



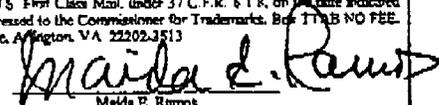
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File No 11357.0591.00US00

July 8, 2004

Via Express Mail EE358074875US

Commissioner for Trademarks  
Box TTAB NO FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

CERTIFICATE OF EXPRESS MAILING	
NUMBER	EE358074875US
DATE OF DEPOSIT	July 8, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service, U.S. First Class Mail, under 37 C.F.R. 8.18, on the date indicated above, and is addressed to the Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513	
	
Maide E. Ruvos	

Re: *Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1)*  
*Mark: SURPRISE INSIDE*  
*Serial No.: 76/135,006; Opposition No.: 124,223*

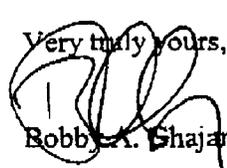
91124223

Dear Madam:

Enclosed for filing are:

1. This letter (in duplicate),
2. Notice of Motion and Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1);
3. Memorandum of Points and Authorities in Support of Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1);
4. Declaration of Bobby A. Ghajar in Support of Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1); and
5. 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

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

INTEL CORPORATION,

Opposer,

v.

JACQUELINE HALLIDAY DIAZ,

Applicant.

NOTICE OF MOTION AND MOTION FOR  
JUDGMENT PURSUANT TO TRADEMARK  
RULE 2.120(G)(1)

Opposition No.: 124,223

Serial No.: 76/135.006

Published: August 28, 2001

Opposed Mark: SURPRISE INSIDE

Class: 21

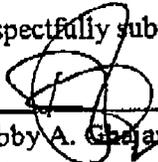
TO: JACQUELINE HALLIDAY DIAZ

PLEASE TAKE NOTICE that Opposer Intel Corporation hereby moves the Trademark Trial and Appeal Board to enter judgment in favor of Intel Corporation.

This motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith and the Declaration of Bobby A. Ghajar and all evidence presented.

Date: July 8, 2004

Respectfully submitted,

  
Bobby A. Ghajar, Esq.

Katherine M. Basile, Esq.

**HOWREY SIMON ARNOLD & WHITE, LLP**

301 Ravenswood Avenue

Menlo Park, CA 94025

Attorneys for Opposer

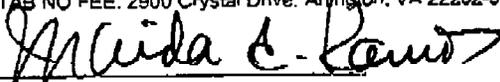
**INTEL CORPORATION**

CERTIFICATE OF EXPRESS MAIL

NUMBER: EE358074861US

DATE OF DEPOSIT: July 8, 2004

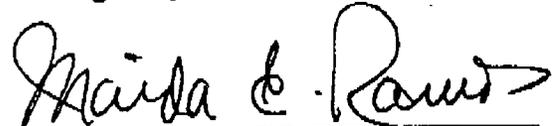
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513



Maida E. Ramos

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Notice of Motion and Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1)" was mailed by First Class Mail, postage prepaid to Neal O. Willmann, Esq., Phillips Law Firm, Inc., 9521 Montgomery Road, Cincinnati, OH 45242 on this 8th day of July, 2004.



Maida E. Ramos

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

INTEL CORPORATION,

Opposer,

v.

JACQUELINE HALLIDAY DIAZ,

Applicant.

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF MOTION  
FOR JUDGMENT PURSUANT TO  
TRADEMARK RULE 2.120(G)(1)**

Opposition No.: 124,223

Serial No.: 76/135,006

Published: August 28, 2001

Opposed Mark: SURPRISE INSIDE

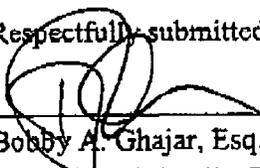
Opposer Intel Corporation ("Intel") moves for judgment pursuant to Trademark Rule 2.120(g)(1) in view of Applicant's failure to comply with the Board's April 23, 2004 Order on Opposer's Motion to Compel.

