

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

Intel Corporation	§	
	§	
Opposer,	§	
v.	§	Opposition No. 123,312
	§	
Mr. Stephen Emeny	§	Application No. 75/825,218
	§	
Applicant.	§	

**MOTION TO REOPEN INTEL CORPORATION'S DISCOVERY
AND TESTIMONY PERIODS**

Intel Corporation ("Intel" or "Opposer") through its undersigned attorneys hereby moves to reopen the period within which to conduct its discovery under TBMP § 509.

Intel makes this motion because the Board failed to issue a new scheduling order which would extend the deadlines in its original scheduling order issued June 27, 2001 after the Board reversed its order to show cause in a new order issued on February 12, 2002, long after the original discovery deadline had closed. As outlined in detail below, Intel actively monitored this opposition proceeding and acted in reliance on the Board's order to show cause, ending its efforts to complete discovery. Intel has been unfairly prejudiced by the Board's action. Moreover, there will be no prejudice to Applicant should discovery be extended and the proceedings will not be significantly delayed. Intel's reliance on the Board's actions, actions that were outside of its control, was appropriate. Thus a new scheduling order, setting new periods for the close of discovery, as well as the parties' testimony and other periods, should be issued.

FACTS

Intel is one of the most reputable and renowned technology companies in the world. Over a decade ago, Intel introduced and popularized the trademark INTEL INSIDE, and today, the

mark is world famous. Intel uses this mark in a variety of contexts, including computer, Internet, and retail sales, and publicizes it through all popular mediums of communication.

Understandably, Intel takes protection of its INTEL INSIDE trademark very seriously. When Applicant, a Canadian resident, first applied for the IDEAS INSIDE mark, Intel contacted Applicant and began discussions with Applicant through Intel's Canadian counsel. When the parties' discussions did not result in settlement prior to the opposition deadline, Intel timely filed its opposition on May 23, 2001. Subsequently, the Board issued its institution Order dated June 27, 2001 setting forth deadlines for Applicant's answer, and delineating the parties' discovery and testimony periods. (See Exhibit A to Declaration of Bobby Ghajar). Pursuant to the June 27th Order, Applicant's answer was due August 6, 2001, and the period for conducting discovery was then set to expire on January 13, 2002.

Applicant did not file an answer by August 6, 2001. Instead Applicant communicated further settlement possibilities to Intel on August 17, 2001. Applicant did not mention the pending opposition at all; he also did not advise Intel that he had filed an extension of time to answer the opposition. As far as Intel was aware, no pleading had been filed with the Board by August 6, 2001.

Given Applicant's apparent failure to respond to the Notice of Opposition, Intel followed up with the TTAB about the status of the opposition. Intel's counsel contacted the TTAB paralegal assigned to the opposition on August 20, 2001 and learned that the paralegal originally assigned to the case was no longer responsible for the file. Intel then contacted the substitute paralegal to ascertain the status of the opposition. *See* Declaration of Bobby A. Ghajar, at ¶5. Intel learned that the Board, too, had not received an answer, or any motion to extend, and consequently, Intel was informed that the Board would process an Order to Show Cause regarding Default Judgment.

On September 10, 2001, Intel received an answer from Applicant. Viewing a document, which, at the time, appeared on its face to be untimely and improperly filed, Intel did not

formally object to the late answer and instead relied on the Board to rule on the issue vis-à-vis its Order to Show Cause. Nonetheless, given the purported answer, Intel served its first set of discovery requests upon Applicant. Intel again contacted the Board on September 20, 2001 to see whether the Board had received any paper from Applicant that would justify its late filing, and to determine whether the Board would issue an Order to Show Cause why judgment by default should not be entered against Applicant. Intel's counsel was informed that such an order would issue shortly. Intel again contacted the Board on October 23, 2001 and was told that an Order to Show Cause had been generated and would be served upon the parties within the week. On October 26, 2001, Intel received a copy of Applicant's incomplete responses to its discovery requests.

On November 5, 2001, Intel received the Board's October 29, 2001 Order to Show Cause why judgment by default should not be granted, and gave Applicant thirty days to file its response. (See Exhibit B to Declaration of Bobby Ghajar). Applicant's thirty day timeframe to respond to the Board's October 29th Order passed without either Intel or the Board receiving any responsive paper from Applicant. At that point, Intel ceased its discovery efforts in reliance on the Board's Order to Show Cause. Given the procedural posture of the case, Intel believed that the scheduling order was suspended and that it would only waste the parties' and the Board's resources to continue to pursue discovery and to meet the deadlines set forth in the original scheduling order.

