, p. 3. Given the history of this matter, Opposer's position is absurd. Applicant affirmatively sought to bring the parties together to negotiate a settlement. *See* Letter, **Exhibit 1**. The Board entered an order suspending the case for that purpose. *See* **Exhibit 2**. The Board entered an order

lifting the suspension on April 4, 2001. *See* **Exhibit 3**. Immediately thereafter, Opposer filed a Motion for Summary Judgment rather than negotiate with Applicant in good faith as to a possible settlement. *See* **Exhibit 4**. The Board suspended proceedings pending the outcome of the Motion for Summary Judgment. *See* **Exhibit 5**. In April 2002, the Board issued a scheduling order after denying Opposer's Motion for Summary Judgment. *See* **Exhibit 6**. Applicant immediately requested depositions of the Opposer and its principals. *See* Letter of April 30, 2002, attached as **Exhibit 7**. Consistent with Opposer's apparent policy of delay and refusal to submit to discovery, Opposer responded that the entire month of May was not convenient, and invited Applicant to extend discovery yet again. *See* **Exhibit 8**. Applicant then requested deposition dates for June and July of 2002. *See* **Exhibit 9**. Opposer's attorney responded that she was "checking with the Glosters regarding their availability to be deposed." *See* e-mail attached as **Exhibit 10**. Opposer responded yet again on May 17, 2002 that there was no news regarding deposition dates. *See* **Exhibit 11**. Not surprisingly, Opposer still has never responded as to available deposition dates. When it became obvious that Opposer (1) did not wish to negotiate in good faith regarding settlement, (2) did not cooperate regarding taking deposition testimony, (3) would not timely supplement its discovery answers, and (4) would not produce relevant documents, Applicant had no choice but to threaten a Motion to Compel prior to the close of discovery. Applicant feared that Opposer would pay "lip service" to full supplementation and disclosure, and that the discovery deadline would pass by. When Applicant's fears were realized based upon the inadequacy of Opposer's Supplement, Applicant had to file the Motion to Compel.

Therefore, Applicant's course of action for this matter is permissible under the Trademark Trial and Appeal Board Manual of Procedures and reasonable given Opposer's actions in thwarting discovery at every turn.

III. Opposer's Relevancy Objections are Not Proper.

Opposer claims that the Board should deny Applicant's Motion to Compel because Opposer's objections to Applicant's discovery requests are "believed proper." *See* Response, p. 4. To support this claim, Opposer cites to Applicant's comments to Interrogatory No. 5 in the July 12, 2002 letter. Interrogatory No. 5 states: "Identify Opposer's yearly dollar amount of sales for the last five years for all goods and services offered under Opposer's Mark." Opposer objected to this interrogatory on grounds of confidentiality and relevance. Applicant is willing to concede that such information may be confidential and therefore necessitate a protective order. In the July 12, 2002 letter, Applicant requested that Opposer prepare and submit a protective order for such materials. *See* Motion to Compel, **Exhibit A**. In fact, it is Opposer's burden, as the party from whom discovery is sought, to present a motion for protective order to the Board. *See* 37 C.F.R. § 2.120(f). At no time did Opposer present any such motion. Opposer apparently feels that it is the sole and unilateral arbiter of what is confidential and privileged and therefore does not have to provide documents or information. Opposer cannot be allowed to determine what is to be provided (or not be provided in this case) while making allegations against Applicant and not presenting a motion for protective order to the Board. On the one hand, Opposer claims confidentiality and privilege, but on the other hand it has refused to affirmatively seek relief from open discovery by presenting a motion for protective order. Opposer cannot have it both ways.

Regardless of the above, though, the information sought in Interrogatory No. 5, for example, simply is not irrelevant to this case. One of the main issues for this case is likelihood of confusion. One factor for determining if there is a likelihood of confusion is the extent of advertising, the amount of sales of the goods or services offered under the disputed mark, comparative pricing, etc. *See, e.g.,* Bose Corp. v. QSC Audio Prods., Inc., 293 F.3d 1367, 1371 (Fed. Cir. 2002) ("In this case, Bose sought to prove the fame of its marks by reference to the volume of sales and advertising expenses of the products it sells and has sold under the ACOUSTIC WAVE and WAVE marks"); Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc., 758 F. Supp. 512, 525 (E.D. Mo. 1991) ("Stronger marks are accorded more protection from a likelihood of confusion than are weaker marks. A strong mark is a distinctive quality fostered by advertising, continuous use, and a significant amount of money generated in sales"). For Opposer to claim that such information is not relevant when it directly bears on the likelihood of confusion analysis is absurd.

With respect to the other relevancy objections and all other objections made by Opposer to the discovery requests, Applicant refers the Board to Applicant's previous comments in **Exhibit A** of the Motion to Compel. Applicant is confident that the Board will find Opposer's other objections to the discovery requests to be equally invalid, for the reasons set forth previously and herein.

