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

Proceeding	91152940
Party	Plaintiff SINCLAIR OIL CORPORATION ,
Correspondence Address	JOHN C. STRINGHAM WORKMAN, NYDEGGER & SEELEY 1000 EAGLE GATE TOWER, 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111
Submission	Response to Board Order/Inquiry
Filer's Name	Robyn L. Phillips
Filer's e-mail	rphillips@wnlaw.com, blarsen@wnlaw.com
Signature	/Robyn L. Phillips/
Date	05/26/2005
Attachments	012 Show Cause.pdf (8 pages) 012 Motion to Amend Dates.pdf (3 pages) 012 Phillips Decl.pdf (11 pages) 012 Reed Decl.pdf (4 pages)

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

In the matter of Trademark Application Serial No. 76/212,011
Published in the Official Gazette of May 28, 2002, at page TM 1497, Int'l Class 35.
Filed: February 20, 2001
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
Opposer,)	
v.	)	OPPOSER'S RESPONSE TO ORDER
SUMATRA KENDRICK	)	TO SHOW CAUSE AND
Applicant.	)	MEMORANDUM IN SUPPORT OF
	)	OPPOSER'S MOTION TO RESET
	)	DISCOVERY AND TRIAL DATES

I. INTRODUCTION

Opposer Sinclair Oil Corporation (“Opposer”), by and through its counsel of record, hereby submits this Response to the Order to Show Cause mailed by the Trademark Trial and Appeal Board (“TTAB”) on April 26, 2005. Opposer respectfully submits that its failure to file a brief should not be treated as concession of the case because, as discussed in detail below, Opposer did not receive the Order from the TTAB mailed on April 8, 2004. Accordingly, Opposer was unaware that the schedule for the above-captioned opposition proceeding had been reset and that it was to file a brief by March 25, 2005.

Therefore, Opposer respectfully moves that the discovery and testimony periods be reset to allow for proper discovery and briefing. In addition to the present Response to the Order to Show Cause, included herein is a Memorandum in support of Opposer’s Motion to Reset the Discovery and Trial Dates.

II. SHOWING OF CAUSE

A. Order Suspending Proceedings

On March 2, 2004, the TTAB mailed an Order suspending proceedings in this Opposition pending the disposition of Opposer’s Motion to Compel Production of Documents originally filed on September 10, 2003, and redelivered on March 1, 2004. (Docket No. 21.) This Order further stated that the motion to compel would be decided in due course. (*Id.*) The Order mailed on March 2, 2004, was the last thing received from the TTAB in Opposer’s file or in this firm’s docketing system for this pending Opposition. (Declaration of Robyn L. Phillips in Support of Opposer’s Response to Order to Show Cause and Memorandum in Support of Opposer’s Motion to Reset Discovery and Trial Dates (“Phillips Decl.”), ¶ 3; Declaration of Shelli Reed in Support of Opposer’s Response to Order to Show Cause and Memorandum in Support of Opposer’s Motion to Reset Discovery and Trial Dates (“Reed Decl.”), ¶ 3.) Until Opposer received the

Order to Show Cause mailed by the TTAB on April 26, 2005, Opposer operated under the assumption (which it now knows was mistaken) that the Order suspending these proceedings (mailed March 2, 2004) was still in effect. (Phillips Decl., ¶ 3.)

B. Order to Show Cause

On May 2, 2005, Opposer received the Order to Show Cause from the TTAB mailed on April 26, 2005. (*Id.*; Reed Decl., ¶ 3.) Upon receiving the Order to Show Cause, the undersigned went to the internet site of the United States Patent and Trademark Office (“PTO”) to look at the TTAB’s docket for the above-captioned Opposition proceeding. (Phillips Decl., ¶ 4.) It was only then that Opposer learned that on April 8, 2004, the TTAB had mailed an Order denying Opposer’s Motion to Compel Production of Documents and resetting the discovery and trial dates in this proceeding.¹ (*Id.*)

Opposer never received a copy of this Order, and therefore, was unaware that the schedule had been reset by the TTAB or of the deadline set by which it was required to submit its brief. (Phillips Decl., ¶ 9; Reed Decl., ¶ 8.) Upon learning of the Order of April 8, 2004, Opposer’s counsel investigated this matter and based on this investigation is confident that said Order was never received by anyone in this firm. (Phillips Decl., ¶¶ 4-10.)

