

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

Mailed:

September 24, 2008

Opposition No. 91156321

The Chamber of Commerce of  
the United States of America

v.

United States Hispanic  
Chamber of Commerce  
Foundation

Jennifer Krisp, Interlocutory Attorney:

This proceeding came before the Board this day by means of an email received by Jennifer Krisp, Interlocutory Attorney, on Wednesday, September 24, 2008 at 9:49 AM EDT from Mr. Erik Kane, counsel for opposer. In said email, counsel for opposer requested a telephone conference among counsels and the Board in order to address and resolve a dispute between the parties. Specifically, this proceeding is before the Board for consideration of opposer's request for leave to appear at and cross examine by telephone during two testimony depositions. Inasmuch as the parties could not reach a stipulation on this issue, opposer's motion is contested.

The Board granted the request for a telephone conference on this issue, and such conference was held on September 24, 2008 at 11:15 AM EDT. Present and participating were: Mr. Erik Kane, counsel for opposer, Mr. Andrew Eliseev, counsel for applicant, and Jennifer Krisp, Interlocutory Attorney.

Opposer seeks leave to appear at and cross examine by telephone during two of applicant's testimony depositions of third parties, one such deposition having been scheduled to take place in New York today, September 24, 2008, and the other having been scheduled to take place in New York on Friday, September 26, 2008.<sup>1</sup>

The Board provided the parties an opportunity to state their respective arguments with respect to opposer's request, after which the Board made the following determinations:

Opposer's request to appear and cross examine by telephone during the two above-identified third-party testimony

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<sup>1</sup> During the conference, the parties indicated that counsel for applicant transmitted to counsel for opposer, by facsimile on the evening of Friday, September 19, 2008, a letter indicating a change in the day(s) and/or time(s) of 5 testimony depositions which had been previously noticed on September 5, 2008. Inasmuch as opposer has not moved to quash to the extent that said letter contains or constitutes notice(s) of testimony depositions, the issue of the sufficiency of notice of the two depositions in question is not at issue.

depositions scheduled to take place in New York is hereby granted.

Regarding the issue of the manner in which counsel for opposer will conduct cross examination by telephone with respect to exhibits, if any, brought by the deponents to their respective depositions, the Board notes that, pursuant to an offer which counsel for opposer proposed and to which counsel for applicant agreed during the conference, opposer agrees to cross examine without having exhibits beforehand so long as, if there are one or two exhibits counsel for opposer requests to see, he may request, and counsel will provide, that such exhibit(s) be scanned and a scanned copy emailed or otherwise transmitted (such as by facsimile) to counsel for opposer during the deposition.<sup>2</sup>

The Board thanks both counsels for their congeniality and cooperativeness during the telephone conference.<sup>3</sup>

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<sup>2</sup> Applicant may minimize any burden or delay occasioned by such request by scanning such exhibit(s), if any, early in the deposition, such as during introductions or as the deposition gets underway.

<sup>3</sup> As stated during the conference, the parties are to be mindful that the Board generally disfavors when parties bring motions before the Board by means of unsolicited emails, and that business with the Board should be transacted in writing and filed either through the United States Postal Service, or through the Board's "ESTTA" online filing system. Trademark Rule 2.191; TBMP § 104 (2d ed. rev. 2004).