IV. Conclusion.

For the reasons stated herein, Applicant respectively requests that the Board GRANT Applicant's Motion to Compel.

Respectfully submitted,

Dwayne K. Goetzel
Texas State Bar No. 08059500
Eric B. Meyertons
Texas State Bar No. 14004400
CONLEY, ROSE & TAYON, P.C.
The Chase Bank Building
700 Lavaca, Suite 800
Austin, Texas 78701
(512) 703-1254 (telephone)
(512) 703-1250 (facsimile)

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

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 22nd day of August 2002.

Dwayne K. Goetzel

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A PROFESSIONAL CORPORATION
FROST BANK PLAZA
816 CONGRESS AVENUE, SUITE 320
AUSTIN, TEXAS 78701-2443
(512) 476-1400
FACSIMILE (512) 703-1250

HOUSTON OFFICE
TEXAS COMMERCE TOWER
600 TRAVIS, SUITE 1850
HOUSTON, TEXAS 77002-2912
(713) 238-8000
FACSIMILE (713) 238-8008

DWAYNE K. GOETZEL
(512) 703-1249

FILE: 5558-00401

May 22, 2000

Via Facsimile (215) 567-2991

Michael L. Lovitz, Esq.
Akin, Gump, Strauss, Hauer & Feld
One Commerce Square
2005 Market Street, 22nd Floor
Philadelphia, PA 19103

RE: *Michael Gloster, et al. v. Relios, Inc. f/k/a Carlisle Jewelry Company, Inc.*; Opposition No. 113,487

Dear Michael:

As we discussed today, enclosed is the *Agreed Motion to Reopen Discovery and Amend Trial Order* regarding the above-referenced matter. Please sign where indicated and fax and mail your signature page back to me, and I will file the motion with the Trademark Trial and Appeal Board.

Also, as we discussed, I believe our clients would benefit from discussing the potential for a coexistence agreement and the possibility of a mutually agreeable business arrangement. Please let me know your client's response to these issues at your convenience.

Sincerely,

Dwayne K. Goetzel

DKG/cwc
Enclosure

DOCKETED

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Johnson

Opposition No. 113,487

MAILED
AUG 4 2000
PAT. & T.M. OFFICE

Michael Gloster and
Victoria Gloster t/a
Gloster Marketing

v.

Relios, Inc.

Inasmuch as the parties are negotiating for possible settlement of this case, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

LaToya Johnson
Paralegal Specialist,
Trademark Trial and
Appeal Board
(703) 308-9300 ext.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Opposition No. 113,487

Michael Gloster and
Victoris Gloster t/a
Gloster Marketing

v.

Relios, Inc.

MAILED
APR - 4 2001
PAT. & T.M. OFFICE

The suspension period having expired with no word from either party concerning the status of their negotiations, it is concluded that efforts to reach an amicable settlement in this case have been unsuccessful.

Accordingly, proceedings herein are resumed and trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	June 3, 2001
30-day testimony period for party in position of plaintiff to close:	September 1, 2001
30-day testimony period for party in position of defendant to close:	October 31, 2001
15-day rebuttal testimony period for plaintiff to close:	December 15, 2001

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Vionette Baez
Paralegal,
Trademark Trial and
Appeal Board
(703) 308-9330

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513, ON THE DATE INDICATED BELOW.

By _____

Date 5/14/01

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

MICHAEL GLOSTER and VICTORIA GLOSTER t/a GLOSTER MARKETING, Opposer,	:	
v.	:	Opposition No. 113,487
RELIOS, INC., f/k/a Carlisle Jewelry Company, Inc. Applicant.	:	

OPPOSER'S MOTION FOR SUMMARY JUDGMENT

Opposer, Michael Gloster and Victoria Gloster, t/a Gloster Marketing ("Gloster Marketing" or "Opposer"), moves the Trademark Trial and Appeal Board for summary judgment in its favor in the instant opposition proceeding pursuant to Rule 56 of the Federal Rules of Civil Procedure and 37 C.F.R. §2.116(a).

There are no genuine issues of material fact. The Applicant's mark and Opposer's mark are identical and Opposer has established its prior use of the mark, the admitted similarity of the goods, the similarity of the channels of trade and purchasers. As such, Opposer has established, as a matter of law, a likelihood of confusion.

Gloster Marketing respectfully requests that this opposition be sustained, and that registration of the mark of Application Serial No. 75/431,702 be refused.