¹ In the Order of April 8, 2004, the TTAB states that “[i]n an attempt to circumvent the page limitation set forth in Trademark Rule 2.127(a), opposer has divided a single motion to compel into two motions separately addressing the interrogatories and document requests as a means of filing two briefs totaling thirty-eight pages.” The TTAB also notes that “[s]uch tactics are in clear violation of the applicable rules” and cites to *Estate of Shakur v. Thug Life Clothing Co.*, 57 USPQ2d 1095, 1096 (TTAB 2000).

Counsel for Opposer apologizes for its failure apprise itself of and understand the ramifications of *Shakur* and hopes that it has not done anything to offend the TTAB or the Interlocutory Attorney assigned to this proceeding. Counsel for Opposer was under the sincere, but mistaken, impression that when Opposer’s Motion to Compel was denied in the Order of August 28, 2003, for failing to comply with the page length requirement, the TTAB required a bifurcation of the over length Motion to Compel Answers to Interrogatories and Production of Document. Accordingly, counsel for Opposer was trying, in good faith, to comply with the Order from the TTAB and was not aware of *Shakur*, which appears to be the only case from the TTAB addressing this specific issue relating to motions to compel. The undersigned notes that to the best of her knowledge neither the CFR nor the TBMP expressly enumerate that a motion to compel relating to document requests and interrogatories must be combined into one motion and that this requirement differs from practice in federal court. The undersigned, of course, now understands that under *Shakur* and TTAB practice, the division of the over length motion to compel into two motions was improper, and sincerely apologizes for her oversight, which will not happen again.

Opposer's counsel of record are shareholders at the intellectual property law firm, Workman Nydegger. (Phillips Decl., ¶ 1.) In order to prevent any oversights with respect to deadlines, Workman Nydegger utilizes several standard docketing and procedural mechanisms to make sure that all incoming materials are immediately docketed prior to anyone else handling said materials. (Phillips Decl. ¶ 5; Reed Decl., ¶ 4.)

More specifically, it is standard practice at this firm for any document or correspondence, which is delivered to the offices of Workman Nydegger, including that sent from the PTO or TTAB, to be sent directly to Workman Nydegger's docketing department. (Phillips Decl., ¶ 6; Reed Decl., ¶ 5.) The docketing department then reviews each document and enters any deadlines contained therein into the docketing system. (Phillips Decl., ¶ 7; Reed Decl., ¶ 6.) The document is then forwarded to the secretary for the attorney responsible for the particular matter or proceeding to which the document relates. (Phillips Decl., ¶ 8; Reed Decl., ¶ 7.) The responsible attorney's secretary then makes working copies of the document for the attorney and for distribution to other attorneys and employees assisting on a particular matter, and then files the original copy of the document in the appropriate file relating to that matter or proceeding. (Phillips Decl., ¶ 8.)

Accordingly, if the Order mailed April 8, 2004, had been received, there would have been a docketing entry for this matter or at least an entry showing that the dates had been reset. (Phillips Decl., ¶ 10; Reed Decl., ¶ 9.) The TTAB's April 8, 2004 Order was never received by Workman Nydegger's docketing department. (Phillips Decl., ¶¶ 9-10; Reed Decl., ¶¶ 8-9.) A review of Workman Nydegger's docketing database showed that until we received the Order to Show Cause mailed April 26, 2005, this firm had not received any other materials from the TTAB or PTO relating to this proceeding since the Order suspending the proceeding mailed on

March 2, 2004. (Phillips Decl., ¶ 9; Reed Decl., ¶ 10.) Furthermore, the Order of April 8, 2004, was never received by the attorney responsible for this proceeding nor was it placed in the files maintained in connection with this proceeding. (Phillips Decl., ¶ 9.) Counsel for Opposer has reviewed all of the files relating to this matter and verified that the Order is not any of the files.² (Phillips Decl. ¶ 9.)

Opposer respectfully requests that based on the above facts the TTAB should not treat Opposer's failure to file a brief as a concession of the case and that the dates for this matter should be reset as discussed below.

III. MEMORANDUM IN SUPPORT OF OPPOSER'S MOTION TO RESET DISCOVERY AND TRIAL DATES

A. Current Deadlines

The Order of April 8, 2004 lifted the suspension of this Opposition proceeding and reset the discovery and trial dates as follows:

DISCOVERY PERIOD TO CLOSE:	7/12/04
Plaintiff's thirty-day testimony period to close:	10/11/04
Defendant's thirty-day testimony period to close:	12/10/04
Plaintiff's fifteen-day rebuttal period to close:	1/24/05

Generally, the discovery period closed three months following the order ending the suspension of this proceeding. Plaintiff's thirty-day testimony period closed six months following this Order, Defendant's thirty-day testimony period was closed eight months following this Order and Plaintiff's fifteen-day rebuttal period closed nine months following this Order.

