



BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91156321

Filed: 10-22-08

**Title: REGISTRANT'S STIPULATED MOTION FOR
LEAVE TO USE TRIAL TESTIMONY FROM
OPPOSITION NO. 91156321 IN PROCEEDING <BOX
1>**

Part 7 of 8



92045876

#81

Select your chamber: USA

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FAQ - Frequently asked Questions

1. How and where do I obtain visa information?
2. How do I find Swedish related companies in the US?
3. How do I find a job/internship in the U.S.?
4. How do I find an apartment?
5. How to use and create a network?

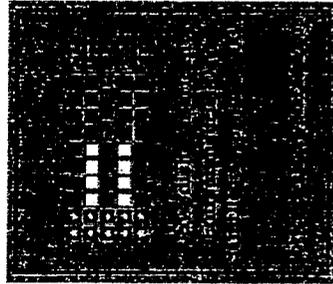
1. How and where do I obtain visa information?

There are different ways to apply for a Visa depending on what type of visa and country of residence. The Swedish-American Chamber of Commerce doesn't handle inquiries concerning issuing of visas or visa applications. However, the following links will guide you through to various institutions handling these matters

Calendar

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SACC_SD/TJ and Partner Calendar



Contact The American Embassy if you consider applying for a visa to the US.

The Consular section provides a variety of services for American citizens and citizens of other countries. There are four departments within the section: The American citizen's service section assists people with passport renewal, registration of Americans living in Sweden, birth reports for children of American citizens born in Sweden, voter registration, income tax forms, notarial services and emergency services to American citizens. The Federal Benefits Unit assists people with questions regarding Social Security benefits. The Immigrant Visa Section processes cases for people wishing to immigrate to the United States. The non-immigrant Visa Section processes applications for temporary visas to the United States including tourist visas, business visas, student visas and temporary work permits.

The American Embassy
Visa Department
Strandvägen 101
115 89 Stockholm
Sweden
Phone: +46 8 783 5300

Contact The Consulate General of Sweden if you residing in the United States.

If you are a US citizen holding a valid US passport and your stay in Sweden will not exceed 90 days, you will NOT need a visa. Visa applications for residents in the United States are handled by the Consulate General of Sweden in New York: Visa for visiting Sweden, work and residence permit, residence permits for visiting university students, residence on the basis of personal or family connection, residence permit for high school exchange students.

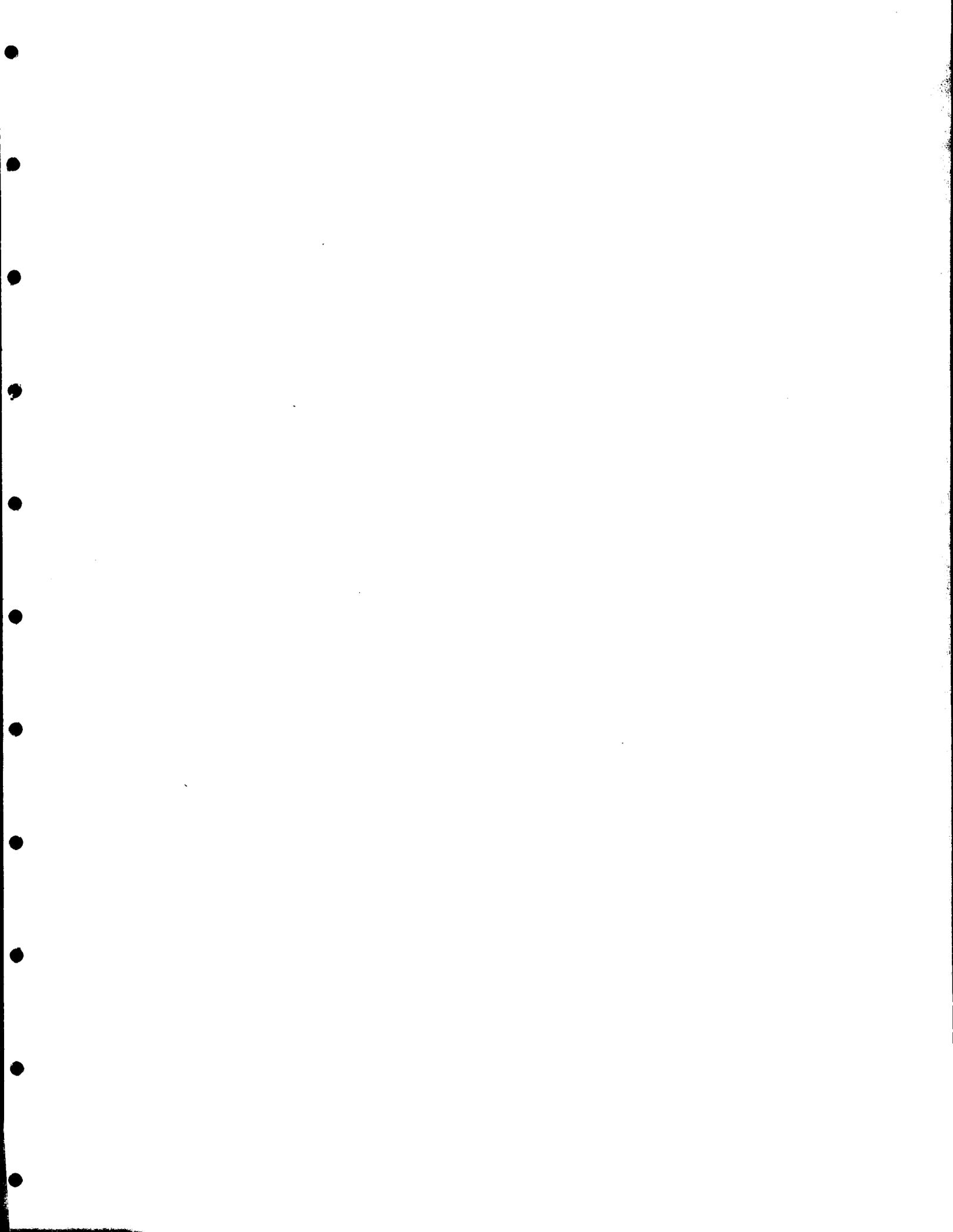
Strategic Partners

Consulate General of Sweden
One Dag Hammarskjöld Plaza
885 Second Avenue, 45th Floor

EXHIBIT LABEL



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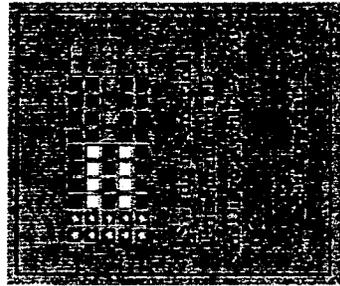
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Welcome – Välkommen – Bienvenidos

The Swedish American Chamber of Commerce in San Diego/Tijuana is the largest Swedish business organization in San Diego. Our goal is to promote, develop and increase the Swedish – American contacts and interactions in the San Diego area. We aim to facilitate mutually beneficial relationships between Swedish and American companies.

In our quest to promote Sweden in the region we arrange a variety of events each year. We provide our members and guests the opportunity to network amongst several prominent Swedish – American businesses, and its leaders, in San Diego and the Northern Baja California area. Join the rapidly growing number of members of SACC San Diego/Tijuana!

News

25th of January (1.47 pm)

E-days article in Currents

The premier Swedish-American Entrepreneurial fest — E-days — is coming to San Diego in April 2008. This will be the first time SACC-USA's trade and networking event is held on the West Coast. "There is so much overlap between Sweden's and Southern California's hightech sectors", says Christian Braemer, special director for San Diego Edays. [Click here](#) to read the whole article.



Save the date:
April 7-9 2008 in San Diego

[Previous Events](#)

Select your chamber: USA

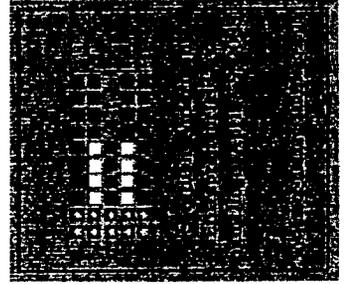
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About the Swedish American Chamber of Commerce SD/TJ

The Swedish-American Chamber of Commerce San Diego/Tijuana (SACC SD/TJ) covers the regions of San Diego, USA and Tijuana, Mexico. SACC SD/TJ is the largest Swedish business organization in San Diego. Our goal is to promote, develop and increase Swedish-American contacts and interactions in the area. We are part of a network of 18 Chambers across the USA. The head office of this network (SACC-USA, www.sacc-usa.org) is located in Alexandria.

History

Our Chamber was founded in 1989 and is located downtown in Symphony Towers, San Diego. The wide variety of services provided attracts a quickly growing numbers of members. They are a diversified group and consist of large companies, small and medium-sized businesses along with entrepreneurs and individuals, all with the interest in trade and business between the US and Scandinavia. For more information about the Chamber please contact the marketing managers.

Mission Statement

Our Mission is to promote trade and commerce between Sweden and the regions of San Diego/Southern California and Tijuana, Northwestern Mexico, while providing a broad spectrum of services to our Members and enhancing Swedish-American networks in the US and Sweden.

The goals of SACC SD/TJ are:

1. To promote and increase Swedish American interdisciplinary contacts and interaction within the commercial community and among others from the professional sphere primarily, although not exclusively, in the San Diego County, Imperial County and the Northern Baja California area.
2. To promote and provide a forum for communication for Chamber members, benefiting the participants through the interchange of experience and ideas that would stimulate new and creative approaches to common problem areas.
3. To develop a roster of professionals in selected specialties, who are available on request to participate in lecture, symposia, and consulting activities and to function as a clearing house for individuals or groups seeking professional guidance or expertise in speciality areas.



New York, NY 10017
Phone: (212) 583 2560 Fax: (212) 755 2732

Contact The American Scandinavian Foundation if you consider participating in a training program in the U.S. Scandinavians are able to train in the U.S. and receive income through the Foundation's U.S. Government designated Exchange Visitor (J visa) Program. Under ASF's sponsorship, a trainee may remain in the U.S. for up to eighteen months of training, after which s/he must return home to share the experience with colleagues, family and friends.



The American Scandinavian Foundation
15 East 65th Street
New York, NY 10021
Phone: (212) 879 9779 Fax: (212) 249 3444



Contact the Immigration Lawyers in the US for further information about Visa alternatives in the US. (If you already have a company sponsoring an employment, the following examples of immigration lawyers can assist you in the process.)

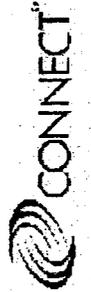


San Diego Attorneys

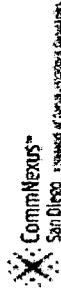
Visit the Visa Services site of US STATE DEPARTMENT if you are looking for information about U.S. Visas.



2. How do I find Swedish related companies in the US?
If you have access to the Internet, there are a few search engines that enables a customized search for American and Swedish companies. The Swedish Trade Council has developed the Swedish Export Directory, which gives key information about Swedish companies that export products outside of Sweden. The Swedish and American yellow pages are another powerful tool to locate businesses in Sweden and in the US - or visit SACC-USA for more information about the SACC network.



For information about Swedish related companies in San Diego/Tijuana or any other business enquiry, you are welcome to contact us for further assistance. Send an e-mail to: info@sacc-sandiego.org



3. How do I find a job/internship in the U.S? - Useful tips and information

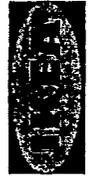
First, The Swedish-American Chamber of Commerce, is not an employment agency. In fact, we have no license to operate as such. However, we do like to stress some general advice for foreign job seekers. Also look for general trainee programs at SACC USA.

Corporate Members



4. How to use and create a network?
The sooner you realize that it is through network people get jobs, the sooner you'll have one. Employers hire people through referrals from friends and associates (In most cases). This is why you've got to let everyone know you're looking for a job. Anyway, the point is to ask everyone.

For you cave dwellers who insist you have no connections, you need to get busy making them. How, you ask? Cold calls. Enter the game of high-risk, high payoff job-hunting fun.



Say you want to work at the Really Cool Company in marketing. Pick up the phone and call them. Get their number via their website, company directories. Very nicely, ask for the name of the marketing director and ask to be transferred. Now what, you ask?

Introduce yourself, ask for a meeting, and write a personal letter and enclose your resume.

From being transferred, three things can happen:

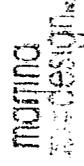
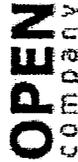
1. The person you've asked for picks up the phone directly. If so:

Introduce yourself and say that you're very interested in working for that company in marketing. Say that you would love to meet with them for five minutes to talk about the company. If they say no jobs are available, say: That's fine. You'd still love to meet with regard to positions that might become available in the future. That you really want to work for that company. You don't know anybody there and you'd be very grateful for five minutes of their time.

If they say no, ask if you can write them. They'll say yes. Then:

Thank them, hang up, call the secretary back to get the address and spelling of the person's name. Write in the letter, "Thanks for speaking with me yesterday. As we discussed, I am sending you my resume with the hope of meeting with sometime in the near future for five minutes..."

Small Business Members



2. The person's assistant picks up the phone. If so:

Ask to speak with their boss. If they put you through, see above.

If not, explain: That you would love to work for that company. You're calling to see if you can meet with their boss for five minutes. Chances are they'll say to send a resume. If so: get the person's name and in the cover letter say, "As discussed with _____, I am sending my resume in the hope of meeting with you..." Before you hang up with the assistant ask them if they know of any jobs available. If you have personality and "give good phone" you might get help here. Try to get into a conversation with the person. Say you'd really love to get your foot in the door there and you'll do whatever it takes. Maybe they'll help you. Send the letter to the person's boss. A week later call to make sure they got your resume. If, after sending your resume, they tell you their boss won't meet with you, do this:

Ask if you can check in with *him* (the assistant) every few weeks to see if anything becomes available.