To its surprise, at the end of February 2002, Intel received a copy of the Board's February 12, 2002 Order in which the Board reversed the previously entered default judgment because Applicant apparently had filed a motion to extend on August 2, 2001. Because the Board assumed that Intel did not object to the "brief" extension, the Board set aside the notice of default and accepted on record Applicant's answer. Significantly, the Board then imposed the discovery and testimony cut-off dates as set forth in the Board's June 27, 2001 Order. At that point,

however, the discovery cut-off had long been closed, and Intel was left without any opportunity to further develop its case.

In light of the Board's reversal of default judgment against the subject application, Intel now requests that a new scheduling order be issued to reopen the period within which it may take its discovery, for a mere thirty day (30) period, and to adjust the testimony periods accordingly.

DISCUSSION

Motions to reopen a discovery period are decided pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, made applicable to TTAB proceedings under TBMP § 509.1. *See* T.B.M.P. § 509.01. Motions filed after the expiration of the period as originally set or previously extended must be substantiated by facts showing that its failure to act during the time allowed was the result of excusable neglect. Fed. R. Civ. P. 6(b)(1). Therefore, the Board must reopen a discovery or testimony period upon a showing of "excusable neglect."

"Excusable neglect" is defined as the "failure to take the proper steps at the proper time, not in consequence of the party's own carelessness, inattention, or willful disregard, of the process of the court, but in consequence of some unexpected or unavoidable hindrance or accident, or reliance on the care and vigilance of his counsel or on promises made by the adverse party." *Hewlett-Packard Co. Olympus Corp.*, 18 USPQ 2d 1710, 1712 (Fed. Cir. 1991). Furthermore, the Board has recently reconsidered the concept of excusable neglect in light of Supreme Court precedent, and has found that "the determination of whether a party's neglect is excusable is 'at bottom an equitable one.'" *Pumpkin Ltd. v. The Seed Corp.*, 43 USPQ 2d 1582, 1586 (TTAB 1997) (*quoting Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. Partnership, et al.*, 507 U.S. 380, 395 (1993)). In *Pumpkin*, the Board, following the Supreme Court, identified factors and circumstances to consider in determining whether or not particular conduct constitutes "excusable neglect." "These include . . . the danger of prejudice to the [nonmovant], the length of the delay and its potential impact on judicial proceedings, the reason for the delay,

including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Id.* (quoting *Pioneer*, 507 U.S. at 395).

Intel’s request is consistent with all of these criteria. There will be no prejudice to the non-moving party, who took no discovery during the original discovery period. Given the short amount of time requested, there will be little delay and virtually no impact on these proceedings. Moreover, the reason for the delay was not within Intel’s reasonable control. Intel had no control over the workings of the TTAB and over Applicant’s filings. Intel acted in good faith, continually monitoring this proceeding and acting in reliance on the Board’s orders which gave every indication that the original scheduling order had been suspended and that the proceeding was in a different procedural posture once the Order to Show Cause issued. Thus, Intel’s failure to take further discovery and pursue its opposition, as described above, falls within the purview of “excusable neglect,” as required under TBMP § 509.

First, applying the *Pumpkin* factors, Intel’s request will not cause Applicant any prejudice. Intel seeks only to reopen its discovery period and recover the months (October through February) that it would have had but for its reliance on the Board’s Order to Show Cause and Applicant’s lack of response thereto. As previously asserted, it would not have made sense, nor did Intel believe it necessary, to spend yet additional time and resources on an opposition, which by all accounts, was relegated to default. From the point that Intel did not receive a timely answer to the point that it was first informed that the Board would issue default judgement, Intel was under the reasonable belief that the burden lay with Applicant to show why the opposition case should not be dismissed, or at a minimum, why the Board should accept an answer filed a month late. Even if Applicant were to timely address the Opposer’s and the Board’s concerns, Intel expected that the Board would reset the original discovery dates as a matter of course.¹

¹ Indeed, in cases where the Board was willing to accept a late-filed answer, it is not uncommon for the Board to delay the remaining schedule pending its analysis of the answer. *See, e.g., Djeredjian v. Kashi Co.*, 21 U.S.P.Q.2d 1613 (TTAB 1991) (granting respondent’s request to file a late answer, and suspending the proceedings pending analysis of respondent’s answer).