² Further, in the investigation of this matter Opposer has learned that it has not received all the materials Applicant apparently sent to the TTAB on March 5, 2004. (Docket No. 22.) Opposer received only the Protective Order and a one page response to Interrogatory No. 10. In contrast, a review of the TTAB file on the PTO's web site shows that Docket No. 22 includes other materials that Opposer never received, and from the print-outs off the PTO's web site, Opposer is unable to discern what these materials are. A copy of these unknown materials is attached to the Phillips Decl. as Exhibit A.

As explained in the above sections, Opposer was unaware of these deadlines and allowed them to pass without acting because it did not receive the April 8, 2004 order and was under the impression that this proceeding remained suspended.

B. Requested Deadlines

So that this proceeding may proceed as the TTAB originally intended, Opposer respectfully moves the TTAB to reset the discovery and trial dates in such a manner as to have the effect that the dates set in the April 8, 2004 Order would have had if it had been delivered to Opposer. In other words, Opposer respectfully moves the TTAB to reset the discovery and trial dates to allow for the passage of similar time intervals, beginning from the time that the instant motion is granted. Specifically, Opposer respectfully moves the TTAB to reset the discovery period to end three (3) months from the date of the decision on the Order to show cause and then set the remaining trial dates in accordance with TTAB procedure. Accordingly, Opposer requests the following schedule:

DISCOVERY PERIOD TO CLOSE:	three (3) months from the date of the decision
Plaintiff's thirty-day testimony period to close:	two (2) months later
Defendant's thirty-day testimony period to close:	two (2) months later
Plaintiff's fifteen-day rebuttal period to close:	six weeks later

IV. CONCLUSION

As explained above, Opposer has shown cause why the TTAB should not treat its failure to file a brief as a concession of the case. Furthermore, Opposer respectfully moves that the discovery and trial dates should be reset to allow for these proceedings to progress as originally intended.

Dated this 26th day of May, 2005.

Respectfully submitted,



John C. Stringham, Reg. No. 40,831

Robyn L. Phillips, Reg. No. 39,330

WORKMAN NYDEGGER

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 328-1707

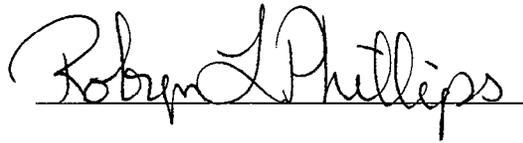
Attorneys for Opposer

SINCLAIR OIL CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that **OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE AND MEMORANDUM IN SUPPORT OF OPPOSER'S MOTION TO RESET DISCOVERY AND TRIAL DATES** was served upon the Applicant, Sumatra Kendrick, by mailing a true and correct copy thereof by Express Mail, postage pre-paid, this 26th day of May, 2005, in envelopes addressed as follows:

Sumatra Kendrick
P.O. Box 434
Berkeley, CA 94701



J:\15027203\012 Show Cause-final.doc

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

In the matter of Trademark Application Serial No. 76/212,011
Published in the Official Gazette of May 28, 2002, at page TM 1497, Int'l Class 35.
Filed: February 20, 2001
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
)	
Opposer,	)	OPPOSER'S MOTION TO RESET
	)	DISCOVERY AND TRIAL DATES
v.)	
SUMATRA KENDRICK)	
)	
Applicant.)	

MOTION

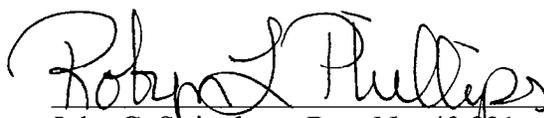
Opposer Sinclair Oil Corporation (or "Opposer"), by and through its counsel of record, hereby moves the Trademark Trial and Appeal Board ("TTAB") for an order resetting the discovery and trial dates in the above-captioned proceeding. As explained in the attached combined Response to the Order to Show Cause and Memorandum in Support of Opposer's

Motion to Reset Discovery and Trial Dates, Opposer was unaware that the schedule for this proceeding had been reset because it did not receive the Order from the TTAB mailed April 8, 2004 and was under the impression that this proceeding remained suspended.