3. You'll get voice-mail. If so, hang up and call again later.

For further information on job opportunities etc., surf the net! Browse the websites of companies you're interested in and Internet-based employment sites such as:

- www.monster.com
- www.hotjobs.com
- www.4work.com

5. How do I find an apartment?

There are obviously many ways to get an apartment in San Diego. Below we present some convenient, and often successful, approaches. www.apartments.com



Copyright © 2005 The Swedish American Chamber of Commerce San Diego/Tijuana
Address: 1020 Symphony Towers, 750 B Street, San Diego, California 92101
Phone: +1 (619) 338-4020, Fax: +1 (619) 233-9890, E-mail: info@sacc-sandiego.org
Office hours: 8.00 a.m. - 3.00 p.m., Monday - Friday

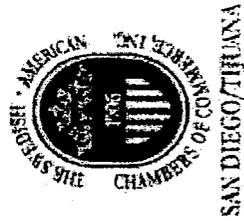
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Home

Membership



Our corporate members

Learn more about all the companies that have decided to join SACC SD/TJ. Here's the complete list.

So take the opportunity to access to an outstanding network in San Diego, Tijuana and throughout the U.S

Why become a member of SACC SD/TJ?

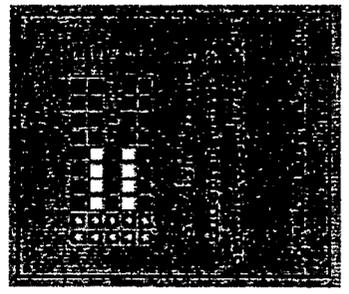
- Take a look at all the benefits SACC SD/TJ offer their members.

How do I become a member of SACC SD/TJ?

- It's easy, just click here and read the instructions.

Complete event list

SACC SD/TJ and Partner Calendar



We look forward to having you as a member!

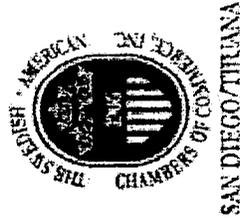
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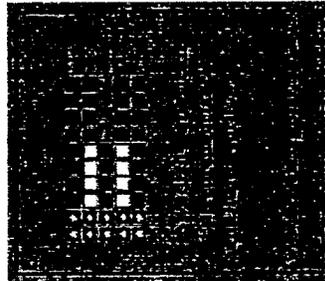
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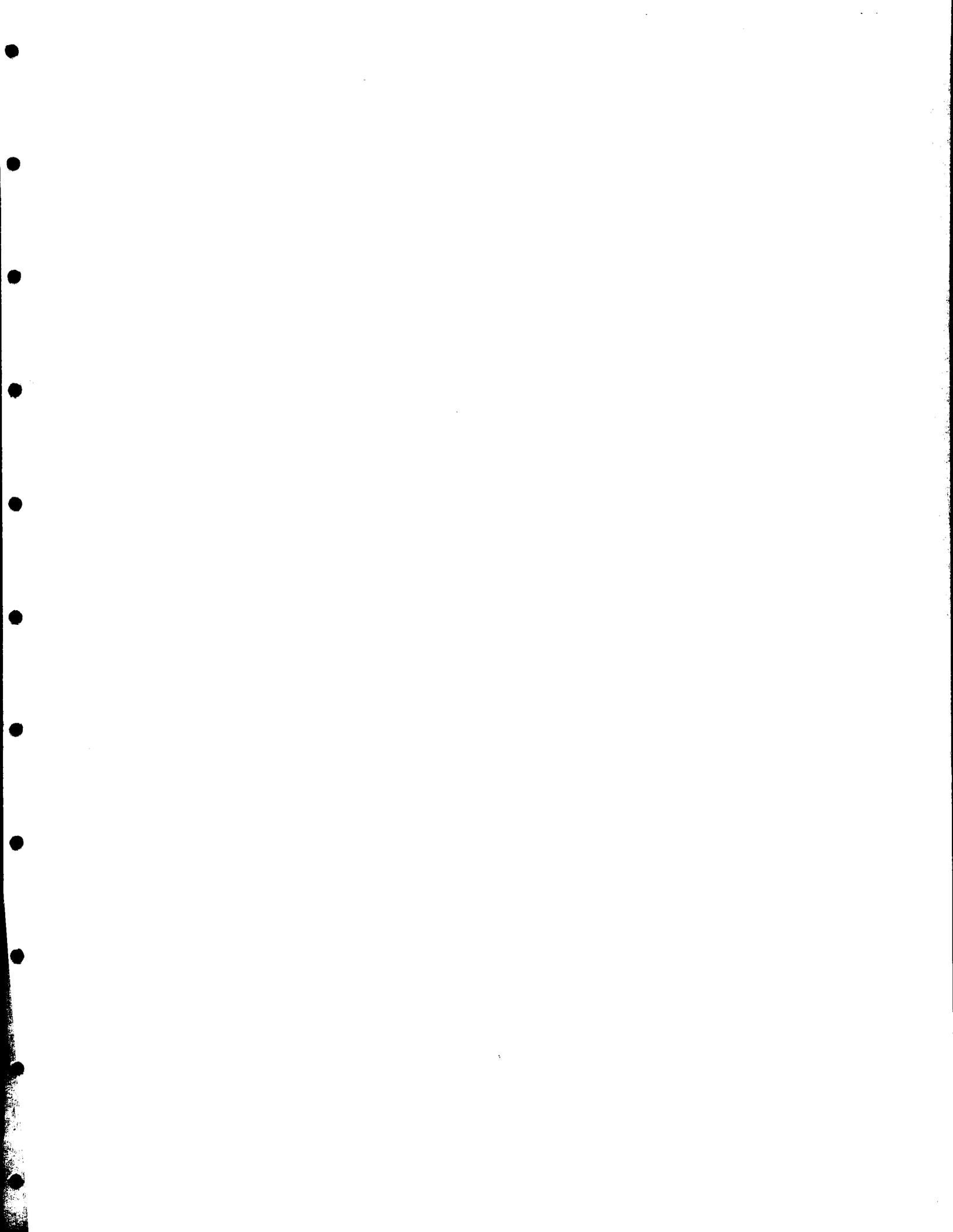
Christian von Kantzow, Daniel Jarman, Anna Mirsch and Charlotte Sundaker are the current Marketing Managers for Spring 2008.

Office hours: Monday - Friday 8.00 a.m. - 3.00 p.m.

Phone: (619) 338 4020 Fax: (619) 233 9890

E-mail: info@sacc-sandiego.org

Address: 1020 Symphony Towers, 750 B Street, San Diego CA 92101

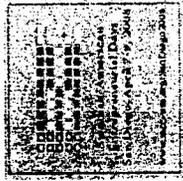
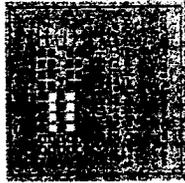
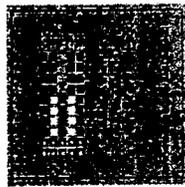




THE SACC SAN FRANCISCO / SILICON VALLEY
452 Tehama Street
San Francisco, CA 94103-4141, U.S.A.
Phone: +1.415.781.4188, Fax: +1.415.781.4189
E-mail: info@sacc-sf.org
Click here for specific contact information

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- San Francisco Bay Area, Sweden, SACC USA, SACC SF/SV
- Newsletter & Press Material, Swedish Resources, American Resources
- Current Openings, SACC Trainee Program, Company Information



GOLD SPONSOR



WELCOME TO SACC SAN FRANCISCO / SILICON VALLEY

Swedish-American Chamber of Commerce in San Francisco / Silicon Valley's main objective is to enhance the business interests of our members. By providing a broad spectrum of services and new business opportunities through networking, the Chamber contributes to the development and improvement of goodwill between the business communities in the San Francisco Bay Area and Sweden.

UPCOMING EVENTS

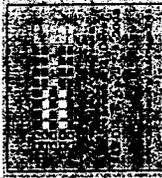


Join us for the Annual Christmas Luncheon at the Westin St Francis Hotel, December 13, 2007.

BRONZE SPONSOR



The San Francisco Bay Area is the financial headquarters of the West Coast, the high-tech capital of the world with vibrant Silicon Valley and also boasts some of the nation's top universities. In this dynamic and ever-changing environment, SACC San Francisco / Silicon Valley offers a unique network of members with invaluable knowledge and experience in a broad range of business fields.



Join us for the Entrepreneurial Days, April 7-9, 2008, in San Diego.

FEATURED MEMBERS



Pillsbury
Wirthrop
Shaw
Pittman LLP



Scandinavian Airlines



for life

SPONSORED LINKS

Entrepreneurial Days in San Diego
Hundreds of entrepreneurs and business leaders will gather in San Diego this April.

Volvo overseas delivery
Purchase a Volvo and receive two airline

tickets to Europe + other great benefits.



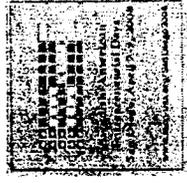
SACC Regional Chamber

SACC SF/SV is part of a network of regional Chambers through-out the United States. Click here for contact information.

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BUSINESS DEVELOPMENT

The task of launching a product or service on a new market can be as time-consuming as it is difficult. Our Business Development services are aimed at facilitating this process; providing you with the information, knowledge and contacts you need when bringing your business to Sweden or the San Francisco Bay Area.

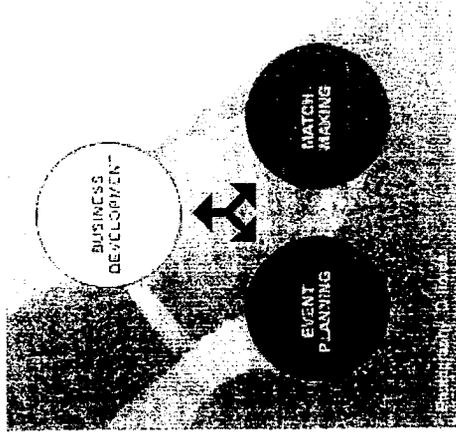
Sales and Marketing

The SACC network acts as the natural tool for Swedish companies establishing abroad and can provide considerable value for any company interested in the American market. The partnership with Swedish entrepreneurs is just one example of SACC San Francisco's purpose to introduce competitive Swedish products to the prosperous West Coast business climate. SACC San Francisco has identified the potential for the service and has increased its strategic activities by introducing more Swedish products in the San Francisco Bay Area.

Market Research

No business venture is better than the information on which it is based. Whether you need data about current trends, competition, distribution channels and/or trade regulations etc, we can help you find what you are looking for. We have

SERVICE CONCEPT



CASE: ANGLE-FIX

The Angletix is a functional and easy-to-use product that allows you to set the right angle with no measurements or calculations at all. SACC San Francisco's launch of Angletix is a

access to numerous information sources, and can always provide you with current and reliable data.

Business Internship Program

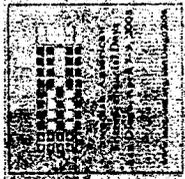
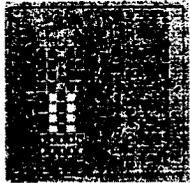
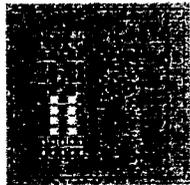
The Business Internship Program (BIP) is designed to engage students in ongoing work at SACC's member companies. The program is developed to give our members an opportunity to invite one of the highly skilled SACC interns to work at a member company for a four-week period. The member company will benefit from work completed by the intern and the interns will develop essential skills from the assignments. As a corporate or business member, this service is free of charge. [Click here for further information and BIP testimonials](#)

thrilling project that could potentially lead to a breakthrough on the American market for another great Swedish product. [Read More](#)

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CORPORATE MEMBERSHIP

Annual membership fee: \$600.00

Corporate members are entitled to name up to three representatives who will be listed in the membership directory. All employees at the company have the opportunity to attend events at membership fees. Newsletters etc. will be sent to the corporate address in several examples. *Corporate members can list their logo and description on our website with a direct link to their homepage. Free participation in the Business Internship Program.

BUSINESS MEMBERSHIP

Annual membership fee: \$300.00

Business members are entitled to name up to two representatives who will be listed in the membership directory and receive all Chamber member benefits. *Business members can list their logo with a direct link to their homepage on our website. Free participation in the Business Internship Program.

INDIVIDUAL/STUDENT MEMBERSHIP

Annual membership fee: \$125.00/\$35.00

MEMBERSHIP APPLICATION

- New Membership
- Renew Existing Membership
- Corporate \$600/year
- Business \$300/year
- Individual \$125/year
- Student \$35/year

First name

Last name

Company

Company Description

Individual members will be listed in the membership directory and receive all Chamber member benefits. Student members will receive the SACC SF Member Directory and Newsletter. Will be able to attend events at a discounted price. The Student membership is available to full-time students under the age of 28, please list your academic institution and area of studies.

