

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

EDMONT P. D'ASCOLI, TRUSTEE OF	)	Opposition No.: 91155174
THE EDMONT P. D'ASCOLI REVOCABLE	)	Mark: EXEL
LIVING TRUST DATED MAY 24, 1996	)	Serial No. 76/301162
	)	
Opposer,	)	
	)	
v.	)	
	)	
EXEL OYJ	)	
	)	
Applicant.	)	
	)	

**OPPOSER'S SECOND AMENDED NOTICE OF TESTIMONIAL  
DEPOSITION UPON WRITTEN QUESTIONS PURSUANT TO 37 CFR 2.124**

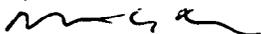
TO: MATTHEW D. JOHNSON, ESQ.  
Warner Norcross & Judd  
900 Fifth Third Center  
111 Lyon Street, NW  
Grand Rapids, Michigan 49503-2487

Attorneys for Applicant EXEL OYJ

PLEASE TAKE NOTICE that, on behalf of Opposer EDMONT P. D'ASCOLI,  
TRUSTEE OF THE EDMONT P. D'ASCOLI REVOCABLE LIVING TRUST DATED  
MAY 24, 1996 ("Opposer"), the following deposition upon written questions will be taken,  
pursuant to Rule 2.124 of the Trademark Rules of Practice, on the date and at the time indicated  
below:

**CERTIFICATION OF MAILING**

I hereby certify that this correspondence is being  
deposited with the United States Postal Service  
with sufficient postage as first-class mail in an  
envelope addressed to: Commissioner for Trademarks,  
2900 Crystal Drive, Arlington, Virginia 22202-3514  
on January 5, 2004



MARTIN E. HSIA 32,471

Name of Deponent

EDMONT P. D'ASCOLI  
Trustee of the Edmont P. D'Ascoli  
Revocable Living Trust Dated May 24, 1996  
and  
President of XCEL Hawaii, Inc.  
66-590 Kam Highway  
Haleiwa, Hawaii 96712

Date/Time of Deposition

**January 9, 2004**  
**1:30 p.m.**

Said deposition was previously noticed for January 9, 2004 at 10:00 a.m. pursuant to this amended notice, it will be taken upon written questions at the offices of Cades Schutte LLP, 1000 Bishop Street, Suite 1200, Honolulu, Hawaii 96813, telephone (808) 521-9200, before an officer authorized by law to administer oaths, certified court reporter, or notary public or process server to administer oaths in the State of Hawaii.

Said deposition shall be upon written examination, pursuant to 37 CFR 2.124, Opposer's Notice of Testimonial Deposition Upon Written Questions Pursuant To 37 CFR 2.124, dated November 21, 2003, and the Written Questions and Exhibits attached thereto.

The examination will continue from day to day until completed. The time stated above is a good faith estimate of the amount of time that may be needed to take the deposition. Depending on the circumstances, the time period may be longer or shorter. If needed, additional days may be scheduled later.

DATED: Honolulu, Hawaii, January 5, 2004.



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MARTIN E. HSIA, Reg. No. 32,471  
Cades Schutte LLP  
1000 Bishop Street, 12<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
Telephone: (808) 521-9200  
Attorneys for EDMONT P. D'ASCOLI, Trustee  
of the EDMONT P. D'ASCOLI REVOCABLE  
LIVING TRUST DATED MAY 24, 1996



**Transmittal Memorandum**

**TO :** Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514



**FROM :** Martin E. Hsia, Esq.

01-08-2004

**DATE :** January 5, 2004

U.S. Patent & TMOc/TM Mail Rpt Dt. #64

**RE :** U.S. States Patent & Trademark Office  
Before The Trademark Trial And Appeal Board  
Opposition No.: 91155174 *76301162*  
Mark: EXEL  
Opposer: Edmont P. D'Ascoli, Trustee of  
The Edmont P. D'Ascoli Revocable Living Trust  
Dated May 24, 1996  
Applicant: EXEL OYJ

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1		01/05/04	Opposer's Second Amended Notice of Testimonial Deposition Upon Written Questions Pursuant to 37 CFR 2.124
1			Postcard Receipt

- For your information
- For your files
- Per your request
- Per our conversation
- For necessary action**
- Are returned herewith

- For signature and return
- For signature, forwarding, as noted below & return
- For review & approval
- For distribution
- For recording/filing**

REMARKS:

C S

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
www.cades.com

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