Extending the discovery cut-off in this matter will not cause any prejudice to Applicant, and, in fact, the extension sought by Intel is far less than the delay caused through Applicant's failure to follow the Trademark Trial and Appeal Board's Manual of Procedure ("TBMP"). Of course, Intel would not object to the reopening of Applicant's discovery period and any reasonable discovery Applicant might wish to seek. In fact, since Applicant did not propound any discovery upon Intel, Intel's motion will, far from causing Applicant any prejudice, inure to Applicant's benefit by allowing Applicant the opportunity to do so. To the extent that Applicant would allege prejudice, it pales in comparison to the prejudice placed upon Intel were the Board's Notice of Default set aside without Intel being given the opportunity to resume discovery over a short period. On balance, relief sought in this motion will not prejudice Applicant.

Second, Intel's request will only minimally delay these proceedings. In order to complete the discovery necessary in this action, Intel requires only a thirty-day window of time. Therefore, this motion would only minimally delay these proceedings; again, much less so than the delay caused not only by Applicant's failure to properly serve its Motion to Extend its Time to answer upon Opposer, but by Applicant's failure to respond to the Board's Order to Show Cause.

Furthermore, Opposer's request is largely the result of circumstances beyond its control. Through the bulk of the discovery period, Opposer was under the reasonable belief that Applicant had improperly and untimely filed its answer in disregard of TTAB practice, and that the Board's Order to Show Cause concerning Default Judgment would stand in the absence of Applicant's response. Even were the Board to later reverse its imposition of default, Intel reasonably believed that the Board would reset the discovery schedule. Instead, the Board adhered to the original schedule, and Intel first learned about the Board's decision over a month after discovery had closed. To minimize the submission of unnecessary motions before the Board pending the issuance of the Order to Show Cause, Intel did not seek extensions of time; indeed, under the circumstances, Intel had no incentive or reason to believe it needed to.

The last *Pumpkin* factor addresses whether the movant's acted in "good faith." See *Pumpkin*, 43 USPQ 2d at 1586. Intel should not be penalized for mistakes out of its control. Applicant, in discharging his domestic representative, chose to represent himself in *pro per*, and has neglected TBMP practice and procedure.

However, Intel is not asking that the Board adhere to its issuance of default. To the contrary, Intel recognizes that the opposition should be decided on the merits and only seeks a short period of time within which it can conduct discovery and pursue its case. As the Board itself acknowledged, Intel never received Applicant's Motion to Extend time to file its answer. Intel relied on the fact that it did not timely receive Applicant's answer; that, in its many calls to the Board, the Board, too, had not received a motion to extend by the answer deadline; that Notice of Default had issued; and that Applicant failed to file any response to the Notice of Default within the time permitted by the Board's October 29, 2001 Order. It was Applicant's burden – not Intel's – to show cause why a "late" answer should be accepted and, later in the proceeding, why default judgement should not issue against Applicant. All along, Intel acted in good faith.

Following the factors identified by the Board in *Pumpkin*, Intel's motion to reopen its discovery period should be granted.

CONCLUSION

For the foregoing reasons, Opposer requests that the Board grant this motion and reopen the discovery period for a period of thirty (30) days, running from the date of the Board's decision on the motion, and that the testimony periods be adjusted accordingly.

Respectfully submitted,

INTEL CORPORATION

Date: May 15, 2002

By: 

Katherine M. Basile
Bobby A. Ghajar
HOWREY SIMON ARNOLD & WHITE
550 South Hope St., Suite 1400
Los Angeles, California 90071
(213) 892-1800

Attorneys for Opposer

CERTIFICATE OF EXPRESS MAIL

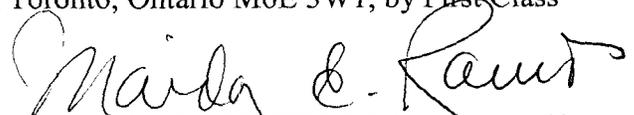
NUMBER: EK919193829US
DATE OF DEPOSIT: May 15, 2002

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: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3543.


Maida E. Ramos

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Motion to Reopen Discovery Period" was served on Applicant, Mr. Stephen Emery, 121 Day Avenue, Toronto, Ontario M6E 3W1, by First Class mail, postage prepaid, this 15th day of May, 2002.


Maida E. Ramos

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

INTEL CORPORATION,

Opposer,

v.

STEPHEN EMENY

Applicant.