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http://
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Submit Application

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- 09/24/2007 Newsletter 2007 issue 2(pdf)
- 09/15/2006 Newsletter 2006 issue 3 (pdf)
- 06/21/2006 Newsletter 2006 issue 2 (pdf)
- 03/17/2006 Newsletter 2006 issue 1 (pdf)
- 12/13/2005 Newsletter 2005 issue 4 (pdf)
- 10/07/2005 Newsletter 2005 issue 3 (pdf)
- 07/02/2005 Press Release - Swedish Design Expo 2005 (pdf)
- 06/20/2005 Newsletter 2005 issue 2 (pdf)
- 03/25/2005 Press Release - The 2005 Stem Cells Symposium in San Francisco (English pdf)
- 03/25/2005 Press Release - The 2005 Stem Cells Symposium in San Francisco (Swedish pdf)
- 11/08/2004 Newsletter 2004 issue 3(pdf)
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IMAGE ARCHIVE



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SDE2005 Logo
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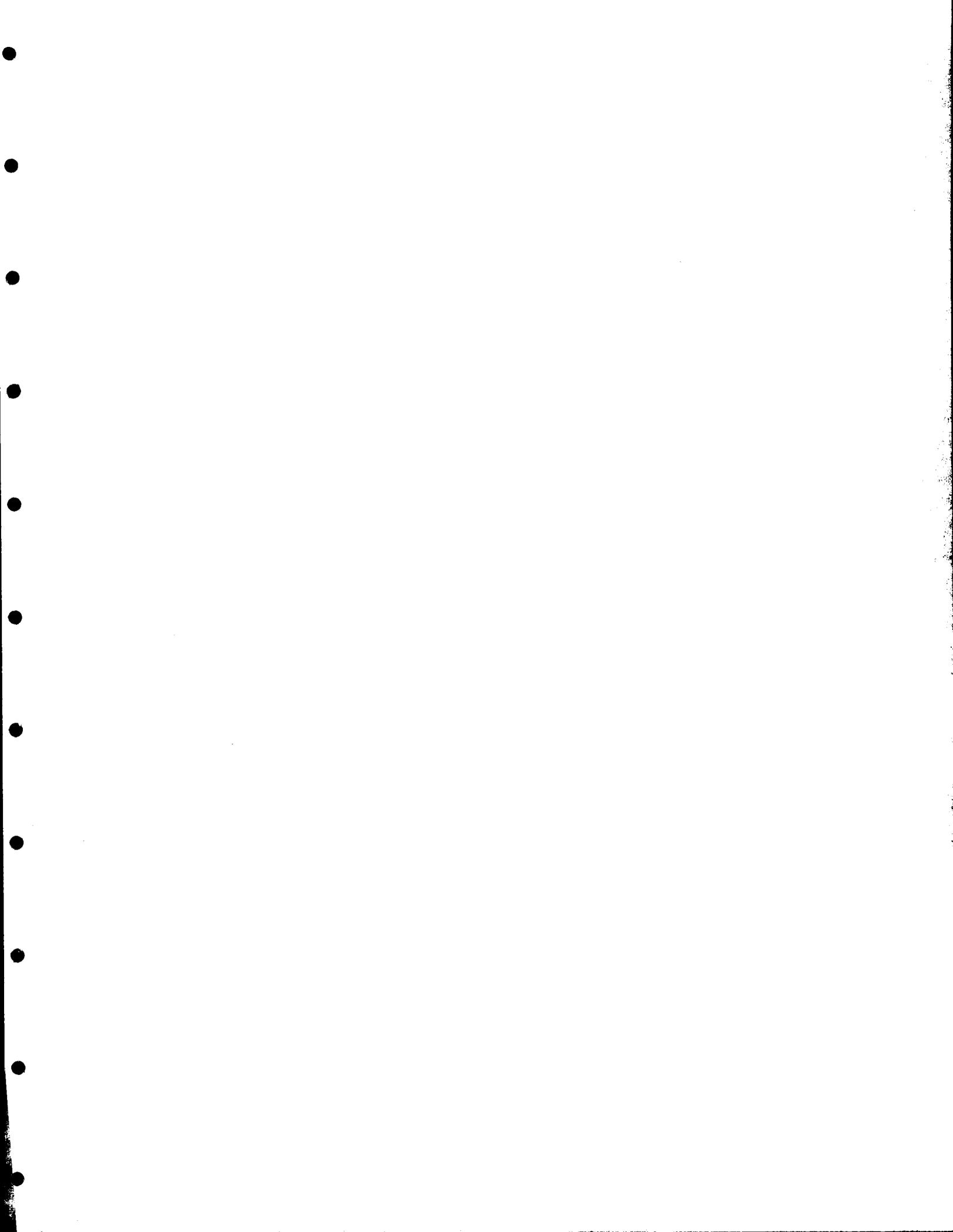
SDE2005 Logo
Web, JPG, 13 KB

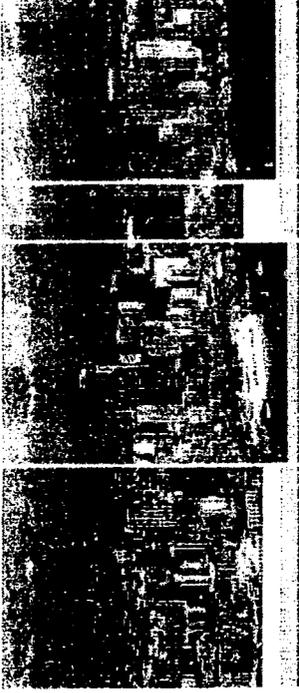


SDE2005 Logo
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> Read more about
SACC Seattle & Membership

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c/o Consulate of Sweden . 520 Pike Street Suite 2200 . Seattle . WA 98101

About SACC Seattle

The Swedish-American Chamber of Commerce in Seattle was founded in 1990 as business interests between Sweden and the Pacific Northwest grew. The Seattle chapter is one of 18 regional chambers around the country.

Our membership is diverse - from small to medium-sized Swedish and American companies, to Swedes in American businesses and Americans in Swedish businesses. We also have a significant student membership. They are young people full of talent looking to offer their expertise to companies as interns and participate in a variety of chamber endeavors.

Our events offer learning and networking opportunities for our members, as well as exposure to a variety of businesses.

Learn more about our activities and mission on our site. Welcome to the Seattle chamber!

our mission

- 1] to encourage and enhance profitable two-way trade and commerce between business enterprises from throughout Sweden and those found specifically within the Greater Northwest Region, to include Washington, Oregon, Idaho, and British Columbia.
- 2] to inform interested Swedish companies about the advantages and benefits of establishing their US physical presence and/or initial marketing & sales specifically within the Greater Northwest.
- 3] to provide a regular forum for continuing professional education on Swedish-American trade policies, initiatives, and business opportunities.
- 4] to additionally foster comradery and fun within the membership through the scheduling of occasional social events which draw from various traditions and aspects of Swedish culture

membership

Business Membership - available to a firm, association, corporation, partnership or other business person or entity who has an interest consistent with the purposes of SACC, including promoting trade between Sweden and the United States.

10 or more employees - \$150
less than 10 employees - \$100

Associate Membership - available to an individual who has an interest consistent with the purposes of SACC and who is employed, affiliated or otherwise connected to any business member entity of SACC Seattle.

\$50

Individual Membership - available to an individual who has an interest consistent with the purposes of SACC Seattle and who is not employed, affiliated or otherwise connected to any business member entity of SACC Seattle.

\$50

Student Membership - available to any full-time undergraduate or graduate student.

\$25

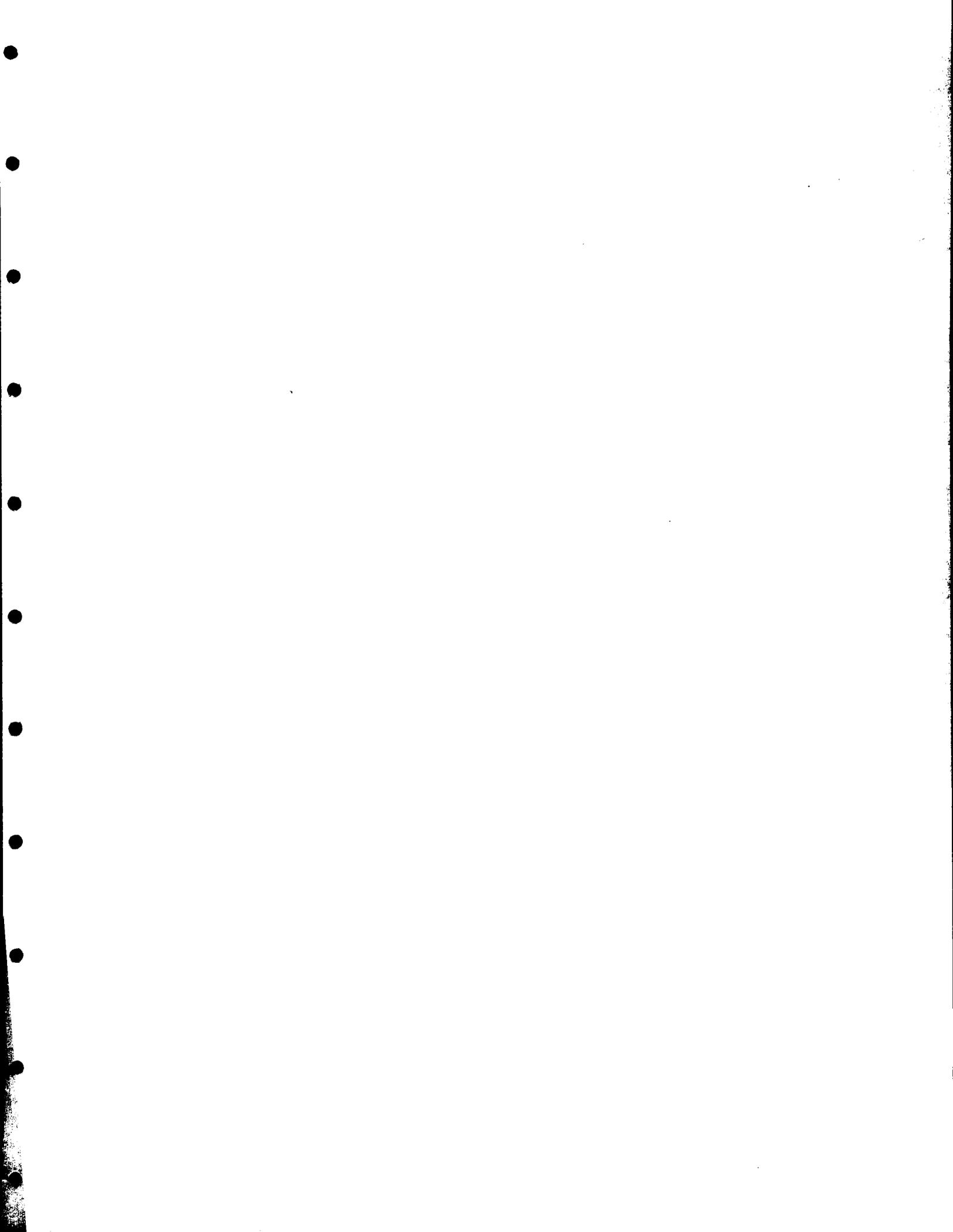
how to join

To become a member of SACC Seattle contact us or download a membership application (121 KB)

SACC Seattle Blog

For the latest info about SACC Seattle, please visit <http://www.sacc-seattle.blogspot.com/>

SACC SEATTLE
c/o Consulate of Sweden . 520 Pike Street Suite 2200 . Seattle . WA 98101

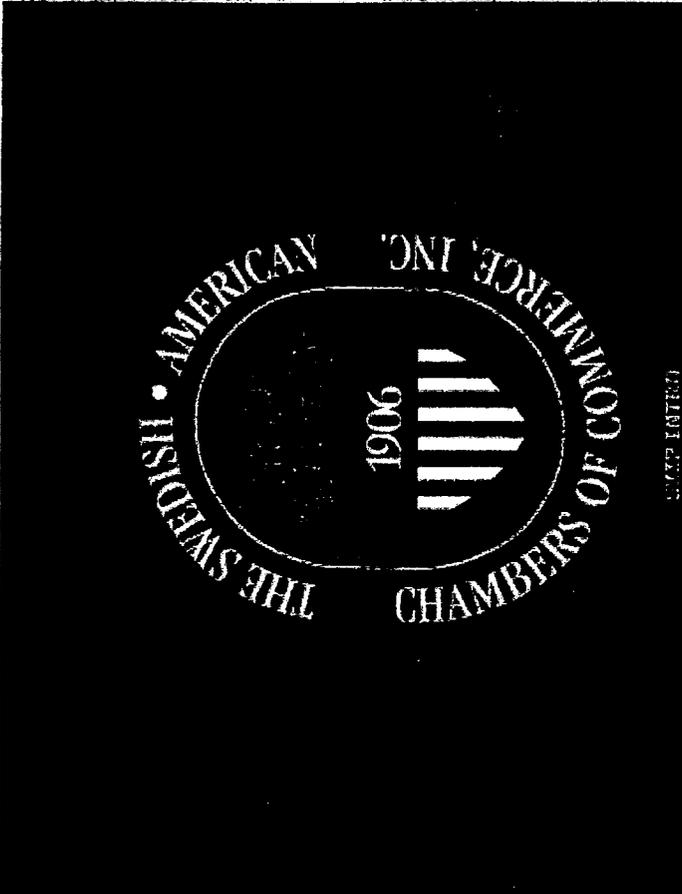


Buzz & Events: News And Business Opportunities

The Swedish American Chamber of Commerce South Central United States



Members | Contact Business | News & Events | About Us | Contact Us



Alabama

This vital part of the American south is known worldwide for its Southern Hospitality and as a cutting-edge center for U.S. space and defense research, biotechnological and medical research.
<http://www.ado.state.al.us>



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The Swedish American Chamber of Commerce South Central United States

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Conduct Business: State-Side, International, Economic Development

What can the Chamber do for your business?

Below you will find useful links that will provide information whether your home base is Sweden or America. Several categories of information are available to help you conduct business in America and Sweden, including: Trade Organizations, Government Information, Financial Information, Business News and General Information.

Swedish and International Links

- [Official Gateway to Sweden](#)
- [Mid Sweden Chamber of Commerce](#)
- [Swedish Embassy](#)
- [Quality of Life North Sweden](#)
- [City of Solleftea Web Site](#)
- [Queen's English version of city of Sundsvall web site](#)
- [City of Stockholm web site](#)
- [Starting page for business interest in Sweden](#)
- [American Chamber of Commerce in Sweden](#)
- [Federation of International Trade Associations](#)
- [U.S. Embassy in Sweden](#)

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Louisiana

Louisiana is located astride the mouth of the Mississippi River. Its location makes it the gateway into the Mississippi River Valley. It is also the point of export for goods & produce of the American Midwest.
www.state.la.us



Buzz & Events:

The Swedish American Chamber of Commerce South Central United States



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Swedish Translation

Chamber Buzz & Events

Our members stay on top by having access to exclusive content provided for your information. We help our members stay current with the latest and greatest industry information, and provide ongoing networking opportunities that are vital to your success.

