

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

In the Matter of Application Serial No. 75/655,561  
Mark: TAKSI RIDER (Stylized)  
Published: February 22, 2000  
Opposer's Ref: TAXI USA TC-99/07343



06-11-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

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13 MANDARIN MUSIC PTY LTD.,      :
14                               :
15     Opposer,                  :
16                               :
17     - against -                :   Opposition No. 118,664
18                               :
19 JOSEPH ALAN KALMAN GREENBAUM, :
20                               :
21     Applicant.                 :
22 -----X

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--- This is the Deposition upon written questions of  
MEREDITH BRILL, taken at the offices of Bereskin & Parr,  
Scotia Plaza, 40 King Street West, 40th Floor, Toronto,  
Ontario, Canada, M5H 3Y2, on Thursday, the 15th day of  
May, 2003.

APPEARANCES:

Agent for Michael Chiappetta	SHARON GIRAUD Atchison & Denman Court Reporting 155 University Avenue Suite 302, Toronto, Ontario Canada M5H 3B7 (416) 865-9339
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For Mandarin Music	ANDREW MCINTOSH Bereskin & Parr Scotia Plaza 40 King Street West 40th Floor, Toronto, Ontario Canada M5H 3Y2 (416) 957-1677
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1 --- Upon commencing at 10:30 a.m.

2 MEREDITH BRILL: Affirmed.

3 EXAMINATION BY MS. GIRAUD:

4 Q. Please state your name and business  
5 address?

6 A. My name is Meredith Brill. My business  
7 address is Bereskin & Parr, Scotia Plaza, 40 King Street  
8 West, 40th Floor, Toronto, Ontario, Canada. M5H 3Y2.

9 Q. Briefly state your educational  
10 background.

11 A. I have a chemical engineering degree  
12 and a law degree.

13 Q. Have you ever heard of the band named  
14 TAKSI RIDER?

15 A. Yes.

16 Q. Are you aware of any record company by  
17 the name TAKSI RIDER?

18 A. No.

19 Q. Have you ever heard of any other  
20 company by the name TAKSI RIDER that is in the business of  
21 manufacturing or distributing records of musical artists?

22 A. No.

23 Q. Can you identify what has been marked  
24 as Plaintiff's Exhibit 1?

25 A. Exhibit 1 is a CD entitled "Sightings"

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1 by a band named TAKSI RIDER, and a receipt for the  
2 purchase of that CD.

3 Q. When and where did you purchase  
4 Plaintiff's Exhibit 1?

5 A. I purchased the CD at HMV which is  
6 located at 333 Yonge Street on August 3rd, 1999.

7 Q. Have you looked for copies of the  
8 "Sightings" recording at any time after you purchased  
9 Plaintiff's Exhibit 1?

10 A. Yes.

11 Q. If so, when?

12 A. I made my investigations on July 15th,  
13 2002.

14 Q. Please describe your efforts and your  
15 findings.

16 A. I attended at HMV Record Store located  
17 at 333 Yonge Street and did not locate a copy. I attended  
18 at Sam the Record Man, located in downtown Toronto and  
19 could not locate a copy, and I also called Rotate This,  
20 Soundscape, and Penguin, and all of the clerks told me  
21 that they did not have a copy.

22 Q. Are you aware of any recordings from  
23 Joseph Greenbaum or the band TAKSI RIDER apart from  
24 "Sightings"?

25 A. No.

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Q. Those are my questions.

--- Whereupon the examination was adjourned at 10:32 a.m.

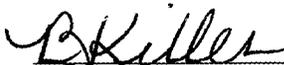
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1 CERTIFICATE OF REPORTER )  
2 PROVINCE OF ONTARIO )  
3 CANADA )

4 I, BEVERLEY KILLEN, the officer before whom  
5 the foregoing proceeding was taken, do hereby certify that  
6 the deposition upon written questions of Meredith Brill  
7 was taken on the 15th day of May, 2003 at the office of  
8 Bereskin & Parr, Scotia Plaza, 40 King Street West, 40th  
9 Floor, Toronto, Ontario, Canada, M5H 3Y2, commencing at  
10 10:30 a.m. Applicant was not present at the proceeding. I  
11 hereby further certify that I administered the oath to the  
12 witness and that the proceeding was taken by me in  
13 shorthand, using Computer Aided Realtime, to the best of  
14 my ability and thereafter reduced to written format under  
15 my direction; that I am neither counsel for, related to,  
16 nor employed by any of the parties to the action in which  
17 the proceeding was taken, and further that I am not  
18 related or an employee of any attorney or counsel employed  
19 by the parties thereto, nor financially or otherwise  
20 interested in the outcome of the action.

