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Valerie du Laney  
dulaney@millernash.com  
(206) 777-7434 direct line

February 5, 2003

VIA U.S. MAIL

Ms. Nancy L. Omelko  
Box TTAB  
845 - TTAB  
2900 Crystal Drive  
South Tower Building, Ninth Floor  
Arlington, Virginia 22202-3513



02-10-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #7C

Subject: Sakata Rice Snacks Australia Pty Ltd. v. Terra Harvest Foods,  
Incorporated F/K/A Sesmark Foods Inc.  
Proceeding No. 91124245

Dear Ms. Omelko:

This letter is further to my letter of January 20, 2003, which accompanied copies of documents filed by the opposer in this case, Sakata Rice Snacks Australia Pty Ltd. ("Sakata"), on November 27, 2002, but not filed in the TTAB's file for this proceeding.

We recently checked the TTAB's online docket to confirm that the TTAB had received these documents, and discovered that Sakata's November 27 pleadings were originally misfiled in another proceeding. Please see the attached docket for proceeding no. 91124425 (Vast Resources/ Trigg Laboratories), which shows that Sakata's Motion for Leave to File Reply Brief (and presumably its supporting documents), filed on November 27, 2002, were inadvertently placed in the file for proceeding No. 91,124,425 instead of the correct file for proceeding No. 91,124,245.

We thought this information might be helpful to you. Do not hesitate to contact me if you have any questions.

Very truly yours,

Valerie du Laney

cc w/o enc: Sakata Rice Snacks Australia Pty Ltd.  
KMPG Legal - Melbourne, Aleksandra Janezic  
Erich W. Merrill, Jr.

du LANEY:gj  
Enc.: As Stated  
File No.: 202360-0001  
Doc ID: SEADOCS:146142.2

DD

## Adversary Proceeding Data

**Proceeding Number: 91124425**  
**Proceeding Status and Date: Pending 2002-12-10**  
**Interlocutory Attorney Name: CHERYL S GOODMAN**  
**Proceeding Location: 900 - Warehouse (Newington)**  
**Proceeding Location Date: 2002-12-09**  
**Proceeding Charged To Location: 845 - TTAB**  
**Proceeding Charged To Employee Name: DWAYNE A BOWLING**  
**Date Proceeding Filed: 2001-10-30**

**Prosecution History**

<b>Entry#</b>	<b>Entry Date</b>	<b>Due Date</b>	<b>History Text</b>
7	2002-11-27		PL'S SAKATA RICE SNACKS AUSTRALIA PTY LT D'S MOT FOR LEAVE TO FILE REPLY BRIEF
6	2002-03-25		TERMINATED
5	2002-03-25		BOARD'S DECISION: SUSTAINED
4	2002-02-11		PL MOT FOR DEFAULT JUDGMENT
3	2001-11-06		PENDING, INSTITUTED
2	2001-11-06		NOTCE SENT ANSWER DUE; 12-15-01
1	2001-10-30		FILED AND FEE

**Defendant Name Information:**

**VAST RESOURCES, INC.**  
**Correspondence Address:**  
**JAY H. GELLER**  
**WEST TOWER, SUITE 4000**  
**2425 W. OLYMPIC BL.**  
**SANTA MONICA, C 90404**

**Defendant Property Information:**

**Serial Number: 78020444**  
**Registration Number: 0**  
**International Classes: 003**  
**Application Status: 604 - Abandoned - After inter-partes decision**  
**Application Status Date: 2002-03-25**  
**Application Location: 900 - Warehouse (Newington)**  
**Application Date in Location: 2002-03-28**  
**Law Office Assigned: L20 - TMEG Law Office 102**  
**Attorney: Jay H. Geller**  
**Domestic Representative:**  
**Application Charged to Location:**  
**Application Charged to Employee:**  
**Registration Date:**  
**Examiner Name: CHERYL A CLAYTON**  
**Mark: WET DREAMS**  
**Application Filing Date: 2000-08-09**