[Click for Photo Gallery](#)

Events:

Swedish-American Entrepreneurial Days
San Diego, April 7-9 2008



Mississippi

DeSoto County is one of the countries hottest distribution & logistics locations. Our Gulf coast ports, Mississippi River and Tennessee-Tombigbee Waterway ports make ocean shipping efficient.
www.mississippi.gov



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Buzz & Events | News And Business Opportunities



The Swedish American Chamber of Commerce South Central United States

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Welcome to the SACC Chamber of Commerce! [Click here to Meet our Board](#)

Mission Statement

The primary purpose of the Swedish-American Chamber of Commerce South Central United States is to enhance and promote trade; commerce; and investment between Scandinavia and the five southern states of Alabama; Arkansas; Louisiana; Mississippi; and Tennessee.

The success of the Chamber's economic development initiatives should lead to the creation of new jobs and increased profits for all participatory businesses.

The Swedish- American Chamber of Commerce (SACC) was founded in 1906, and is the oldest international organization of its kind. Today there are nineteen regional chambers across the United States, and the number continues to grow. In 1988, the regional Chambers and Swedish members jointly founded SACC-USA, which was incorporated in 1995. The membership consists of many large Swedish corporations, as well as small, and medium-sized businesses.

In 1997, the city of Madison, MS established an economic development relationship with Solleftea, Sweden, providing a gateway for international commerce throughout the South Central United States. On January 3, 2005, The Swedish American Chamber of Commerce South Central United States made history by becoming the first SACC chamber to include multiple states within a

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Alabama

This vital part of the American south is known worldwide for its Southern Hospitality and as a cutting-edge center for U.S. space and defense research, biotechnological and medical research.
<http://www.adb.state.al.us>



at&t

Buzz & Events | News And Business Opportunities



The Swedish American Chamber of Commerce South Central United States



Members | Conduct Business | News & Events | About Us | Contact Us

SACC Contact Information

SACC-South Central United States
1239 Highway 51 North
Madison, Mississippi 39110

OR

P.O. Box 248
Madison, Mississippi 39130
Phone: 601-853-2647

For Additional Information Please E-Mail Us At : Info@sacc-scus.org

Meet The Staff:



Arkansas

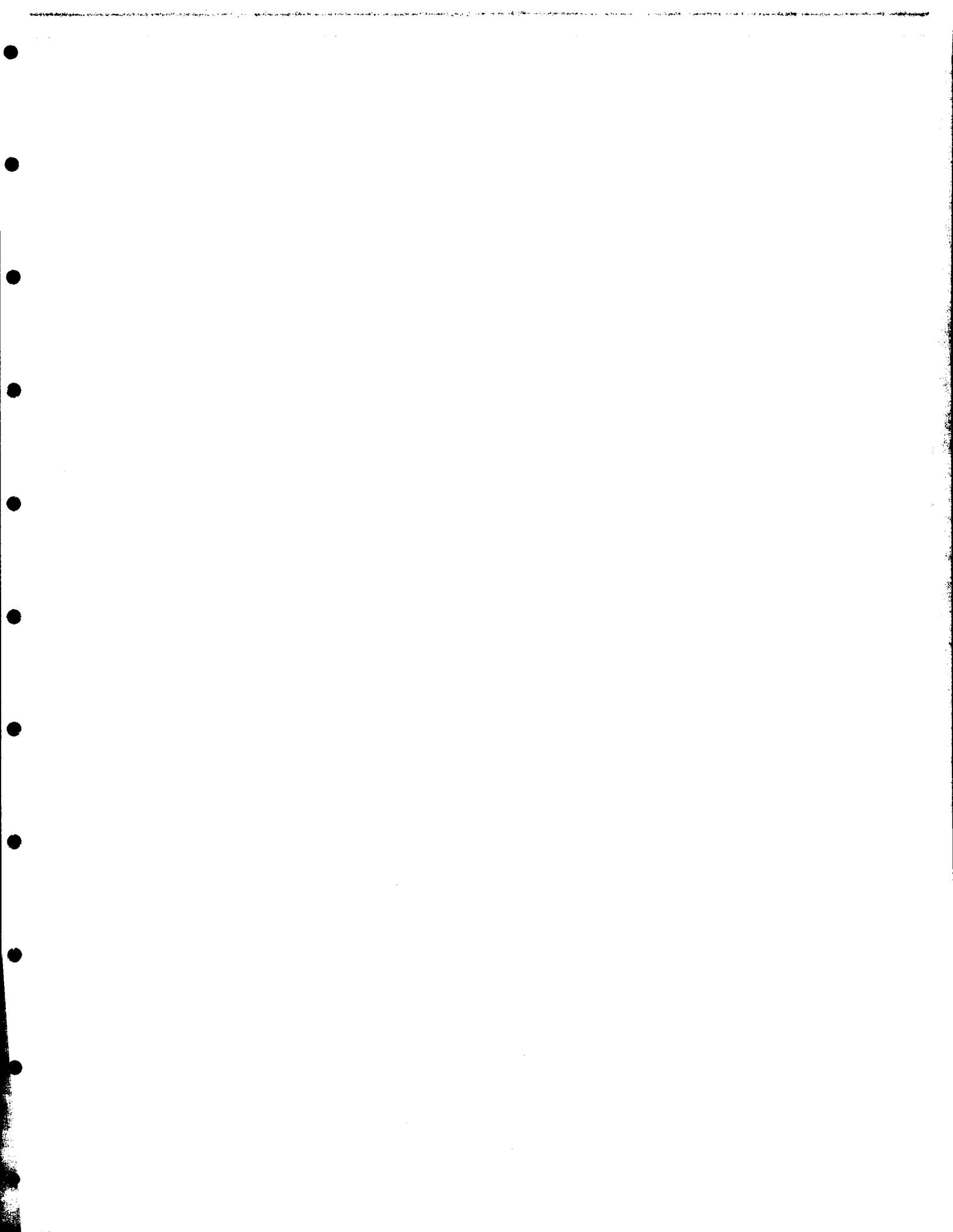
Arkansas MSAs are ranked among the nation's 50 Hottest Cities - based on business environment, workforce quality, operating costs, incentive programs, training programs and working with officials.
www.1-800-ARKANSAS.com



4-8-07

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Do not miss invitation to the Fifth Annual Scandinavian Golf Tournament at the Augusta Pines in Spring, Texas, February 25, 2008!

WELCOME TO TEXAS!

Sweden and Texas are closer today than ever before. Increasingly, Swedish companies are setting up offices and entering the US market in our state. Texas companies with an interest in the European market are also finding Sweden an attractive place for their operations, and Sweden's leading edge in telecommunications, IT-, medical research and entertainment as well as its world-class manufacturing industries are offering many opportunities for trade and investment.

Texas is perhaps the most dynamic state in USA. With a rapidly growing population and with a large number of world leaders in a wide variety of industries and a business friendly climate, Texas is a great state for Swedish companies to invest and establish their U.S. presence in.

The Swedish American Chamber offers the network you need for a successful start-up and growth of your business. You can publish your trade leads with us to help you find new export opportunities or partners. Send us an e-mail and let us know how we can help you!

SACC TEXAS NEWS

Announcements:

The Swedish American Chamber of Commerce, Texas and the Swedish Trade Council, Mexico is pleased to announce a joint business exploration project to be held during the week of March 10 through March 14, 2008 on:

"The Mexican Market - Existing and Potential Opportunities"

As a first step we ask that you register your interest to participate by reviewing and returning the document found here no later than February 28, 2008.

Upcoming Events:

Austin:

TBD

Dallas:

Date: March 27, 2008, 7.30 a.m.
Swedish American Chamber of Commerce & Co-Sponsoring Organizations

cordially invite you to a breakfast and presentation with Keynote Speaker:

Lars Yoder, Vice President, Texas Instruments

Manager, DLP(R) Front Projection, DLP(R) Products

"From Cinemas to Cell Phones,

DLP(R) Technology is Changing the Way You See Things"

At: Texas Instruments Inc.

6550 Chase Oaks Blvd., Building 2



TEXAS

Swedish American Chamber of Commerce, Texas Inc.
 P.O. Box 10657, Austin, TX 78766
 Phone (cell): (512) 921-9431
 Email: office@sacctx.com

Last updated: 01/17/2008

MEMBER SERVICES

Updated addresses to all SACC Texas members are available on our password protected "Member addresses" page. If you are a member, e-mail us for the username and password. Become a member by [registration](#) directly from our website!

The Swedish Consulate of Dallas informs of new passport routines as of March 1, 2007. Download the entire document [here](#).

SACC-USA has negotiated favorable member discounts on brand name products and services. Download the entire document [here](#).

Plano, TX 75023

Deadline for registrations is March 21, 2008. A members only event.

Houston:

Date: February 25, 2008, 11.30 AM

The Fifth Annual Scandinavian Golf Tournament at the Augusta Pines in Spring, Texas.

Deadline for registrations is February 15, 2008. See [registration here](#).

The event is sponsored by NOR-Cargo US, Inc. and co-sponsored by: The Royal Danish Consulate and the Norwegian American Chamber of Commerce.

Date: TBD (Week of March 10-14, 2008)

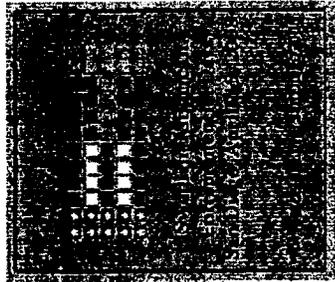
Business exploration project:

"The Mexican Market - Existing and Potential Opportunities"

As a first step we ask that you register your interest to participate by reviewing and returning the document found [here](#) no later than February 28, 2008.

Co-sponsored by: The Swedish Trade Council, Mexico

SACC-USA



Thank You

SACC Texas wishes to thank all advertisers in the fall issue of the SACC Texas Newsletter:

IKEA Home Furnishings

MCT Brattberg

Coldwell Banker

The Magician Black Bert

Tehuacana Creek Vineyards

Erickson Demel & Co P.C.

Texas Sun & Shade

Wistrand Law Firm

Besthand-group

Ginger Oil Company

Practical Advertising

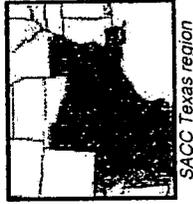
News about your Company

E-mail us your news releases. We will publish your stories or links to your web-pages.

ABOUT SACC TEXAS

Founded in Houston in 1983, the Swedish-American Chamber of Commerce, Texas, is a state-wide trade association with active offices in Austin, Dallas and Houston. As the only SACC chamber in the greater South central region of the United States, SACC-Texas is fully committed to provide an active forum for the promotion of direct trade and investment between Sweden and Texas including its neighbor states. SACC Texas is one of 18 active Swedish Chambers of Commerce in the USA, working closely together in SACC USA, an umbrella organization, jointly controlled by the local chambers and major Corporate members.

Membership in SACC-Texas is actively solicited throughout Texas, Louisiana, Arkansas, and southern Oklahoma as well as north-eastern Mexico.



BOARD OF DIRECTORS 2005

HONORARY CHAIRMAN

Ambassador Lyndon L. Olson, Jr.
Former United States Ambassador to Sweden

OFFICERS

President & Chairman - Bertil Fredstrom
Vice President - Central Texas - Anders Nilsson
Vice President - North Texas - Tomas Lindqvist
Vice President - South Texas - Cecilia Stråhle Engquist
Secretary - Johanna Eliasson
Treasurer - David Erickson

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Colin Clarke
Richard S Condon
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Elisabeth Kihlberg
Desiree Killen
Tina Klintmalm
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Marlene McLane
Christina Robinowitz
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Nikolas White

SWEDISH REPRESENTATIVE
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Goran Haag
Jan H. Lindelow
Gudrun W. Merrill
Jorgen Nilsson
Carrin Patman
Billy F. Peel
John C. Welch
Harald Witt



THE SWEDISH-AMERICAN CHAMBER OF COMMERCE
TEXAS, INC.