DECLARATION OF BOBBY GHAJAR IN
SUPPORT OF INTEL CORPORATION'S
MOTION TO REOPEN DISCOVERY AND
TESTIMONY PERIODS

Opposition No. 123,312

Application No. 75/825,218

Opposed Mark: IDEAS INSIDE

I, Bobby Ghajar, hereby declare that:

1. I am an attorney at the law firm of Howrey Simon Arnold & White, LLP, counsel for Opposer, Intel Corporation. I make this declaration in support of Intel's Motion to Reopen Discovery and Testimony Period. The following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Intel filed its Notice of Opposition against the IDEAS INSIDE mark opposition on May 23, 2001.

3. The Board issued its institution Order dated June 27, 2001 setting Applicant's answer deadline at August 6, 2001, and the discovery cut-off at January 13, 2002. A true and correct copy of the Board's June 27, 2001 Order is attached hereto as Exhibit A.

4. Neither Intel Corporation nor my firm received any answer from Applicant by August 6, 2001. Instead, Applicant communicated further settlement

possibilities to Intel on August 17, 2001. Applicant did not mention the pending opposition at all; he also did not advise Intel that he had filed an extension of time to answer the opposition. As far as Intel was aware, no pleading had been filed with the Board by August 6, 2001.

5. On several occasions, I contacted the TTAB about the status of the opposition, first on August 20, 2001, when I learned that the paralegal originally assigned to the case was no longer responsible for the file. Subsequently, I contacted the substitute paralegal to ascertain the status of the opposition. It was then that I learned that the Board, too, had not received an answer, or any motion to extend. I was informed that the Board would eventually process an Order to Show Cause regarding Default Judgment.

6. On September 10, 2001, we received an answer from Applicant. Viewing a document, which, at the time, appeared on its face to be untimely and improperly filed, Intel did not formally object to the late answer because it believed that the Board would rule on the issue through its disposition of the Order to Show Cause. Given the purported answer, Intel served its first set of discovery requests upon Applicant.

7. I again contacted the Board on September 20, 2001 to see whether the Board had received any paper from Applicant that would justify its late filing, and to determine whether the Board would issue an Order to Show Cause why judgment by default should not be entered against Applicant. I was informed that the Board had not received any documentation from Applicant, and was told that such an order would issue shortly.

8. I again contacted the Board on October 23, 2001 and was told that an Order to Show Cause had been generated and would be served upon the parties within the week.

9. On November 5, 2001, we received the Board's October 29, 2001 Order to Show Cause why judgment by default should not be granted, and gave Applicant thirty days to file its response. A true and correct copy of the Board's October 29, 2001 Order is attached hereto as Exhibit B.

10. Applicant's thirty day timeframe to respond to the Board's October 29th Order passed, and we did not receive any paper or document from Applicant responsive to the Board's Order to Show Cause.

11. At that point, Intel ceased its discovery efforts in reliance on the Board's Order to Show Cause. Given the procedural posture of the case, it was my belief that the scheduling order was suspended and that it would only waste the parties' and the Board's resources to continue to pursue discovery and to meet the deadlines set forth in the Boards' institution Order.

12. To our surprise, at the end of February 2002, we received a copy of the Board's February 12, 2002 Order in which the Board reversed the previously entered default judgment because Applicant apparently had filed a motion to extend on August 2, 2001. A true and correct copy of the Board's February 12, 2002 Order is attached hereto as Exhibit C. Before receiving a copy from the Board in late February, we had never seen a copy of Applicant's motion to extend.

13. Because the Board assumed that Intel did not object to the "brief" extension, the Board set aside the notice of default and accepted on record Applicant's

answer. Significantly, the Board then imposed the discovery and testimony cut-off dates as set forth in the Board's June 27, 2001 Order. At that point, however, the discovery cut-off had long been closed, and Intel was left without any opportunity to further develop its case.

14. The Board's refusal to reopen the discovery period would cause my client extreme prejudice. But for Applicant's failure to properly serve its motion to extend on Intel, the Board's misplacement of Applicant's submissions, and Intel's reliance on the Board's Order to Show Cause concerning default judgment and Applicant's lack of response thereto, Intel certainly would have pursued further discovery and developed its case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed in Los Angeles, California, on May 15, 2002.


Bobby A. Ghajar

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing DECLARATION OF BOBBY
GHAJAR IN SUPPORT OF INTEL CORPORATION'S MOTION TO REOPEN
DISCOVERY AND TESTIMONY PERIODS was served on Applicant, Stephen Emeny,
121 Day Avenue, Toronto, Ontario M6E 3W1 by First Class mail, postage prepaid, this
15th day of May, 2002.


Maida E. Ramos

MAILED
JUN 27 2001
PAT. & T.M. OFFICE

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

Opposition No 123,312

Serial No. 75/825,218

Bobby A. Ghajar
Howrey Simon Arnold &
Whitek LLP
750 Bering Drive
Houston, TX 77057

INTEL CORPORATION

v.