Pursuant to the Board's April 23 Order, Applicant was required to respond to Opposer's First and Second Sets of Interrogatories and First and Second Requests for Production of Documents on or before May 23, 2004. However, Applicant has not complied with the order and has not sent a single document or Interrogatory response to Opposer since the issuance of Board's Order. (See attached Ghajar Decl. ¶2). Thus, Applicant has disregarded her obligations under the rules governing discovery.

Accordingly, pursuant to Rule 37(b)(2) of the Federal Rules of Civil Procedure and Trademark Rule 2.120(g)(1), Opposer requests that the Board enter judgment in Opposition No. 91124223 in favor of Intel Corporation.

Date: July 8, 2004

Respectfully submitted,

  
Bobby A. Ghajar, Esq.  
Katherine M. Basile, Esq.  
HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025

Attorneys for Opposer  
**INTEL CORPORATION**

CERTIFICATE OF EXPRESS MAIL

NUMBER · EE358074861US

DATE OF DEPOSIT · July 8, 2004

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, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

*Maida E. Ramos*

Maida E. Ramos

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Memorandum of Points and Authorities in Support of Motion for Judgment Pursuant to Trademark Rule 2.120(g)(1)" was mailed by First Class Mail, postage prepaid to Neal O. Willmann, Esq., Phillips Law Firm, Inc., 9521 Montgomery Road, Cincinnati, OH 45242 on this 8th day of July, 2004.

*Maida E. Ramos*

Maida E. Ramos

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

INTEL CORPORATION,

Opposer.

v.

JACQUELINE HALLIDAY DIAZ,

Applicant.

DECLARATION OF BOBBY A. GHAJAR IN  
SUPPORT OF INTEL CORPORATION'S  
MOTION FOR JUDGMENT PURSUANT TO  
TRADEMARK RULE 2.120(G)(1)

Opposition No.: 124,223

Serial No.: 76/135,006

Published: August 28, 2001

Opposed Mark: SURPRISE INSIDE

Class: 21

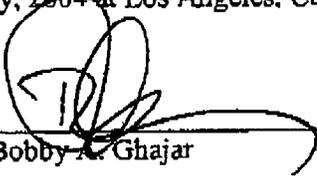
I, Bobby A. Ghajar, declare and state as follows:

1. I am an attorney at law admitted to practice before this Court. I am an attorney at the law firm of Howrey Simon Arnold & White, LLP, counsel of record for Opposer, Intel Corporation. I have personal knowledge of the matters stated herein, and if called to testify, would testify competently thereto. I make this declaration in support of Opposer Intel Corporation's Motion for Judgment.

2. Since the issuance of the Board's Order granting Intel's Motion to Compel on April 23, 2004, I have received no responses to Intel's First and Second Sets of Interrogatories or Intel's First and Second Requests for Production of Documents. I have checked with those responsible for reviewing incoming mail, and no such responses or documents have been received by my firm as of the date of this Declaration. Likewise, Applicant has not contacted me to indicate that such response and documents were forthcoming.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of July, 2004 at Los Angeles, California.

  
Bobby A. Ghajar



550 SOUTH HOPE STREET
SUITE 1100
LOS ANGELES, CA 90071-2627
PHONE: 213.892.1800 • FAX: 213.892.2300

FACSIMILE COVER SHEET

DATE: July 19, 2004

TO: NAME Denise

COMPANY U.S. Trademark and Patent Office

FAX NUMBER (703) 746-9619 PHONE NUMBER:

CITY: Arlington, VA

FROM: NAME Bobby A. Ghajar

DIRECT DIAL NUMBER: (213) 892-1840 USER ID: 1820

NUMBER OF PAGES, INCLUDING COVER: 7 CHARGE NUMBER: 11355.0152.00US00

ORIGINAL WILL FOLLOW VIA

- REGULAR MAIL OVERNIGHT DELIVERY HAND DELIVERY OTHER

ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

URGENT!
Re: Opposition No. 124,223 - Mark: SURPRISE INSIDE
Denise:
Per your voice message, enclosed is a copy of our Notice of Motion & Motion for Judgment, Memorandum of Points and Authorities and Declaration of Bobby Ghajar.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 213.892.2349