Swedish American Chamber of Commerce, Texas Inc.
P.O. Box 10657, Austin, TX 78766
Phone (cell): (512) 921 9431
Email: info@sacctx.com

Addresses to SACC Texas officers

ADDRESSES TO SACC TEXAS OFFICES

Administrative office - SACC Texas
P.O. Box 10657, Austin, TX 78766
Phone: (512) 921-9431
Bertil Fredstrom (president)
office@sacctx.com

South Texas
830 Silvergate Drive
Houston, TX 77079
Phone: (713) 557-7905
[Marlene McLane](#)

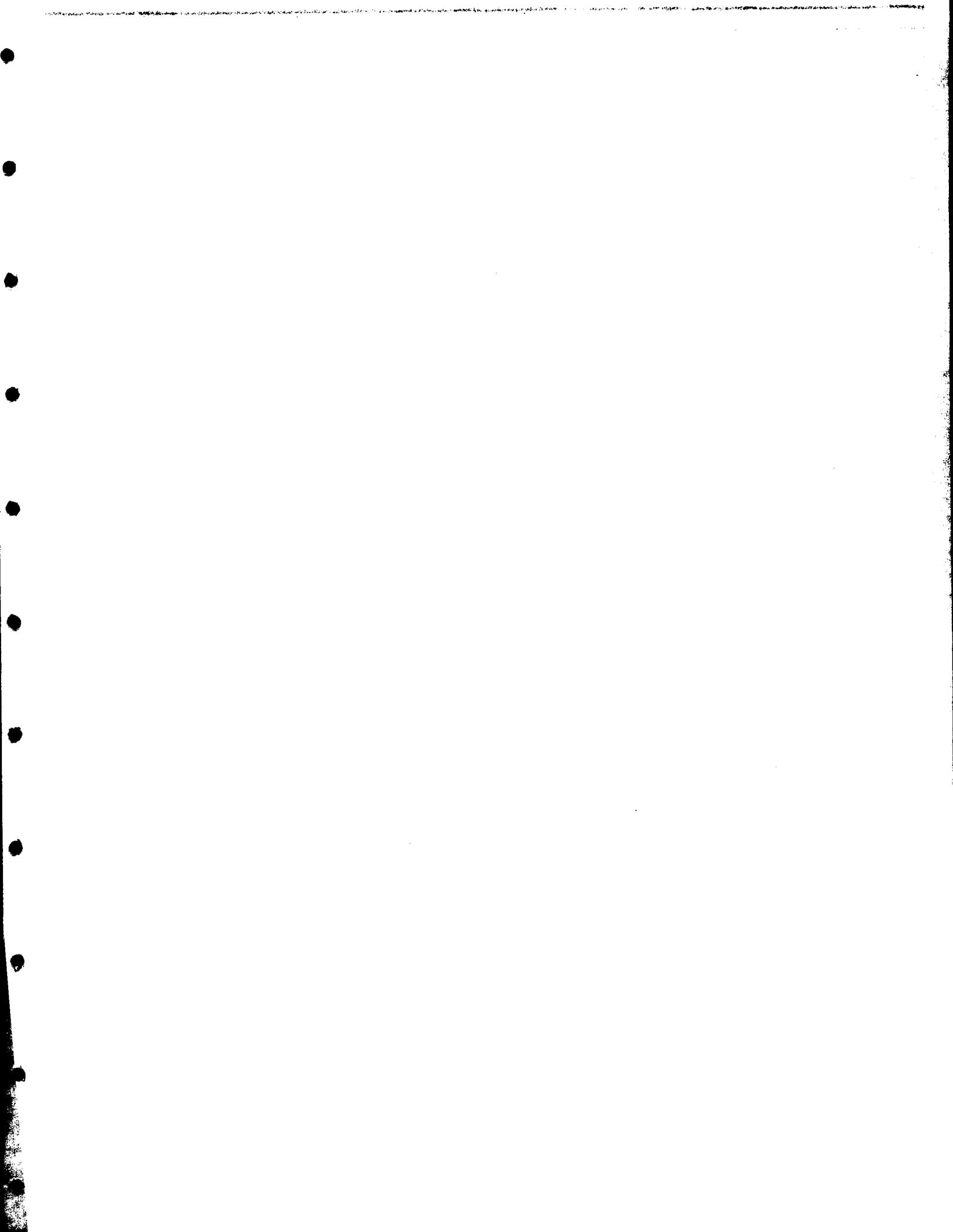
North Texas
3832 Kimbrough Lane
Plano, TX 75025
Phone: (469) 644-2309
[Tomas Lindqvist](#)

Central Texas
1221 South Congress Ave #911
Austin, TX 78704
Phone: (512) 945-1282
[Anders Nilsson](#)

Swedish contacts

Visby: [Richard Koehler](#)
Stockholm: [Anders Ahlisen](#)

Swedish American Chamber of Commerce, Texas Inc.
P.O. Box 10657, Austin, TX 78766
Phone (cell): (512) 921 9431
Email: info@sacctx.com





Chambers nationwide

Monday, February 18, 2008

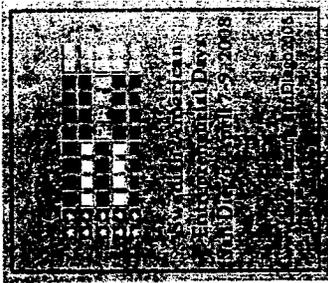
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Young Professionals



Welcome to SACC Washington DC

Welcome to the capital chamber located on the scene of the world's premier policy making arena for international trade and business.

Facts about the organization



Notice Board

Contact information:
 SACC Washington DC
 House of Sweden
 2900 K Street, NW
 Washington, DC 20007
 Ph: (202) 536-1570
 Fax: (202) 536-1501
sacc@sacc-dc.org

SACC Washington DC is offering its members a new trainee program through SACC-USA, Inc.

By clicking here you can read more about the trainee program.

"Handelsnytt"

Every month the Trade Office at the Embassy of Sweden composes a newsletter, called "Handelsnytt", that can be viewed on their webpage. If

Corporate Members:



BAE SYSTEMS

DICKSTEINSHAPIRO LLP

UPCOMING EVENTS

Swedish Hockey Night

Washington Capitals VS Toronto Maple Leafs

Date: **March 1st**

Time: **7PM**

Place: **Verizon Center**

Lower level seats: \$50 (reg. \$75)

Upper level seats: \$25 (reg. \$35)

Order your tickets here:

You are interested in the newsletter, please click on the link below. Handelsnytt is only available in Swedish. Read Handelsnytt...

www.capstickets.com/sweden.html

ERICSSON



Excela.com

SWEDISH RELATED INFORMATION & EVENTS



Vasaloppet on wheels

Mais 2nd, 2008
Join WABA and the Embassy of Sweden in celebrating Sweden's famed ski race and festival Vasaloppet by bike! Visit www.waba.org for more information!



House of Sweden

PAST EVENTS

SACC-DC Annual Meeting

January 29, 2008 at 4:00 pm
House of Sweden

Young Professional After work

Thursday, February 24 at 6 pm
18th Street Lounge at 1212 18th St. NW, Washington DC



Pittman, Inc.
Winthrop
Shaw
Pittman, Inc.

Raytheon

Nordic Events in the United States

The Nordic Calendar website offers you information about the Nordic Countries, Nordic Events in the United States and other useful information for Scandinavians living in the United States. For more information please visit: www.nordiccalendar.com

Floorball in DC

Looking for new players

Are you interested in having fun and getting a great exercise at the same time? Then join us on Tuesday evenings to play floorball (Innebandy) at 9:00 pm at Pyle Middle School (6311 Wilson Lane, Bethesda MD 20817). If you need directions or would like further information please contact Johan Wretman at 202-294-8539 or via email at johan@wretman.net

The Official Gateway to Sweden

For information on Sweden and the Swedes Click here

The Swedish School in Washington DC 'Svenska Skolan'

www.theswedishschool.org

19th Annual Christmas & Lucia Dinner

Thursday December 6 at 6:30 PM

Swedish-American Chamber of Commerce, Washington DC



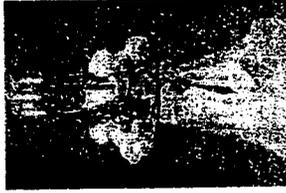
SAAB



TeliaSonera | International
Carrier



at The Fairmont



Become a member of
SACC Washington DC

Application form 2008...

Sign up for our
newsletter;
The SACCess!

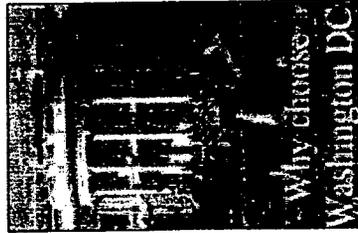
22776

<http://www.digitis.com/>

CLICK HERE FOR MORE INFO!

Thursday November 8 at 5.30 pm
Young Professional Happy Hour
18th Street Lounge at 1212 18th St. NW, Washington DC

Check out some photos from this event!



Swedish Embassy Open 2007

October 11 at Whiskey Creek Golf Club

Main Sponsor: Don Beyer Volvo Dulles

A word from the Chairman

SACC Washington DC continues to grow and prosper thanks to each member's participation and input. Over the past year the chamber has organized many successful events. We have all benefited from the luncheons, business clubs and other activities. Our website is an interesting and informative way to access information about not only

the Swedish-American business community but also Swedish-American relations in broader perspective. The chamber has become a valuable resource for networking.

As a member of SACC Washington DC, you are also a member of the Swedish-American Chamber of Commerce of the United States of America, with its even larger network of 20 chambers around the country and several thousands of members. Besides our own local communications, you will also receive the SACC-USA periodical 'Currents' and their membership directory.

We welcome your membership in 2007.

Sincerely,
Sven-Olof Hökberg
Chairman SACC Washington DC

Swedish-American Chamber of Commerce Washington, DC

House of Sweden
2900 K Street, NW
Washington, DC 20007
E-mail: sacc@sacc-dc.org
Phone: (202) 536-1570
Fax: (202) 536-1501

Web administration: Maja Persson



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Chambers nationwide

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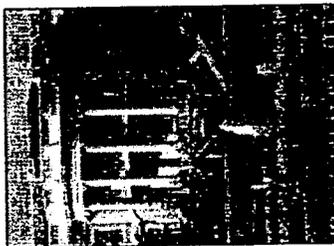
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About the Capital Chamber

The Swedish American Chamber of Commerce in Washington D.C. (SACC Washington D.C) is a membership organization dedicated to the development of useful business relationships between the United States and Sweden. SACC Washington D.C. has since 1989 offered opportunities for you to explore and develop mutually beneficial U.S. - Swedish opportunities through a number of business and social events. It is one of 19 local chambers across the United States, cooperating under the umbrella of SACC-USA. Together the chambers form a nationwide Swedish-American business network, which has served as a forum for Swedish and American business people since it was founded in 1906.

The main purpose of our Chamber is *networking and exchange of trade information*. In order to fulfill this we regularly organize luncheons, business clubs as well as other activities.



SACC Washington, DC is unique in the sense that we, in the Nations Capital, are so close to the federal government relations of the single most important markets in the US - the federal government relations offices, national associations and national media, as well as to one of the single most important markets in the US - the federal government.

The membership is to a significant extent a reflection of this, with many law firms and lobbyists, major American and Swedish defense related corporations as well as high tech firms in sectors such as telecommunications, space and aerospace.

However, we also have companies representing the architectural, banking, consumer, engineering and travel industries. This comprises a *powerful network*, open to anyone interested in the

Notice Board

Membership Benefits

As a member of SACC Washington DC you will be offered nice and valuable membership benefits.
Read more...

Swedish-American Chamber of Commerce, Washington DC

developing new or expanding existent Swedish-American business, trade or investment.

Welcome to the Swedish-American Chamber of Commerce in Washington DC!

Find out more about the membership...

Find out more about business in the Greater Washington area...

Swedish-American Chamber of Commerce Washington, DC
House of Sweden
2900 K Street, NW
Washington, DC 20007
E-mail: sacc@sacc-dc.org
Phone: (202) 536-1570
Fax: (202) 536-1501

Web administration: Majja Persson



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Washington, DC



The Swedish-American Chamber of Commerce, Washington, D. C.

Chambers nationwide

Monday, February 18, 2008

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Membership in SACC Washington D.C.

Are you looking for an efficient way for your company or you as an individual and young professional to access a network with Swedish and American businesses? Swedish-American Chamber of Commerce Washington DC provides a broad range of services in order to help you expand your network.

It is our pleasure to invite you to join SACC Washington DC. We offer our members several different programs and services such as:

- Attendance at luncheons, seminars, business clubs and symposiums featuring an impressive array of distinguished speakers.
- Attendance at annual events such as Lucia celebration and the popular golf tournament which is co-sponsored by the Embassy of Sweden.
- Access to the SACC-USA network with more than 2,500 members in 19 regional chapters.
- Nice and valuable benefits from different member companies. Look on this web page to find out what benefits that are currently offered!
- A personal copy of the regional membership directory.
- A subscription of SACC-USA's magazine, the Current.

We have four categories of Membership*:

Corporate Membership
\$1000: This membership category provides strategic support for the chamber, including funding its basic administrative costs, investing in the long-term development of the chamber, and underwriting the chamber's traditional activities and events throughout the year. The company (one or two contact persons plus any number of e-mail contact persons) will be listed and coded in the SACC Washington DC and SACC-USA Membership

Notice Board

Membership Benefits

As a member of SACC Washington DC you will be offered valuable membership benefits. Read more...

Swedish-American Chambers of Commerce of USA, Inc.

Directories, and on the SACC Washington DC web site. The member will be invited to attend all events organized by SACC Washington DC and certain events organized by our sister chambers around the U.S. Corporate members will receive special recognition at events during the year and are offered the opportunity to advertise on the SACC Washington DC website and to link to its company's home page from SACC Washington DC's website. Corporate members will in addition have access to visiting delegations and VIP Meetings.

Business Members

\$500: The company (and one or two contact persons) will be listed and coded in the SACC Washington DC and SACC-USA Membership Directories and on the SACC Washington DC web site. The member will be invited to attend in all events organized by SACC Washington DC and certain events organized by our sister chambers around the U.S. Business members will in addition have access to visiting delegations.

Individual Members

\$80: Individual members will be listed as an individual in the SACC Washington DC and SACC- USA Membership Directories. They will be invited to attend all events organized by SACC Washington DC and certain events organized by our sister chambers all around the U.S.

Young Professionals

\$25: Young Professionals are defined as individuals younger than 30 years old. The member will be listed as a Young Professional in the SACC Washington DC Directory and as an individual in SACC-USA Membership Directory. About four special events are organized each year for the members. The member will be invited to attend in all regular events.

*Membership fees are per calendar year.

Become a Member:

To become a member of SACC Washington DC, please fill out the application form and send it to our office together with a check (see above) or an invoice will be send to you. Application Form

If you would like to know more about membership or if you have any other questions, please send us an e-mail or give us a call.

Swedish-American Chambers of Commerce of USA, Inc.

Swedish-American Chamber of Commerce Washington, DC
House of Sweden
2900 K Street, NW
Washington, DC 20007
E-mail: sacc@sacc-dc.org
Phone: (202) 536-1570
Fax: (202) 536-1501

Web administration: Maja Persson



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The Swedish-American Chamber of Commerce, Washington, D. C.