STEVEN EMENY

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

REC'D HOWREY SIMON ARNOLD & WHITE

JUL 19 2001

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Discovery and testimony periods are set as follows:

Discovery period to open:	(July 17, 2001)
Discovery period to close:	(January 13, 2002)
30-day testimony period for party in position of plaintiff to close:	(April 13, 2002)
30-day testimony period for party in position of defendant to close:	(June 12, 2002)
15-day rebuttal testimony period for plaintiff to close:	(July 27, 2002)

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See 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.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters, which the Board agrees to discuss or decide by phone conference may be decided adversely to any party, which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.



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

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Opposition No. 123,312

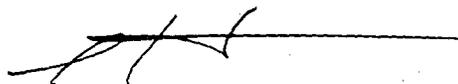
Intel Corporation

v.

Steven Emeny

Answer was due in this case on August 6, 2001. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).



Shirley Hassan
Paralegal,
Trademark Trial and
Appeal Board
(703) 308-9330, ext. 133

ANNOLD & WHITE

NOV 05 2001

DEPT.

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

Taylor

Opposition No. 123,312

Intel Corporation

v.

Steven Emeny

MAILED
FEB 12 2002

PAT. & TR. OFFICE

On October 29, 2001, the Board issued a notice of default in this case. It has since come to the attention of the Board that applicant, on August 2, 2001, filed a motion to extend its time to answer and on September 5, 2001, applicant filed an answer.

The motion to extend was not served on opposer as required by Trademark Rule 2.119 and ordinarily would not be considered until such time as service was made. However, the Board notes that the answer was served on counsel for opposer. Inasmuch as opposer did not contest the brief extension, as presumed by the parties participation in the discovery process, the notice of default is hereby set aside and applicant's answer is deemed properly of record.

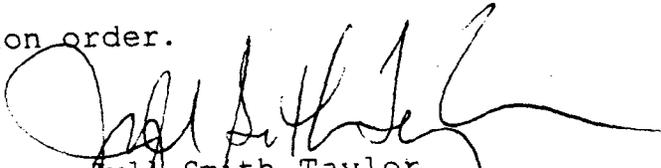
As regards discovery, on October 29, 2001, applicant filed with the Board a copy of its responses to interrogatories, requests for admissions and requests for

Opposition No. 123.

production of documents. Apparently these responses were served on opposer. However, requests for discovery, responses thereto, and materials or depositions obtained through the discovery process should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. Discovery papers or materials filed under other circumstances may be returned by the Board. See 37 CFR §2.120(j)(8), and TBMP §413 and authorities cited therein.

In view thereof, applicant's discovery responses are being returned herewith and applicant is advised that the Board will accept the filing of discovery materials only in those instances outlined above.

Discovery and trial dates remain as set the in the Board's June 27, 2001 institution order.



Jyll Smith Taylor
Attorney, Trademark
Trial and Appeal Board
(703) 308-9330, Ext. 146

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TRADEMARK
APPEAL BOARD

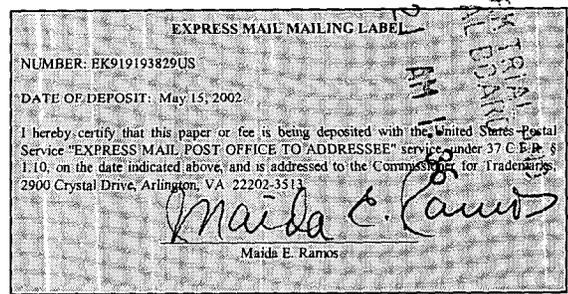
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U.S. Patent & TMOs/TM Mail Rcpt Dt. #71

May 15, 2002

Via Express Mail No. EK919193829US

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



RE: *Intel Corporation, Opposer, vs. Stephen Emeny, Applicant*
Opposition No. 123,312
Serial No. 75/825,218
Mark: IDEAS INSIDE

Dear Madam:

Enclosed for filing are:

1. This letter (in duplicate);
2. Motion to Reopen Intel Corporation's Discovery and Testimony Periods;
3. Declaration of Bobby Ghajar in Support of Intel Corporation's Motion to Reopen Discovery and Testimony Periods;
4. A self-addressed stamped postcard to evidence receipt of this request.

Please return the enclosed postcard to evidence receipt of the above-referenced documents.

Very truly yours,

Bobby A. Ghajar

Enclosures

cc: Michele Huntzinger