



01-07-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #76

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

EXHIBIT

GENESCO, INC.)

Opposer,)

vs.)

GREGORY MARTZ)

Applicant)

Serial No. 75/707767

Opposition No. 121,296

APPLICANT'S NOTICE OF RELIANCE

As evidence in the above-styled opposition, Applicant hereby gives notice of reliance pursuant to Trademark Rule 2.122(d) on the following:

1.

U.S. Registration No. 2,379,130 for the mark gm and thumbprint design, one (1) copy of which, prepared and issued by the Patent and Trademark Office, and one (1) photocopy thereof, showing both the current status of and current title to the registration are attached at Tab 1. The second copy prepared and issued by the Patent and Trademark Office, showing both the current status of and current title will be promptly filed pursuant to a Supplemental Notice of Reliance because it was not possible to obtain the second copy by the end of the Applicant's testimony period. Instructions were initially issued to obtain two (2) copies but only one (1) was received. The second copy will be filed as soon as it is available from the Patent and Trademark Office.

2.

Applicant's testimony deposition of Gregory Martz taken on December 20, 2001 and Exhibit numbers 1-11 thereto, to be filed with the Trademark Trial and Appeal Board as soon as it is duly transcribed by the Court Reporter.

3.

Interrogatories propounded by Applicant to Opposer are attached at Tab 3.

4.

Responses by Opposer to Interrogatories propounded by Applicant are attached at Tab 4.

Applicant expressly reserves the right to refer to each of the registrations identified at tabs 1 through 7, inclusive, of the Opposer's Notice of Reliance. Applicant further expressly reserves the right to refer to the cross-examination portion of the testimony deposition of Jason Dasal identified at tab 8 of the Opposer's Notice of Reliance.

Respectfully Submitted,



Douglas M. Vickery, Esq., Attorneys for
Applicant, Gregory Martz, an individual
402 W. Broadway, Suite 1550
San Diego, CA 92101
Tel: (619) 696-9797
Fax: (619) 696-9843

CERTIFICATE OF MAILING

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 of Patents and Trademarks, 2900 Crystal Drive, Box NO FEE, Arlington, Virginia 22202 on January 3, 2002.



Douglas M. Vickery
Date: 1.3.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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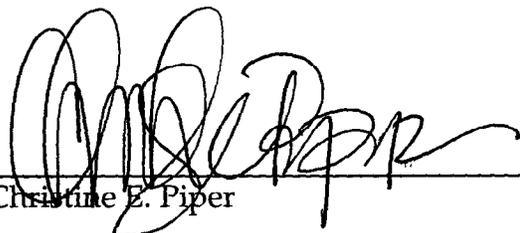
GENESCO, INC.)	
)	
Opposer,)	
)	Serial No. 75/707767
vs.)	Opposition No. 121,296
)	
GREGORY MARTZ)	
)	
Applicant)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE on counsel for Opposer by depositing a copy thereof by first class mail, postage prepaid, and addressed as follows:

Virginia S. Taylor
Christine M. Cason
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530

Executed this 3rd day of January, 2002.



Christine E. Piper