Chambers nationwide

Monday, February 18, 2008

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Members of SACC DC

We proudly present the current members of SACC Washington DC:

- **Honorary Chairmen or Members**
Ambassador Jonas Hafström
U.S. Ambassador to Sweden, Mr. Michael Wood
Count Wilhelm Wachtmeister
Lyndon L. Olson, Jr.
Ove Dahlén
Delmar Nordh

- **Corporate Members**
Akin, Gump, Strauss, Hauer & Feld, LLP
Dickstein Shapiro, LLP
Ericsson, Inc.
Hamilton Sundstrand
Holmen Paper, Inc.
House of Sweden/Statens fastighetsverk
Lockheed Martin Corp.
Norfolk Southern Corporation
Pillsbury Winthrop Shaw Pittman LLP
Raytheon Company
SAAB Aerotech of America, LLC
SAAB Technologies, Inc.
Scandinavian Airlines of North America, Inc.
Telesonera International
Voivo Group North America, Inc.

- **Business Members**
BAE Systems
Bergvik North America, Inc.
Bleneck International
Boeing Company
Conrad Lawfirm, LLP
Darcars Volvo
Eureco Bofors, Inc.
General Electric Company
Gulfstream Aerospace Corp.

Notice Board

SACC Washington DC would like to welcome new members

- **Corporate**
- **Business**
Klaradal Inc., Olney, MD
- **Individual**
Ms. Sherry Adamson
Mr. Bruce Gray
Mr. Daniel Petkov
Mr. Raymond Bradley
- **Young Professionals**
Ms. Rachel Somberg
Mr. Henrik Nilsen
Mr. Hans Bergman
Mr. Anders Vannfalt

Welcome!

Membership Benefits

As a member of SACC Washington DC you will be offered nice and valuable membership benefits. Read more...

Swedish-American Chambers of Commerce of USA, Inc.

Icelandair
IKEA Virginia, LLC
Port of Wilmington
Precise Biometrics, Inc.
R.J. Banks & Co., Inc.
SAAB Microwave Systems
Securitas Security Services, Inc.
Secredo USA
SWE-DISH Satellite Systems Inc.
U.S. Nordic Imp. & Exp. Co., Inc.

■ Individual Members

Peter Agnvall
Jude Alexander
Pernilla Almen
Bengt Göran Andersson
Robert R. Aronsson
Peter Barclay
Geraldine Bjallerstedt
Sara Bjerde
Thomas Blitz
Count Peder Bonde
Ronald Carlberg
Aaron Cabbage
Pelle Deinoff
Robert F. Dyer
Lennart Eckerberg
Anders Fagerstrom
Marshall Ferrin
Magnus Friberg
Howard G. Glock
Alan Gregerman
Thomas Green
Jesper Gronvall
Per-Anders Hallqvist
Sari Helskanen
Sven-Olof Hokborg
Lars-Olof Hollner
Stevan Holmberg
Anders Ingmarsson
Lene Jernberg-Perrotta
Bo Borje Jonsson
Nils Johansson
Paul L. Johnson
Heldrun Yrr Juliusdottir
Peter Jurmala
Alexander Karsner
Matthias Klinteback
Mary Knapp
Silvio Krvaric
David Landes
Torbjörn Lindberg
Per Lindell
Paul Lippner
Anders Lundegard
Olof Mattsson
Geoff Merrill
Johan Milbrink
Christopher I. Moylan, Esq.
Niklas Myhr
Eva Ohlin
Scott Popma

Swedish-American Chambers of Commerce of USA, Inc.

Jan-Olof Rabe
 Richard E. Ragold
 Stefan Rainer
 Madeleine Richter
 Markus Salmberg
 Mark Schechter
 Thomas V. Sjoblom
 Peter Stefanek
 Harald Stier
 Allan Suchinsky
 Anders Sundstroem
 Peter Svensson
 Katherine Talimadge
 Chester M. Taylor
 G. Erik E. Tegnér
 Kristina Testor
 Peter Tunon
 Hans Ulfson Andersen
 Karin Widegren
 W. Glenn Yarborough
 Robert Yarbray

■ Young Professionals

Eva Andersson
 Per Andersson
 Suzanne Bachman
 Matthew Banks
 Darcy Barrett
 Hans Bergman
 Diana Bjorkman-Wade
 Alfred E. Blicher, Jr.
 Elise Carlson
 Lars Ehrlander
 Christian A. Ekberg
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 Maria Ekman
 Ryan Emge
 Emma Forsgren
 David Gruner
 Michaela Havbring Pratt
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 Ann Johansson
 Linda Johansson
 Veronica Jorneus
 Linda Jönsson
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 Christina Kreij
 Robin Lindgren
 Martin Lindholm
 Martin Lundgren
 Anna Lundin
 Christina Lycke
 Sara Magnusson
 Jenny Mahqvist
 Amir Maki
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 Alexandra Adams
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Frida Selman
Adam Sharp
Josef Skoldeberg
Anders Sundstroem
Patrick Tage
Jerker Taudlien
Johanna Tavares
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Chamber of Commerce
Washington, DC.





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Fax 202.220.4201

February 13, 2008

VIA FAX AND FEDERAL EXPRESS

Exhibit SACC 20 2/25/08

Opp. No. 91-156321

U.S. Chamber of Commerce vs.
United States Hispanic
Chamber of Commerce Foundation

The Swedish - American Chamber of Commerce USA
1403 King Street
Alexandria, VA 22314
Attn: Chief Legal Officer

Introduced by Applicant United
States Hispanic Chamber of
Commerce Foundation

Re: Subpoena in Opp. No. 91/156,321
U.S. Chamber of Commerce v. U.S. Hispanic Chamber of
Commerce Foundation

Dear Sir or Madam:

We represent the U.S. Chamber of Commerce in the above captioned proceeding. The U.S. Chamber would like convey its apologies that you have been brought into this case by its adversary. We do not believe that it was warranted or necessary.

We have moved to quash the subpoena served on you by the U.S. Hispanic Chamber of Commerce Foundation with respect to the production of documents. Enclosed please find a copy of the motion we filed with the court that issued the subpoena. It is our position that at least that portion of the subpoena that seeks the production of documents is improper.

You should, of course, rely on the advice of your own legal counsel regarding the subpoena, especially as relates to the demand that a witness appear to testify (which is separate from the request for documents). However, if you so choose, we would be happy to discuss the case with you. If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,

KENYON & KENYON LLP

By: Erik C. Kane
Erik C. Kane

Enclosure

SACC 20

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS The Chamber of Commerce of the United States of America</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Kenyon & Kenyon LLP 1500 K St. NW, Washington, DC 20005</p>	<p>DEFENDANTS United States Hispanic Chamber of Commerce Foundation</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Manatt, Phelps & Phillips, LLP 11355 West Olympic Blvd., Los Angeles, CA 90064</p>
--	---

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Rule 45 (C) F.R.C.P.

Brief description of cause:

Quash Subpoena Duces Tecum

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

USPTO, Trademark Trial and Appeal Board (See instructions):

JUDGE Linda Skoro

DOCKET NUMBER Opposition No. 91/156,32

DATE 2/13/08

SIGNATURE OF A ATTORNEY OF RECORD

Carl C. Kane (Bar No. 68294)

FOR OFFICE USE ONLY

RECEIPT # _____ AMC UNIT _____ APPLYING IFF _____ JUDGE _____ MAG. JUDGE _____

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) **Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) **Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

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SCHEDULE A

1
2 1. The date of the Swedish-American Chambers of Commerce USA's
3 ("SACC") first use of the trademark THE SWEDISH-AMERICAN CHAMBER
4 OF COMMERCE, or any other mark or name including CHAMBER OF
5 COMMERCE (the "SACC Marks").

6 2. The types of products and services that the SACC offers, sells or sold
7 under, or bearing or promoted as or under, the SACC Marks (the "SACC Products
8 and Services").

9 3. The SACC's marketing and/or advertising of the SACC Products and
10 Services.

11 4. The number and type of customers of the SACC Products and Services
12 and/or the number of members of the SACC.

13 5. The amount spent by the SACC to advertise or promote the SACC
14 Products and Services from inception to the present.

15 6. Publicity relating to the SACC Products and Services, including but
16 not limited to, reviews, features, or mentions of the SACC Products and Services in
17 any medium and all press releases relating to any SACC Products and Services.

18 7. Any instances of confusion between the SACC (or the SACC Products
19 and Services) and the U.S. Chamber of Commerce (or its products and services).

20 8. Any instances of confusion between the SACC (or the SACC Products
21 and Services) and the U.S. Hispanic Chamber of Commerce (or its products and
22 services).

23 9. Allegations of trademark infringement or any challenges to the use or
24 registration of the SACC Marks, if any, by the U.S. Chamber of Commerce against
25 the SACC.

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SCHEDULE B

1
2 1. Representative samples of documents and things reflecting the
3 advertising, promotion, offering for sale, and/or sale of SACC's Products and
4 Services, including but not limited to, catalogs, advertisements, website pages,
5 brochures, tradeshow materials, *etc.*

6 2. Representative samples of documents and things reflecting the total
7 number of SACC members from inception to the present.

8 3. Representative documents and things reflecting any publicity relating
9 to SACC's Products and Services, including but not limited to, press releases,
10 articles, stories, or the like featuring, mentioning, or reviewing SACC's Products
11 and Services.

12 4. Representative samples of documents and things reflecting the
13 geographic scope of SACC's use of the SACC Marks.

14 5. Letters, emails, or the like reflecting communications with the U.S.
15 Chamber of Commerce, membership in the U.S. Chamber of Commerce, or any
16 agreements or licenses with the U.S. Chamber of Commerce.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

Movant,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Non-Movant.

United States Patent and Trademark Office

Trademark Trial and Appeal Board

Opposition No.: 91/156,321

Serial No.: 78/081,731

MOTION TO QUASH TRIAL TESTIMONY SUBPOENA DUCES TECUM

The Chamber of Commerce of the United States of America (“U.S. Chamber”), moves pursuant to Rule 45(c) of the Federal Rules of Civil Procedure, to quash the subpoena *duces tecum* that The United States Hispanic Chamber of Commerce (“USHCOC”) has served on third party, the Swedish-American Chambers of Commerce USA, to prevent the production of the requested documents. Through the issued trial subpoena *duces tecum*, USHCOC improperly seeks to obtain document discovery during the middle of the trial phase of the administrative proceeding referenced in the subpoena and *more than eighteen months* after discovery in that proceeding closed. However, under the rules of the Trademark Trial and Appeal Board (“TTAB”) of the U.S. Patent and Trademark Office (the body before which the referenced administrative proceeding is pending), discovery may not be sought and cannot be required after the close of discovery. Further, USHCOC has not sought the permission of the TTAB to reopen the discovery period, undoubtedly because it knew that such a request coming at this late date (and without good cause) would have been summarily denied.

The specific grounds on which Movant requests relief are set forth more fully in the accompanying memorandum and in the *Declaration of Erik C. Kane*, which is filed concurrently herewith. Given that the stated return date for the subpoena *duces tecum* is **February 22, 2008**, the U.S. Chamber respectfully requests expedited resolution of this motion.

Counsel for Movant hereby certifies that he conferred with counsel for the Non-Movant and attempted in good faith to resolve or narrow the issues raised by this motion. Non-Movant's counsel has indicated he will oppose this motion.

Respectfully submitted,

KENYON & KENYON LLP

Date: 2/13/08

By: Erik C. Kane

William M. Merone (VSB #38,861)
Erik C. Kane (VSB #68,294)
KENYON & KENYON LLP
1500 K Street, N.W.; Suite 700
Washington, D.C. 20005
Tel.: (202) 220 - 4200
Fax: (202) 220 - 4201

*Counsel for Movant, The Chamber of Commerce
of the United States of America*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

Movant,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Non-Movant.

United States Patent and Trademark Office

Trademark Trial and Appeal Board

Opposition No.: 91/156,321

Serial No.: 78/081,731

MEMORANDUM IN SUPPORT OF MOVANT'S MOTION TO QUASH
TRIAL TESTIMONY SUBPOENA DUCES TECUM

The Chamber of Commerce of the United States of America ("U.S. Chamber"), submits this memorandum in support of its motion to quash the subpoena *duces tecum* issued by the United States Hispanic Chamber of Commerce Foundation ("USHCOC") on third party, Swedish-American Chambers of Commerce USA. Through the trial subpoena *duces tecum*, USHCOC improperly seeks third-party document discovery more than eighteen months after the close of discovery in the referenced administrative proceeding, and even though such actions are forbidden under the rules of the Trademark Trial and Appeal Board ("TTAB") of the U.S. Patent and Trademark Office, before which body the administrative proceeding is pending.

The broad categories of documents that USHCOC seeks from the third party could have been requested during the applicable discovery period, or, if necessary, USHCOC could have petitioned the TTAB to extend (or reopen) the discovery period so as to permit the desired discovery. USHCOC, however, did neither, and instead seeks last minute and disruptive discovery during the middle of the parties' trial testimony period (which is akin to seeking

discovery *during* an ongoing trial). Requesting that third party produce documents at this stage of the proceedings is improper, and also highly prejudicial. Accordingly, the U.S. Chamber respectfully requests that the Court quash the USHCOC's subpoena for document production.

BACKGROUND

The administrative proceeding referenced in the subpoena at issue in this motion is *The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce Foundation*, Opposition No. 91-156231, which is pending before the Trademark Trial and Appeal Board ("TTAB") of the U.S. Patent and Trademark Office. The underlying dispute concerns the USHCOC's attempt to register a certain trademark in the Trademark Office.

The proceeding commenced on April 11, 2003, and discovery closed on June 1, 2006. (*See* Declaration of Erik C. Kane, ¶ 2 "*Kane Decl.*"). At present, the parties are in the middle of the trial phase known as the "testimony period." During the testimony period—much like in a regular trial—the parties call witnesses to testify on their behalf, with the witnesses' testimony being recorded and submitted in deposition form (rather than having witnesses testify live).