Respectfully submitted,

By: Roberta Jacobs-Meadway

Roberta Jacobs-Meadway
Emily J. Barnhart
BALLARD SPAHR ANDREWS
& INGERSOLL, LLP
Philadelphia, PA 19103
(215) 665-8500

Dated: 5/11/01

ATTORNEYS FOR OPPOSER

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Opposition No. 113,487

Michael Gloster and
Victoria Gloster t/a
Gloster Marketing

v.

Relios, Inc.

MAILED
JUN 13 2001
PAT. & T.M. OFFICE

Proceedings herein are **suspended** pending disposition of opposer's May 14, 2001 summary judgment motion. Any paper filed during the pendency of the motion for summary judgment which is not relevant thereto will be given no consideration. See Tradeark Rule 2.127(d).

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed in writing. See Trademark Rule 2.18.

The summary judgment motion pending before the Board will be decided in due course.

Cindy B. Greenbaum
Cindy Greenbaum
Attorney, Trademark
Trial and Appeal Board
(703) 308-9330

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

JW

MAILED
APR 3 2002
PAT. & T.M. OFFICE

Opposition No. 113,487

Michael Gloster and
Victoria Gloster, t/a
Gloster Marketing

v.

Relios, Inc.

Opposer's amended opposition (November 2, 2001) and applicant's answer (November 27, 2001) thereto are noted.

On November 27, 2001, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, **Michael Gloster and Victoria Gloster, t/a Gloster Marketing**, is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party

within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE:	June 2, 2002
30-day testimony period for party in position of plaintiff to close:	August 31, 2002
30-day testimony period for party in position of defendant in the opposition and plaintiff in the counterclaim to close:	October 30, 2002
30-day rebuttal testimony period for defendant in the counterclaim and plaintiff in the opposition to close:	December 29, 2002
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	February 12, 2003

Briefs shall be due as follows: [See Trademark Rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due:	April 13, 2003
Brief for defendant in the opposition and plaintiff in the counterclaim shall be due:	May 13, 2003
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff in the opposition shall be due:	June 12, 2003
Reply brief, if any, for plaintiff in the counterclaim shall be due:	June 27, 2003

If the parties stipulate to any extension of these dates, the papers should be filed in triplicate and should set forth

the dates in the format shown in this order. See Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Jamila Wong
Legal Assistant,
Trademark Trial and
Appeal Board
(703) 308-9330, ext.143

CONLEY, ROSE & TAYON
A Professional Corporation
The Chase Bank Building
700 Lavaca Street, Suite 800
Austin, Texas 78701-3102
(512) 476-1400
Facsimile (512) 703-1250

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Texas Commerce Tower
600 Travis, Suite 1850
Houston, Texas 77002-2912
(713) 238-8000
Facsimile (713) 238-8008

DWAYNE K. GOETZEL
(512) 703-1249
dgoetzel@intprop.com

FILE: 5558-00401

April 30, 2002

Via Facsimile (215)864-8999

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

RE: *Michael Gloster, et al. v. Relios, Inc. f/k/a Carlisle Jewelry Company, Inc.;*
Opposition No. 113,487

Dear Ms. Jacobs-Meadway:

In connection with the above-referenced opposition matter, please let me know your dates of availability for the depositions of the Michael Gloster, Victoria Gloster and Gloster Marketing before the June 2, 2002 discovery deadline. My proposed dates are as follows: May 13, 15, 16, 17, 21, 22, 24 and 29.

Sincerely,

Dwayne K. Goetzel

DKG/cwc

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 MARKET STREET, 51ST FLOOR
PHILADELPHIA, PENNSYLVANIA 19103-7599
215-665-8500
FAX: 215-864-8999
LAWYERS@BALLARDSPAHR.COM

BALTIMORE, MD
CAMDEN, NJ
DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC

EMILY J. BARNHART
DIRECT DIAL: 215-864-8276
PERSONAL FAX: 215-864-9809
BARNHART@BALLARDSPAHR.COM

May 8, 2002

By Facsimile (512) 703-1250
and U.S. First Class Mail

Dwayne K. Goetzel, Esquire
Conley, Rose & Tayon
The Chase Bank Building
700 Lavaca Street, Suite 800
Austin, TX 78701-3102

Re: Deposition Scheduling
Michael Gloster and Victoria Gloster, t/a Gloster Marketing v. Relios, Inc. (formerly Carlisle Jewelry Co., Inc.), Opposition No. 113,487

Dear Mr. Goetzel:

We are in receipt of your letter of April 30, 2002 concerning deposition scheduling relating to the above-referenced opposition proceeding. I write to inform you that after conferring with both Roberta Jacobs-Meadway's and the Glosters' schedules, conflicts prevent the taking of any depositions this month. However, in light of these conflicts, and the June 2, 2002 discovery cut-off, we will consent to a 60 day extension of the discovery deadline.

Please feel free to file an extension with the TTAB, noting our consent, or to forward the same to us for signature. In the meantime, we will consult with the Glosters regarding available dates in June.