So that this Opposition may proceed as the TTAB originally intended, Opposer respectfully moves the TTAB to reset the discovery and trial dates in such a manner as to have the effect that the dates set in the April 8, 2004 Order would have had if it had been delivered to Opposer. In other words, Opposer respectfully moves the TTAB to reset the discovery and trial dates to allow for the passage of similar time intervals, beginning from the time that the instant motion is granted.

Grounds for this Motion are set forth in the accompanying combined Response to Order to Show Cause and Memorandum in Support of Opposer's Motion to Reset Trial and Discovery Dates.

DATED this 26th day of May, 2005.



John C. Stringham, Reg. No. 40,831

Robyn L. Phillips, Reg. No. 39,330

WORKMAN NYDEGGER

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 328-1707

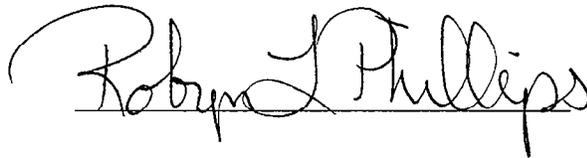
Attorneys for Opposer

SINCLAIR OIL CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that **OPPOSER'S MOTION TO RESET DISCOVERY AND TRIAL DATES** was served upon the Applicant, Sumatra Kendrick, by mailing a true and correct copy thereof by Express Mail, postage pre-paid, this 26th day of May, 2005, in an envelope addressed as follows:

Sumatra Kendrick
P.O. Box 434
Berkeley, CA 94701

A handwritten signature in cursive script that reads "Robyn L. Phillips". The signature is written in black ink and is positioned to the right of the recipient's address.

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

In the matter of Trademark Application Serial No. 76/212,011
Published in the Official Gazette of May 28, 2002, at page TM 1497, Int'l Class 35.
Filed: February 20, 2001
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
Opposer,)	
v.	)	DECLARATION OF ROBYN L. PHILLIPS
SUMATRA KENDRICK	)	IN SUPPORT OF OPPOSER'S
Applicant.	)	RESPONSE TO ORDER TO SHOW
	)	CAUSE AND MOTION TO RESET
	)	DISCOVERY AND TRIAL DATES

Robyn L. Phillips, declarant herein, deposes and states:

1. I am a shareholder in the law firm of Workman Nydegger, counsel for Opposer Sinclair Oil Corporation ("Opposer") in the above-captioned action.
2. I make this declaration based upon my own personal knowledge and based upon records, maintained by Workman Nydegger in the ordinary course of business, to which I have access in the course of fulfilling my duties for the firm and its clients.
3. On May 2, 2005, this firm received an Order to Show Cause from the Trademark Trial and Appeal Board ("TTAB") mailed on April 26, 2005. Prior to that time an Order from

the TTAB mailed on March 2, 2004, was the last thing in our files or docketing system for this Opposition. Until we received the Order to Show Cause, I thought that the Order suspending this Opposition was still in effect.

4. After receiving the Order to Show Cause, on or about May 10, 2005, I went to the internet site of the United States Patent and Trademark Office (“PTO”) to look at the TTAB’s docket for this Opposition. It was only then that I learned that on April 8, 2004, the TTAB had mailed an Order denying Opposer’s Motion to Compel Production of Documents and resetting the discovery and trial dates in this proceeding. Once I learned of the existence of the April 8, 2004 Order, I investigated this matter in detail to determine why I was not aware of such an Order.

5. In order to prevent any oversights with respect to deadlines, Workman Nydegger utilizes several standard docketing and procedural mechanisms to make sure that all incoming materials are immediately docketed prior to anyone else handling said materials.

6. Pursuant to the policies and procedures of Workman Nydegger, all incoming documents and correspondence, including that received from the PTO or TTAB, which are delivered to the offices of Workman Nydegger are sent directly to Workman Nydegger’s docketing department.

7. All documents directed to Workman Nydegger’s docketing department are reviewed for any dates or deadlines contained or referenced therein. These dates and deadlines are then docketed.

8. Once a document has been reviewed and docketed by Workman Nydegger’s docketing department, it is directed to the secretary for the attorney responsible for the particular matter or proceeding to which the document relates. The responsible attorney’s secretary then makes working copies of the document for the attorney and for distribution to other attorneys and employees assisting on a particular matter and then files the original copy of the document in the appropriate file relating to that matter or proceeding.