The U.S. Chamber's testimony period closed on June 29, 2007 (*Kane Decl.* ¶ 3), which means that the U.S. Chamber, in effect, is done putting on its opening case. The USHCOC, as the "Defendant" (called the "Applicant" before the TTAB), is presently in the middle of its testimony period, which period is scheduled to close on February 28, 2008. (*Kane Decl.* ¶4).

On January 31, 2008, USHCOC provided the U.S. Chamber with three *Notices of Trial Depositions*, scheduling the trial depositions of three party (or party-controlled) witnesses for later this month (which was proper). On Friday, February 8, 2008, USHCOC then served ten subpoenas *ad testificandum* on various third parties, scheduling ten additional trial depositions

all for the last week of February (which is highly suspect).¹ However, in addition to those subpoenas *ad testificandum*, USHCOC also served ten subpoenas *duces tecum* through which it seeks document productions (which is improper), including the subpoena at issue here.² (*Kane Decl.* ¶5). The subpoena *duces tecum* calls for the Swedish-American Chambers of Commerce USA to produce a wide range of documents to counsel for USHCOC on February 22, 2008, which is before the appearance date for trial testimony noticed in the same subpoena. *Id.*

ARGUMENT

All proceedings before the Trademark Trial and Appeal Board are governed by the Lanham Act, 15 U.S.C. § 1051 et seq., and the administrative rules governing those proceedings may be found in Parts 2 and 7 of Title 37 of the Code of Federal Regulations (“the Trademark Rules”). While these procedural rules are based largely on the Federal Rules of Civil Procedure, they have been modified by the TTAB to take into account the particular administrative nature of the proceedings. *See Trademark Board Manual of Procedure (“TBMP”)*³, §101.01 (*See Kane Decl.* ¶6). As a result, the propriety of the requested discovery must be evaluated under the Trademark Rules, which also control in the event of any conflict with other rules. *See Chevron*

¹ The USHCOC must put on all of its testimony by February 28, 2008, but yet waited until the very last moment before noticing the third party trial depositions. Thus, it is doubtful that the USHCOC will be able to complete all of the depositions by the close of trial given that the schedules of the third parties presumably are unknown. In fact, what seems to be happening is that the USHCOC intends to seek an *extension* of its trial period on the basis that it supposedly needs to “accommodate” the scheduling concerns of these third parties, even though USHCOC has already had *more than 6 months* to put on its case. Whether the TTAB would grant an extension is unknown.

² Applicant has additionally served nine other subpoenas *duces tecum* on third parties, with those subpoenas issuing from the U.S. District Court of the Southern District of New York, (5 subpoenas), and the U.S. District Court for the District of Columbia (4 subpoenas). The U.S. Chamber has filed motions to quash the subpoenas issued from those jurisdictions on the same grounds as presented here.

³ The *Trademark Board Manual of Procedural* is the document in which the TTAB undertakes to “describe[] current practice and procedure under the applicable authority.” *See TBMP*, Introduction.

U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 844 (1984) (“We have long recognized that considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer, and the principle of deference to administrative interpretations.”); *see also Meyer v. Holley*, 537 U.S. 280, 281 (2003) (“[T]he Court ordinarily defers to an administering agency's reasonable statutory interpretation.”)

By way of the subpoena *duces tecum* at issue before the Court, the USHCOC seeks the production of broad categories of documents from the Swedish-American Chambers of Commerce USA. However, as discovery closed in this administrative proceeding more than eighteen months ago, and considering further that the Trademark Rules (even more so than the Federal Rules) do not permit discovery outside of the designated period, the subpoena is decidedly improper. Further, a trial testimony subpoena may not be used as a post-discovery discovery device. The subpoena should therefore be quashed and the Court should order that the documents not be produced.

I. The USHCOC Cannot Unilaterally Reopen the Discovery Period

The USHCOC is seeking the production of documents from various third parties even though the discovery period for the referenced administrative proceeding closed more than eighteen months ago. The TTAB is very clear that discovery devices such as requests for production of documents can only be served and used during discovery. *See* TBMP, §403.01 (“The discovery devices ... are available for use only during the discovery period. A party has no obligation to respond to an untimely request for discovery”) (footnote omitted); 37 C.F.R. § 2.120(a) (2008) (“Discovery depositions must be taken, and [written discovery requests] must be served, on or before the closing date of the discovery period as originally set or as reset.”). Any

request to reopen the discovery period must be approved by the TTAB, and the request must be accompanied by a showing of "excusable neglect." TBMP, §509.01(b); *see also* 37 C.F.R. § 2.120(a)(2); *Pumpkin Ltd. v. The Seed Corps*, 43 U.S.P.Q.2d 1582 (TTAB 1997) (adopting analysis set forth in *Pioneer Investment Serv. Co. v. Brunswick Assoc. L.P.*, 507 U.S. 380 (1993)).

Under the present circumstances, the TTAB would unlikely grant a motion to reopen discovery. As noted previously, the parties are in the middle of their *trial testimony* period, with discovery having closed more than eighteen months ago. The TTAB has noted that mere delay in initiating discovery does not constitute good cause for even an *extension* of the discovery period, let alone reopening it. *See TBMP*, §403.04 ("mere delay in initiating discovery does not constitute good cause for an extension of the discovery period"); *see also id.*, §509.01(b) (noting that "the third *Pioneer* factor, i.e., 'the reason for the delay, including whether it was within the reasonable control of the movant,' may be deemed to be the most important of the ... factors" when ruling on whether to reopen discovery in a particular case). Here, the USHCOC has not only waited more than eighteen months after the close of discovery to seek documents from ten separate third parties, it has served these requests *in the middle* of its testimony period, and after the U.S. Chamber's testimony period has already closed. The U.S. Chamber would therefore be severely prejudiced by this belated discovery (and the USHCOC subsequent reliance on them during any third party trial deposition the following week) as the U.S. Chamber would not have the opportunity to conduct any follow up discovery about the material, either for purposes of cross-examination of the third-party witnesses or to develop a rebuttal case.

II. Trial Subpoenas Cannot be Used to Seek Discovery

As noted above, it is improper for the USHCOC to request that third parties produce documents for use in a TTAB administrative proceeding after the close of the discovery period. Indeed, at least one court has specifically address this point, holding that the use of subpoena *duces tecum* to seek discovery beyond the discovery period set by the TTAB is improper. *Li and Fung Ltd. v. L.W. Loyd Co.*, 143 U.S.P.Q. 117, 118-119 (E. D. Tenn. 1964) (“Rule 2.120 of the Trademark Rules of Practice [37 C.F.R. §2.120] requires the taking of discovery evidence prior to the taking of any testimony for the trial. If the subpoena *duces tecum* calls for documents and papers that are for discovery, then this part of the motion to quash is good.”).

Moreover, the fact that USHCOC has included its document requests along with a subpoena *ad testificandum* does not provide it with cover for conducting a fishing expedition to find new material to shore up its case in the wake of the U.S. Chamber putting on its own trial evidence. Courts from around the country have overwhelmingly held that issuing a subpoena *duces tecum* as an adjunct to a subpoena *ad testificandum* is presumptively improper, except in the limited circumstance where there is a need for the witness to bring to trial a specific, known document. *See, e.g., Dodson v. CBS Broad.*, 2005 U.S. Dist. LEXIS 30126, 4-5 (S.D.N.Y. 2005) (“Dodson's subpoena clearly seeks discovery, as is apparent from his having the subpoena returnable to his address in New Jersey at the present time, instead of to Judge Wood's courtroom at the time of trial. Moreover, the scope of the request is broad and clearly is designed for discovery, not last-minute trial needs (such as for originals of documents where copies were produced in discovery and there is a need for the original at trial).”) (*See Kane Decl.* ¶ 7); *see also McKay v. Triborough Bridge and Tunnel Authority*, 2007 WL 3275918, *2, n.1 (S.D.N.Y. 2007) (quashing subpoena where “the scope of the request is broad and clearly is designed for

discovery, not last-minute trial needs”) (citations omitted) (*See Kane Decl.* ¶8); *BASF Corp. v. Old World Trading Co.*, 1992 WL 24076 at *2 (N.D. Ill. 1992) (Trial subpoenas “may not be used as a means to engage in further discovery. . . . Here, discovery has been closed for almost eleven months, and the court will not allow the parties to engage in discovery through trial subpoenas.”) (See *Kane Decl.* ¶9); *Mortgage Info. Servs., Inc. v. Kitchens*, 210 F.R.D. 562, 566-68 & n.2 (W.D.N.C. 2002) (“After reviewing the relevant case law on both sides of this issue, the Court adopts the rule followed by the majority of jurisdictions and holds that a Rule 45 subpoena does in fact constitute discovery.”); *Puritan Inv. Corp. v. ASLL Corp.*, 1997 WL 793569 at *1 (E. D. Pa. 1997) (“Rule 45 “trial subpoenas [duces tecum] may not be used . . . as means to engage in discovery after the discovery deadline has passed.”) (*See Kane Decl.* ¶10); *Dreyer v. GACS Inc.*, 204 F.R.D. 120, 122-23 (N.D. Ind. 2001) (“Rule 45 subpoenas constitute ‘discovery’ within the meaning of Rules 26 and 34. . . . This Court . . . does not believe that a party should be allowed to employ a subpoena after a discovery deadline to obtain materials from third parties that could have been produced during discovery.”) (quotation omitted); *Grant v. Otis Elevator Co.*, 199 F.R.D. 673, 675 (N.D. Okla. 2001) (“Litigants may not use the subpoena power of the court to conduct discovery after the discovery deadline.”); *Alper v. United States*, 190 F.R.D. 281, 283-84 (D. Mass. 2000); *Rice v. United States*, 164 F.R.D. 556, 558 & n.1 (N.D. Okla. 1995).

As in *Dodson* and other cases, here the USHCOC is seeking the production of documents *prior* to the date that the witness is scheduled to appear to testify. Moreover, the scope of the document requests are clearly designed to obtain discovery, as opposed to satisfying a legitimate, last-minute trial related need as might relate to a specific, known document. *See e.g. Kane Decl.*, ¶5, Ex. F, Schedule B, Req. No. 5 (commanding that the third party produce, among other things,

all “[l]etters, emails, or the like reflecting communications with the U.S. Chamber of Commerce, membership in the U.S. Chamber of Commerce, or any agreements or licenses with the U.S. Chamber of Commerce”). In fact, at no point during discovery did the USHCOC *ever* seek any documents from the subpoenaed third party, thus foreclosing any argument that the subpoena *duces tecum* is actually for some specific, trial-related need, rather than merely being for general discovery request (which, of course, is also evident by the earlier return date).

CONCLUSION

For the reasons discussed above, the U.S. Chamber requests that the subpoena *duces tecum* that the USHCOC issued on the Swedish-American Chambers of Commerce USA should be quashed, and that a protective order should be entered prohibiting the production of requested documents.

Respectfully submitted,

KENYON & KENYON LLP

Date:

2/13/08

By:

Erik C. Kane

William M. Merone (VSB #38,861)

Erik C. Kane (VSB #68,294)

KENYON & KENYON LLP

1500 K Street, N.W.; Suite 700

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Fax: (202) 220 - 4201

*Counsel for Movant, The Chamber of Commerce
of the United States of America*

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2008, I caused a true and correct copy of the foregoing motion and accompanying memorandum to be served by electronic mail or facsimile and by overnight courier upon the following counsel and parties, as set forth below:

United States Hispanic Chamber of Commerce

Jill M. Pietrini
Andrew Eliseev
MANATT PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, CA 90064-1614

Swedish-American Chambers of Commerce USA
1403 King Street
Alexandria, VA 22314



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*Counsel for Movant, The Chamber of Commerce
of the United States of America*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

Movant,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Non-Movant.

United States Patent and Trademark Office

Trademark Trial and Appeal Board

Opposition No.: 91/156,321

Serial No.: 78/081,731

[PROPOSED] ORDER

The Court having considered the filings in connection with The Chamber of Commerce of the United States of America's motion to quash the subpoena issued by the United States Hispanic Chamber of Commerce Foundation on the Swedish-American Chambers of Commerce USA, and there being good cause appearing,

IT IS HEREBY ORDERED THAT the motion to quash is GRANTED, and that the production of documents pursuant to the subpoenas shall not proceed.

ORDERED this __ day of _____ 2008.

United States District Court Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

Movant,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Non-Movant.

United States Patent and Trademark Office

Trademark Trial and Appeal Board

Opposition No.: 91/156,321

Serial No.: 78/081,731

NOTICE OF HEARING

PLEASE TAKE NOTICE that, pursuant to the direction of the Court, on Friday, February 22, 2008, at 9:00 a.m., or as soon thereafter as counsel may be heard, counsel for Movant will move this Court to quash the subpoena duces tecum served on third party, the Swedish-American Chamber of Commerce USA. The reasons supporting this motion are set forth in the Motion and Memorandum to Movant's Motion to Quash Trial Testimony Subpoena Duces Tecum, filed February 13, 2008.

Respectfully submitted,

KENYON & KENYON LLP

Date: 2/13/08

By: Erik C. Kane

William M. Merone (VSB #38,861)
Erik C. Kane (VSB #68,294)
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*Counsel for Movant, The Chamber of Commerce
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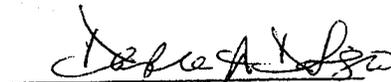
CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2008, I caused a true and correct copy of the foregoing Notice of Hearing to be served by electronic mail or facsimile and by overnight courier upon the following counsel and parties, as set forth below:

United States Hispanic Chamber of Commerce

Jill M. Pietrini
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*Counsel for Movant, The Chamber of Commerce
of the United States of America*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

Movant,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Non-Movant.