Please feel free to call me regarding the above or June scheduling.

Very truly yours,

Emily J. Barnhart

cc: Roberta Jacobs-Meadway, Esquire

PHL_A #1620599 v1

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A Professional Corporation
The Chase Bank Building
700 Lavaca Street, Suite 800
Austin, Texas 78701-3102
(512) 476-1400
Facsimile (512) 703-1250

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Texas Commerce Tower
600 Travis, Suite 1850
Houston, Texas 77002-2912
(713) 238-8000
Facsimile (713) 238-8008

DWAYNE K. GOETZEL
(512) 703-1249
dgoetzel@intprop.com

FILE: 5558-00401

May 9, 2002

Via Facsimile (215)864-8999

Emily J. Barnhart, Esq.
Ballard Spahr Andrews & Ingersoll
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103

RE: *Michael Gloster, et al. v. Relios, Inc. f/k/a Carlisle Jewelry Company, Inc.;* Opposition No. 113,487

Dear Ms. Barnhart:

We are in receipt of your May 8, 2002 letter regarding the above-referenced matter. If your client wishes to prepare an extension of the discovery deadline in light of the claimed unavailability, then please do so and forward it to me for my review and signature.

Additionally, please provide me with dates of availability for the month of June or July at your earliest convenience.

Sincerely,

Dwayne K. Goetzel

DKG/cwc

Christina Comer

From: Dwayne Goetzel
Sent: Friday, May 10, 2002 2:31 PM
To: Christina Comer
Subject: FW: Motion on Consent (Gloster

pls print and put in pleadings file. Ryan, please note new dates.

-----Original Message-----
From: Barnhart, Emily (Phila) [mailto:Barnhart@ballardspahr.com]
Sent: Friday, May 10, 2002 2:14 PM
To: 'dgoetzel@intprop.com'
Subject: Motion on Consent (Gloster Marketing/Relios)

Dwayne,
Attached please find the proposed motion on consent to extend the discovery period (and all subsequent dates) by 60 days. Please contact me or Bobbi via phone, voicemail or email to signify that you have signed off, and I will take care of filing. Please let me know if you are unable to open the document and I will fax a copy to you.

I am in the process of checking with the Glosters regarding their availability to be deposed.
Thanks, Emily

Emily J. Barnhart
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51 St. Floor
Philadelphia, PA 19103
Direct Dial: (215) 864-8276
Direct Fax: (215) 864-9809
Email: barnhart@ballardspahr.com

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 MARKET STREET, 51ST FLOOR
PHILADELPHIA, PENNSYLVANIA 19103-7599
215-665-8500
FAX: 215-864-8999
LAWYERS@BALLARDSPAHR.COM

BALTIMORE, MD
CAMDEN, NJ
DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC

EMILY J. BARNHART
DIRECT DIAL: 215-864-8276
PERSONAL FAX: 215-864-9809
BARNHART@BALLARDSPAHR.COM

May 17, 2002

By Facsimile (512) 703-1250
and U.S. First Class Mail

Dwayne K. Goetzel, Esquire
Conley, Rose & Tayon
The Chase Bank Building
700 Lavaca Street, Suite 800
Austin, TX 78701-3102

Re: Deposition Scheduling
Michael Gloster and Victoria Gloster, t/a Gloster Marketing v. Relios, Inc. (formerly Carlisle Jewelry Co., Inc.), Opposition No. 113,487

Dear Mr. Goetzel:

I write as a courtesy, to inform you that I have not yet heard back from my clients regarding their availability to be deposed, and because I will be out of the office for the next two weeks. I will contact you once I have returned and have had an opportunity to confer with my clients.

Very truly yours,

Emily J. Barnhart

cc: Roberta Jacobs-Meadway, Esquire

TTAB

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700 LAVACA, SUITE 800
AUSTIN, TEXAS 78701-3102
(512) 476-1400
FACSIMILE (512) 703-1250
www.intprop.com

HOUSTON OFFICE
CHASE TOWER
600 TRAVIS, SUITE 1800
HOUSTON, TEXAS 77002-2912
(713) 238-8000
FACSIMILE (713) 238-8008

DWAYNE K. GOETZEL
(512) 703-1249
dgoetzel@intprop.com

FILE: 5558-00401

August 22, 2002

08-22-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EL824776997US

DATE OF DEPOSIT: August 22, 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

Assistant Commissioner for Trademarks
BOX TTAB
NO FEE
2900 Crystal Drive
Washington, D.C. 22202-3513

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 Reply to Opposer's Response to the Motion to Compel; and

2. One return postcard to acknowledge receipt of same. Please stamp and return this postcard to the undersigned.

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,

Dwayne K. Goetzel

DKG/kn
Enclosures

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