9. Through the above-described channels, I never received a copy of the Order mailed April 8, 2004, and therefore, I was unaware of that the schedule had been reset by the TTAB or of the deadline for Opposer to submit its brief. Furthermore, I have reviewed all the files relating to this matter and verified that a copy of this Order was not placed in any files maintained in connection with the above-captioned proceeding.

10. If the Order had been received, there would have been a docketing entry for this matter or at least an entry showing that the dates had been reset. My review of the Workman Nydegger's docketing database showed that until we received the Order to Show Cause mailed April 26, 2005, we had not received any other materials from the TTAB or PTO relating to this matter since the Order suspending the proceeding mailed March 2, 2004.

11. From my review of the materials filed by Applicant with the TTAB on March 5, 2004 using the PTO's web site (Docket No. 22), as compared to Opposer's files for this matter, it appears that some of the materials were never sent to Opposer. From the print outs off the web site and from the web site itself Opposer is unable to discern what these materials are. A true and correct copy of the materials in the TTAB's file as Docket No. 22 which were not received by Opposer are attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the contents of the foregoing declaration are true and correct.

DATED this 26th day of May, 2005.


Robyn L. Phillips

CERTIFICATE OF SERVICE

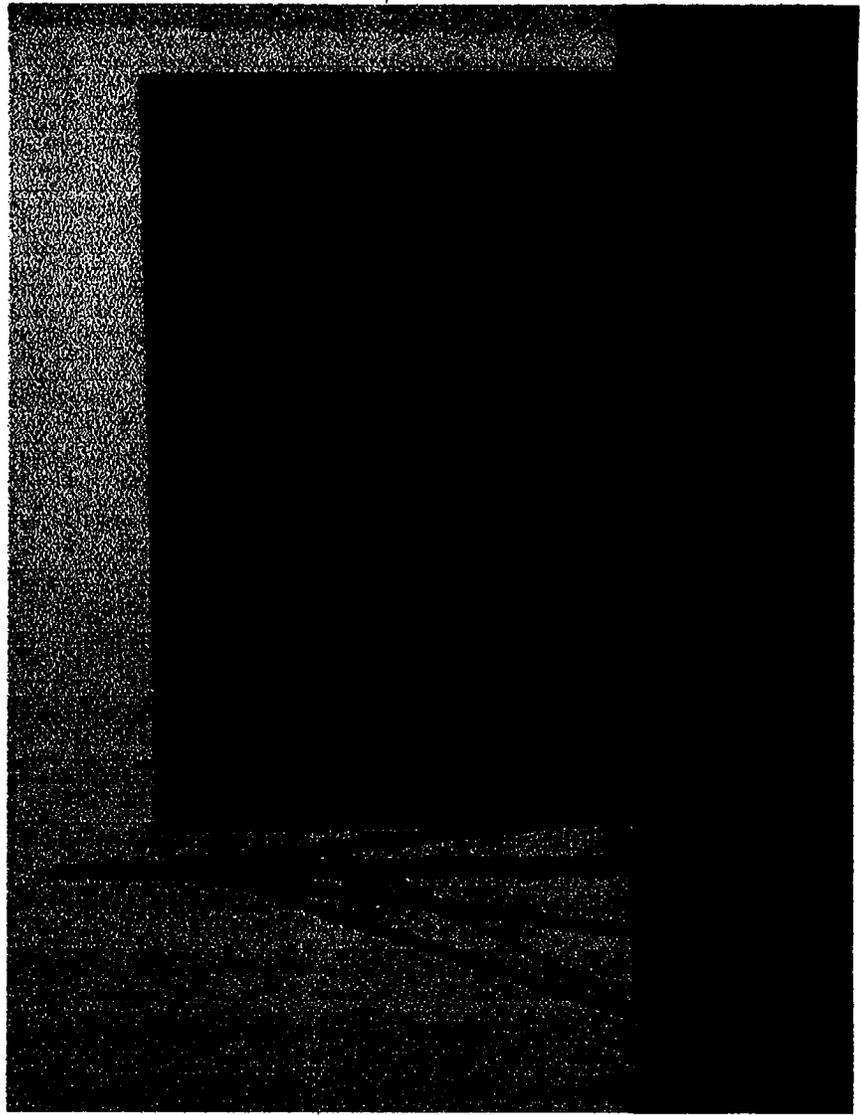
I hereby certify that the **DECLARATION OF ROBYN L. PHILLIPS IN SUPPORT OF OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE AND MOTION TO RESET DISCOVERY AND TRIAL DATES** was served upon the Applicant, Sumatra Kendrick, by mailing a true and correct copy thereof by Express Mail, postage pre-paid, this 26th day of May, 2005, in envelopes addressed as follows:

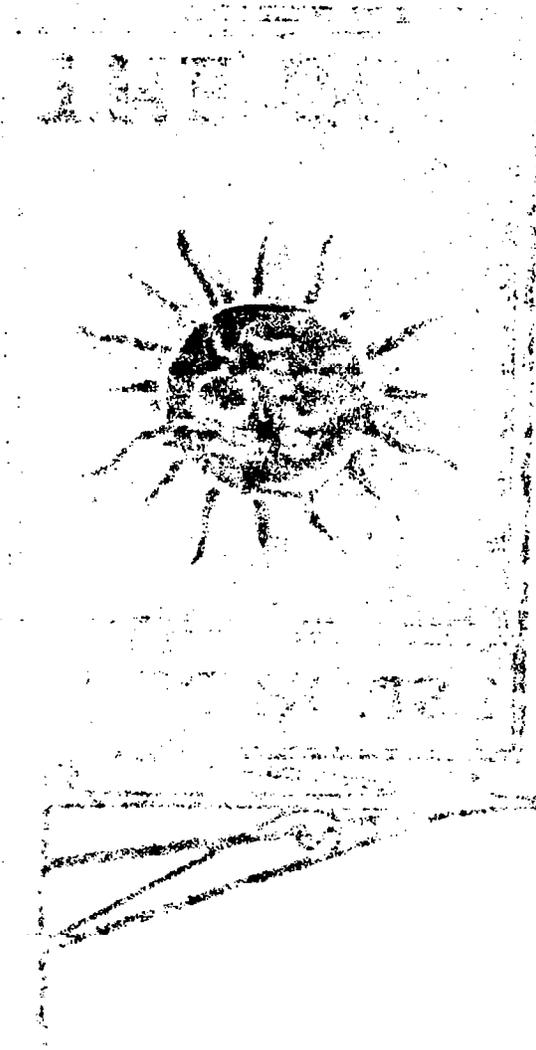
Sumatra Kendrick
P.O. Box 434
Berkeley, CA 94701


Robyn L. Phillips

J:\15027203\012 Phillips Decl.doc

EXHIBIT A





the Sun Inn

Hulverstone

Isle of Wight

home

menu

wines

location

site made by
island webservices

the Sun Inn

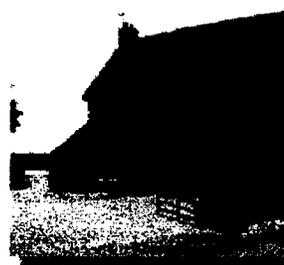
is a 600 year old hostelry set in beautiful countryside near Brook Chine on the South-West coast of the Isle of Wight. It has a huge beer garden and an outstanding sea view.

This pub was used many years ago by smugglers to land their ill-gotten gains and to sell them on. The Sun Inn has had a somewhat chequered past over the last 600 years, and at one stage was nearly converted to a private residence but with local opposition and strong backing from the council it was ordered that the building be returned to a public house and was lovingly restored to it's former glory.

The pub opens its doors from 11am until 11pm Monday to Saturday and 12pm until 10:30pm on Sunday. Food is served from 12 until 9pm every day with an extensive menu to suit all tastes. We also offer daily specials and delicious desserts.

Winter events are fortnightly quizzes, weekly curry nights and weekly music nights with local musicians.

The White Lion at Arreton, on the other side of the Island is also well worth a visit. Go to the White Lion web site for details.



The Sun Inn, Hulverstone, Newport, Isle of Wight, PO30 4EH ~ 01983 741124 ~ info@sun-hulve

TTAB

Sumatra Kendrick
P.O. Box 434
Berkeley, California 94701
510-799-6447

Feb 28, 2004

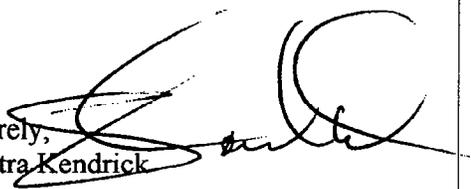
Dear Mr. Baxley, Interlocutory Attorney:

Re: Opposition no. 91152940

On Feb 8, 2004 the United States Post Office forwarded your letter to the forwarding current address from my last physical address. I submitted a letter to the TTAB notifying a change of address to the P.O. Box last year in 2003 However your letter was dated Jan. 29, 2004. I did not receive correspondence until Feb. 8th, 2004 to which I am entitled to a full 30 days.