**Plaintiff Name Information:**

**TRIGG LABORATORIES, INC.**

**Correspondence Address:**

**FRANCIE R. GORWITZ  
O'MELVENY & MYERS LLP  
1999 AVENUE OF THE STARS SUITE 700  
LOS ANGELES, CA., 90067-6035**

**Plaintiff Property Information:**

**Serial Number: 74490852**

**Registration Number: 1876269**

**International Classes: 003**

**Application Status: 702 - Registered - Section 8 (6-year) accepted & Section 15 acknowledged**

**Application Status Date: 2001-01-24**

**Application Location: 900 - Warehouse (Newington)**

**Application Date in Location: 2001-12-20**

**Law Office Assigned: J80 - TMEO Law Office # 08**

**Attorney: FRANCIE R GOROWITZ ESQ**

**Domestic Representative:**

**Application Charged to Location:**

**Application Charged to Employee:**

**Registration Date: 1995-01-31**

**Examiner Name: KATHLEEN COONEY PORTER**

**Mark: WET**

**Application Filing Date: 1994-02-17**

**Valerie du Laney**  
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January 20, 2003

**VIA FEDERAL EXPRESS FOR HAND-DELIVERY**

Ms. Nancy L. Omelko  
Box TTAB  
845 - TTAB  
2900 Crystal Drive  
South Tower Building, Ninth Floor  
Arlington, Virginia 22202-3513

Subject: *Sakata Rice Snacks Australia Pty Ltd. v. Terra Harvest Foods, Incorporated F/K/A Sesmark Foods Inc.*  
Opposition No. 124,245  
Our Reference: 202360-0001

Dear Ms. Omelko:

Thank you for your voice mail of Saturday. In your message, you advised that you do not have copies of certain pleadings we previously submitted to the TTAB on behalf of Sakata Rice Snacks Australia Pty Ltd., the opposer in this case. You indicated you had received (on October 23, 2002), Applicant's [Sesmark] responses to these pleadings (namely, Plaintiff/Opposer's Sesmark/Terra Harvest Foods Inc.'s Responses to our Motion to Strike, Motion for Leave to file Amended Motion to Compel, and Reservation of Rights to Respond.

We compared the TTAB's online docket to our case docket and find that you are missing the following the documents which we filed with the TTAB on the dates below indicated:

1. Opposer Sakata's Motion to Strike, Motion for Leave to File Amended Motion to Compel and Reservation of Rights to Respond (10/11/02);
2. Declaration of Valerie du Laney in Support of Motion to Strike (10/11/02);
3. Opposer Sakata Rice Snacks Australia Pty Ltd's Motion for Leave to File Reply Brief (11/25/02);

Ms. Nancy L. Omelko  
Box TTAB  
January 20, 2003  
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4. Opposer Sakata Rice Snacks Australia Pty Ltd's Response to Applicant's Reply to Response by Plaintiff/Opposer to Motion for Dismissal and/or Judgment on the Pleadings for Failure to Take Testimony (11/25/02);
5. Declaration of Hiroshi Suzukawa (10/10/02); and
6. Supplemental Declaration of Valerie du Laney in Support of Response by Opposer Sakata Rice Snacks Australia Pty, Ltd. To Applicant's Motion for Dismissal and/or Judgment on the Pleadings (11/25/02).

In your telephone message, you asked us to fax to you the missing documents. Because today is a federal holiday and your office is closed, I am sending you the documents via Federal Express instead. My office will contact you tomorrow to verify you have received these documents. Please don't hesitate to call or e-mail me if I can be of any further assistance.

Very truly yours,

Valerie du Laney

cc w/o enc: Sakata Rice Snacks Australia Pty Ltd.  
KMPG Legal - Melbourne, Aleksandra Janezic  
Erich W. Merrill, Jr.

du LANEY:gj  
Enc.: As Stated  
File No.: 202360-0001  
Doc ID: SEADOCS:145044.2