21  
22   
23 Beverley Killen, CSR  
24 Commissioner for Taking  
25 Oaths in the Province of  
26 Ontario

27  
28  
29 My Commission expires: 07/21/05

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Recent  
Records  
by  
Simpson

- 2- salvation packs
- 3- last pass
- 4- remain calm
- 5- twist shift
- 6- angel calling
- 7- heartland rocket
- 8- dispatcher radio
- 9- after the jug
- ten- the wag
- 11- little iron horse
- 12- yawp
- 13- track twelve
- 14- no impose
- 15- dalai lama
- 16- such as television
- 17- castles and bones
- 18- precisely what
- 19- 24th century add-on
- 20- out cab symphony



HMV 333 YONGE STREET

36-1 CASH-1 0620 0825 031

TAKSI R SIGHTI CD MDS 1GP	12.99
SUBTOTAL	12.99
7% GST R870884640	.91
8% QNT SALES TAX	1.04
TOTAL	14.94

CASH TENDER	20.00
CHANGE	5.06

RECEIPT REQUIRED FOR EXCHANGE/REFUND

8/03/99 10:27





TTAB

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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STEPHEN BIGGER  
MICHAEL I. DAVIS  
ROGER L. ZISSU  
MARIE V. DRISCOLL  
RICHARD Z. LEHV  
DAVID W. EHRlich  
SUSAN UPTON DOUGLASS  
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NADINE H. JACOBSON  
ANDREW N. FREDBECK  
GEORGES NAHITCHEVANSKY  
CRAIG S. MENDE  
PATRICK T. PERKINS  
J. ALLISON STRICKLAND

866 UNITED NATIONS PLAZA  
AT FIRST AVENUE & 48<sup>TH</sup> STREET  
NEW YORK, N. Y. 10017

TELEPHONE: (212) 813-5900  
FACSIMILE: (212) 813-5901  
E-MAIL: fzlz@frosszelnick.com

JAMES D. SILBERSTEIN  
RUTH E. LAZAR  
COUNSEL

MICHELLE P. FOXMAN  
ROBERT A. BECKER  
TAMAR NIV BESSINGER  
ANGELA KIM  
JOHN P. MARGIOTTA  
LYDIA T. GOBENA  
DIANE B. MELNICK  
MICHAEL CHIAPPETTA  
DANA BREITMAN  
JESSICA MANN  
EVAN GOURVITZ  
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ZOE HILDEN  
LAUREN J. MANDELL  
JAMES D. WEINBERGER  
JASON M. VOGEL  
VEJAY G. LALLA  
DAVID I. GREENBAUM  
DAVID A. DONAHUE

June 11, 2003

BY EXPRESS MAIL

Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513



Re: Testimony Depositions of Meredith Brill and Don Colbourne  
Opposition No. 118,664 (Our Ref.: TAXI USA TC 99/07343)

06-11-2003  
U.S. Patent & TMO/tm Mail Rcpt Dt. #22

Dear Sirs:

Pursuant to 37 C.F.R. § 2.125, enclosed for filing please find a copy of the signed transcripts of the testimony depositions on written questions of Meredith Brill and Don Colbourne, along with the original exhibits. Copies of the depositions and exhibits have been sent to Applicant's counsel.

Please feel free to contact me if you have any further questions or concerns. Thank you for your consideration.

Very truly yours,  
*Michael Chiappetta*  
Michael Chiappetta

MC  
Enclosure  
cc: Mr. Joseph Greenbaum  
Roger Rothfield, Esq.