

Production, the Board would entertain a Motion for Sanctions. The Board also reset the trial dates to close on January 31, 2003.

WHEREFORE, Opposer respectfully Moves for an Order Granting Sanctions by an entry of Judgment sustaining Opposition No. 122,735 denying Applicant's application for registration of XICAL assigned Ser. No. 75/929,990.

Respectfully submitted,

Duane Morris LLP
Attorneys for Opposer

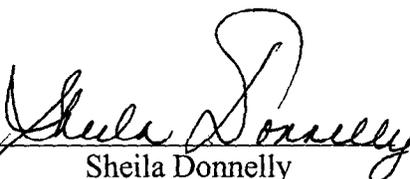
Dated: December 19, 2002
New York, New York

By: 
Bert A. Collison

380 Lexington Avenue
New York, New York 10168

CERTIFICATE OF SERVICE

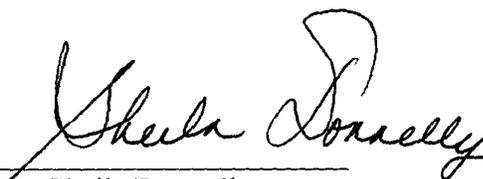
It is hereby certified that a true copy of the foregoing Motion For Sanctions Sustaining Opposer's Opposition and Affidavit of Bert A. Collison was deposited with the United States United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Applicant's attorney, Robert G. Lev, Esq., Intellectual Property Consulting, 4766 Michigan Blvd., Youngstown, Ohio 44505 on December 19, 2002.

By: 
Sheila Donnelly

CERTIFICATE OF EXPRESS MAIL

Express Mail No.: ET347220489US
Date of Deposit: December 19, 2002

I hereby certify that the foregoing Motion For Sanctions Sustaining Opposer's Opposition and Affidavit of Bert A. Collison is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. 1. 10 on the date indicated above and is addressed to Commissioner of Trademarks, Box TTAB, NO FEE, 2900 Crystal Drive, Arlington Virginia 22202-3513.

By: 
Sheila Donnelly

Discovery and allowed applicant 30 days from October 8, 2002 to fully respond to Opposer's discovery.

5. Applicant's responses to Opposer's Discovery were due by November 7, 2002. During the first week of December, 2002 since I had not received any response to the Discovery, I requested my associate, Ms. Kathryn Jennison Shultz of the firm Jennison & Shultz, P.C., 2001 Jefferson Davis Highway, Arlington, Virginia 22202-3604 to review this file in the U.S. Patent and Trademark Office. On December 9, 2002 I was advised that no response had been filed and that the last paper in the file was the Order of October 8, 2002.

6. I therefore respectfully request that the Board grant Opposer's Motion for Sanctions Sustaining Opposer's Opposition to Application SN. 75-929,990 denying Applicant's application for Registration.

Dated: December 18, 2002
New York, New York

Respectfully submitted,

Duane Morris LLP
Attorneys for Opposer

By: Bert A. Collison
Bert A. Collison
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Sworn to before me this
18 day of December, 2002

Janell Rene Coleman
Notary Public