Could you please forward all correspondence to the P.O. Box listed above.

Sincerely,
Sumatra Kendrick



PLEASE SEE ATTACHED PROOF OF MAILING TO FORWARDING ADDRESS.

SINCLAIR OIL CORPORATION
V.
SUMATRA KENDRICK



03-05-2004

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #72

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Commissioner for Trademarks
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91152940

SUMATRA KENDRICK
11760 SAN PABLO AVENUE
EL CERRITO, CA 94530

42

94330+1790 16

KENDRICK 045302032 1305 19 02/08/04
NOTIFY SENDER OF NEW ADDRESS
KENDRICK-SUMATRA
PO BOX 434
BERKELEY CA 94701-0434

|||

10/15/2003
10/15/2003
10/15/2003



* N E W D O C *

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

In the matter of Trademark Application Serial No. 76/212,011
Published in the Official Gazette of May 28, 2002, at page TM 1497, Int'l Class 35.
Filed: February 20, 2001
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
Opposer,)	
v.	)	DECLARATION OF SHELLI REED IN
SUMATRA KENDRICK	)	SUPPORT OF OPPOSER'S RESPONSE
Applicant.	)	TO ORDER TO SHOW CAUSE AND
	)	MOTION TO RESET DISCOVERY AND
	)	TRIAL DATES

Shelli Reed, declarant herein, deposes and states:

1. I am employed in the docketing department at the firm of Workman Nydegger, counsel for Opposer Sinclair Oil Corporation ("Opposer") in the above-captioned action.
2. I make this declaration based upon my own personal knowledge and based upon records, maintained by Workman Nydegger in the ordinary course of business, to which I have access in order to fulfill my responsibilities in the docketing department of Workman Nydegger.

3. On May 2, 2005, this firm received an Order to Show Cause from the Trademark Trial and Appeal Board (“TTAB”) mailed on April 26, 2005. Prior to that time an Order from the TTAB mailed on March 2, 2004, was the last thing in our docketing system for this Opposition.

4. In order to prevent any oversights with respect to deadlines, Workman Nydegger utilizes several standard docketing and procedural mechanisms to make sure that all incoming materials are immediately docketed prior to anyone else handling said materials.

5. Pursuant to the policies and procedures of Workman Nydegger, all incoming documents and correspondence, including that received from the PTO or the TTAB, which are delivered to the offices of Workman Nydegger are sent directly to Workman Nydegger’s docketing department.

6. All documents directed to Workman Nydegger’s docketing department are reviewed for any dates or deadlines contained or referenced therein. These dates and deadlines are then docketed.

7. Once a document has been reviewed and docketed by Workman Nydegger’s docketing department, docketing directs it to the secretary for the attorney responsible for the particular matter or proceeding to which the document relates.

8. Through the above-described channels, I never received the Order which was mailed by the TTAB on April 8, 2004 in connection with the above-captioned proceeding, and therefore, have no record that the schedule had been reset by the TTAB or of the deadline for Opposer to submit its brief.

9. If the Order had been received, there would have been a docketing entry for this matter or at least an entry showing that the dates had been reset. My review of the Workman Nydegger’s docketing database showed that until we received the Order to Show Cause mailed April 26, 2005, we had not received any other materials from the TTAB or PTO relating to this matter since the Order suspending the proceeding mailed March 2, 2004.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the contents of the foregoing declaration are true and correct.

DATED this 26th day of May, 2005.

Shelli Reed
Shelli Reed

J:\15027203\012 Reed Decl.doc

CERTIFICATE OF SERVICE

I hereby certify that the **DECLARATION OF SHELLI REED IN SUPPORT OF OPPOSER'S OPPOSITION TO ORDER TO SHOW CAUSE AND MOTION TO RESET DISCOVERY AND TRIAL DATES** was served upon the Applicant, Sumatra Kendrick, by mailing a true and correct copy thereof by Express Mail, postage pre-paid, this 26th day of May, 2005, in envelopes addressed as follows:

Sumatra Kendrick
P.O. Box 434
Berkeley, CA 94701



J:\15027203\012 Reed Decl.doc