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Opposition No.: 91/156,321
Serial No.: 78/081,731

ERIK C. KANE, under penalty of perjury, declares as follows:

1. I am an associate with the law firm of Kenyon & Kenyon LLP, which represents Movant The Chamber of Commerce of the United States of America ("U.S. Chamber") in this matter. I make this declaration in support of U.S. Chamber's Motion to Quash Trial Testimony Subpoena Duces Tecum of The Swedish-American Chamber of Commerce USA.
2. Attached hereto as Exhibit A is a true and correct copy of a April 26, 2006 scheduling order issued by the Trademark Trial and Appeal Board ("TTAB").
3. Attached hereto as Exhibits B-C are true and correct copies of the parties' April 16, 2007 stipulated motion to reset trial dates and the TTAB's April 18, 2007 order entering the stipulated motion.
4. Attached hereto as Exhibits D-E are true and correct copies of the parties' October 1, 2007 stipulated motion for an extension of time and the TTAB's October 2, 2007 order entering the stipulated motion.
5. Attached hereto as Exhibit F is a third party subpoena issued by the United States Hispanic Chamber of Commerce Foundation on February 8, 2008.

6. Attached hereto as Exhibit G are true and correct copies of various sections of the Trademark Trial and Appeal Board Trademark Board Manual of Procedure.

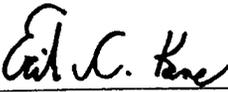
7. Attached hereto as Exhibit H is a true and correct copy of *Dodson v. CBS Broad.*, 2005 U.S. Dist. LEXIS 30126 (S.D.N.Y. 2005).

8. Attached hereto as Exhibit I is a true and correct copy of *McKay v. Triborough Bridge and Tunnel Authority*, 2007 WL 3275918 (S.D.N.Y. 2007).

9. Attached hereto as Exhibit J is a true and correct copy of *BASF Corp. v. Old World Trading Co.*, 1992 WL 24076 (N.D. Ill. 1992).

10. Attached hereto as Exhibit K is a true and correct copy of *Puritan Inv. Corp. v. ASLL Corp.*, 1997 WL 793569 (E. D. Pa. 1997).

Dated: February 13, 2008



Erik C. Kane

Exhibit A

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

Mailed: April 26, 2006

Opposition No. 91156321

THE CHAMBER OF COMMERCE OF THE
UNITED STATES

v.

United States Hispanic Chamber
of Commerce Foundation

Linda Skoro, Interlocutory Attorney

This case comes up on opposer's motion to suspend and/or extend the trial dates filed on March 13, 2006. Applicant has opposed the motion.¹

The grounds for its motion are to "afford the parties time to continue ongoing settlement negotiations...". Applicant's objection is that "opposer has made very little effort to advance the settlement of this matter in the last

¹ Applicant requests that the motion be denied because opposer failed to serve a copy of the motion on applicant and also that the motion not be considered filed on the last day of the discovery period, i.e., March 13, 2006, due to the failure of service. However, the Board issued an order on April 21, 2006 requiring opposer to provide a service copy to applicant, and now that applicant has actual notice and has responded to the motion, opposer's motion is being considered as filed on March 13, 2006. Opposer is reminded, however, of its obligation to serve copies of electronic filings on opposing counsel and to have the certificate of service contained in the electronic filing.

six months", the length of time this matter has been pending, i.e., three years, and a desire to move the matter forward.

Because applicant states that settlement negotiations are going nowhere and because this is the eighth request for further delay, opposer's motion to suspend is hereby denied, but its motion to extend the trial periods² is hereby granted as set forth below.

Discovery period to close:	6/1/ 2006
30-day testimony period for party in position of plaintiff to close:	8/30/2006
30-day testimony period for party in position of defendant to close:	10/29/2006
15-day rebuttal testimony period to close:	12/13/2006

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

.ooo.

² Applicant opposed opposer's request for a sixty-day extension, but because opposer's motion was filed on the last day of the discovery period, and the Board is just now addressing the motion, a thirty-day extension is being granted.

Exhibit B

ESTTA Tracking number: **ESTTA135576**

Filing date: **04/16/2007**

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

Proceeding	91156321
Party	Plaintiff The Chamber of Commerce of the United States of America The Chamber of Commerce of the United States of America
Correspondence Address	William M. Merone Kenyon & Kenyon 1500 K Street N.W., Suite 700 Washington, DC 20005 UNITED STATES ekane@kenyon.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	William M. Merone
Filer's e-mail	tmdocketdc@kenyon.com
Signature	/William M. Merone/
Date	04/16/2007
Attachments	Motion to Reset Trial Dates (USHCOC).pdf (4 pages)(26191 bytes)

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

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

Opposer,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Applicant.

Opposition No.: 91/156,321

Serial No.: 78/081,731

MOTION ON CONSENT TO RESET TRIAL DATES

Pursuant to TBMP Section 509 and Trademark Rule 2.121, Opposer, The Chamber of Commerce of the United States of America, requests that the trial dates for this proceeding be reset in accordance with the schedule below. Opposer is making this request to accommodate the scheduling conflicts of counsel for Applicant, United States Hispanic Chamber of Commerce Foundation, which has consented to this request.

Testimony in the present case opened on March 20th, 2007. On April 2nd, Opposer served on Applicant its *Notices of Taking Testimonial Depositions*, setting testimony in this case for April 18th – 20th. Shortly thereafter, Applicant asserted that it would be unable to attend the scheduled testimony, and that it also could not attend any depositions in May because of a conflicting trial schedule. Applicant thus requested that Opposer reschedule its testimony depositions for some time beginning the first week of June. To accommodate that request, Opposer has agreed to reschedule its testimony dates, which will now run from June 8th – 28th.

Opposer thus submits that it has shown good cause for extending the testimony period, and requests on consent that its testimony period be extended up through and including **Friday, June 29th**. Specifically, the parties consent to the following schedule:

30-day testimony period for plaintiff in the opposition to close:	6/29/2007
30-day testimony period for defendant in the Opposition and as plaintiff in the counterclaim to close:	8/29/2007
30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close:	10/29/2007
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	12/15/2007
Briefs shall be due as follows: [See Trademark rule 2.128(a)(2)].	
Brief for plaintiff in the opposition shall be due:	2/15/2008
Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due:	3/17/2008
Brief for defendant in the counterclaim and its Reply brief (if any) as plaintiff in the opposition shall be due:	4/17/2008
Reply brief (if any) for plaintiff in the counterclaim shall be due:	5/2/2008

Opposer submits that the proposed schedule modifications are necessary to permit the orderly presentation of evidence in this case and are being made to accommodate the parties' scheduling concerns, and not for the purpose of delaying these proceedings.

However, should the Board not agree to the above proposed schedule, Opposer requests in

the alternative that the Board grant at least a thirty (30) day extension of time to permit
Opposer to reschedule the trial depositions previously noticed.

Respectfully submitted,

Date: April 16, 2006

/William M. Merone/
Edward T. Colbert
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KENYON & KENYON
1500 K Street, N.W.; Suite 700
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Tel.: (202) 220 - 4200
Fax: (202) 220 - 4201

*Counsel for Opposer, The Chamber of
Commerce of the United States of America*

CERTIFICATE OF SERVICE

I hereby certify that the required number of copies of the foregoing *Motion On Consent To Reset Trial Dates* was served on the parties or counsel on the date and as indicated below:

*By First-Class Mail (Postage Prepaid)
and Facsimile: (310) 312 - 4224*

Jill M. Pietrini
Andrew Eliseev
MANATT PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, CA 90064-1614

Date: April 16, 2007

/William M. Merone/

Edward T. Colbert
William M. Merone
Erik C. Kane
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*Counsel for Opposer, The Chamber of
Commerce of the United States of America*

Exhibit C

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

Mailed: April 18, 2007

Opposition No. 91156321

The Chamber of Commerce of the
United States of America

v.

United States Hispanic Chamber
of Commerce Foundation

Linda Skoro, Interlocutory Attorney

On March 15, 2007, the Board denied applicant's motion to compel discovery, finding that applicant had not made the requisite good faith effort to resolve the discovery dispute, and further that opposer's discovery responses were sufficient. Applicant has filed a timely request for reconsideration to which opposer has objected.

Motions for reconsideration, as set forth in 37 C.F.R. § 2.127(b), provide an opportunity for a party to point out any error the Board may have made in considering the matter initially. It is not to be a reargument of the points presented in its original motion. In this case, applicant continues to argue that it is prejudiced by opposer's failure to supplement its discovery responses.

Upon careful consideration of applicant's arguments on reconsideration, we are not persuaded that there was any

error in our decision. Applicant appears to misunderstand its burden in a motion to compel. Opposer stated its objections to certain discovery requests. Applicant disagreed with those objections, but did not inform opposer as to why it disagreed with opposer's objections. It is not opposer's burden to justify its objections if applicant has not stated grounds why it challenges the objections. Generally the Board looks for the parties' good faith effort to work out any discovery disputes through an exchange of correspondence designed to resolve the disagreement. That clearly was not present before the motion to compel was filed.

Accordingly, the request for reconsideration is denied. The parties' consented motion to reset dates, filed April 16, 2007, is hereby granted. Dates are set as provided in that motion.

.oOo.

Exhibit D

ESTTA Tracking number: **ESTTA165803**

Filing date: **10/01/2007**

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

Proceeding	91156321
Party	Defendant United States Hispanic Chamber of Commerce Foundation
Correspondence Address	Jill M. Pietrini Manatt Phelps & Phillips, LLP 11355 W. Olympic Boulevard Los Angeles, CA 90064-1614 UNITED STATES mdanner@manatt.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jill M. Pietrini
Filer's e-mail	mdanner@manatt.com
Signature	/jillpietrini/
Date	10/01/2007
Attachments	Amended Stipulated Motion for Extension.pdf (3 pages)(60142 bytes)

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

<p><i>In re Matter of Application No. 78/081,731 for the mark UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION</i></p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p>Opposer,</p> <p>vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p>Applicant.</p>	<p>Opposition No. 91-156231</p> <p><u>AMENDED STIPULATED MOTION FOR EXTENSION OF TIME</u></p>
<p>And Related Counterclaims</p>	

Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Pursuant to 37 C.F.R. § 2.121(d) and TBMP § 501, Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant"), by and through its counsel, and Opposer The Chamber of Commerce of the United States of America ("Opposer"), by and through its counsel, hereby jointly move for and stipulate to an extension of 5 months of the schedule set in this action. **This Amended Stipulated Motion for Extension of Time is being submitted instead and in place of the Stipulated Motion for Extension of Time dated September 12, 2007** because the dates for the counterclaims were incorrect.

This extension is necessary to allow the parties to avoid multiple scheduling conflicts in September 2007 and the upcoming months of October 2007 through January 2008. Specifically, Applicant set testimony depositions for three witnesses in mid-September. Notices for those depositions were served on Opposer by mail on August 29, 2007. Opposer objected to the notices because it did not receive them until September 5, 2007. Opposer's counsel was also unavailable on two of the days selected for the depositions. Applicant's witnesses were not available the later part of September because of the annual convention for United States Hispanic Chamber of Commerce which Applicant's witness planned to attend. Finally, Applicant's counsel is scheduled to be out of the country from October 5, 2007 to October 25, 2007. Upon her return, Opposer's counsel is scheduled for trial in another matter in December out of state.

Applicant and Opposer agreed to this extension via e-mail on September 7, 2007. Accordingly, Applicant and Opposer stipulate to the following schedule for the remaining testimony and trial dates in this action:

Testimony period for defendant/counterclaimant to close	February 28, 2008
Rebuttal testimony period for plaintiff/counterdefendant to close	April 28, 2008
Rebuttal testimony period for counterclaimant to close	June 14, 2008
Plaintiff's brief is due	August 13, 2008
Defendant/counterclaimant's brief is due	September 12, 2008
Plaintiff's reply brief/Counterdefendant's brief is due	October 12, 2008
Counterclaimant's reply brief is due	October 27, 2008

Respectfully submitted,

Date: October 1, 2007

/s/ Jill Pietrini
Jill Pietrini
Andrew Eliseev
MANATT, PHELPS & PHILLIPS, LLP
11355 W. Olympic Blvd., 10th Floor
Los Angeles, California 90064
(310) 312-4000

Attorneys for Applicant

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on this 1st day of October, 2007.

/s/ Monica Danner
Monica Danner

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Erik Kane, Esq., Kenyon & Kenyon, 1500 K Street, N.W., Suite 700, Washington, DC 20005, on this 1st day of October, 2007.

/s/ Monica Danner
Monica Danner

41161664.1

Exhibit E

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

Mailed: October 2, 2007

Opposition No. 91156321

The Chamber of Commerce of
the United States of
America

v.

United States Hispanic
Chamber of Commerce
Foundation

Angela Campbell, Paralegal Specialist:

Applicant's stipulated motion for extension of time filed September 17, 2007 and amended stipulated motion for extension of time filed October 1, 2007 to extend trial dates, including dates for the counterclaim, are granted. Trademark Rule 2.127(a).

Trial dates, including dates for the counterclaim, are reset in accordance with applicant's motion.

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint

of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242FinalRuleChart.pdf>

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

Exhibit F

Docket No. 27206-060

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S NOTICE OF TAKING TESTIMONY DEPOSITION OF SWEDISH - AMERICAN CHAMBERS OF COMMERCE USA</p>
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TO OPPOSER AND ITS ATTORNEYS OF RECORD:

Pursuant to Trademark Rule 2.123(c) and the Federal Rules of Civil Procedure, Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant"), will take the testimony deposition, by oral examination, of Swedish - American Chambers of Commerce USA on Tuesday, February 26, 2008, beginning at 12:00 p.m. A copy of the subpoena for the witness is attached.

Applicant will take the deposition at the following address:

Manatt, Phelps & Phillips, LLP
One Metro Center
700 12th Street, N.W.
Suite 1100
Washington, D.C. 20005

The deposition will be conducted before an officer authorized to administer oaths and will be recorded by stenographic methods.

Opposer is invited to attend and cross-examine.

MANATT, PHELPS & PHILLIPS, LLP

Dated: February 8, 2008

By: Andrew Eliseev
Jill M. Pietrini
Andrew Eliseev
Attorneys for Applicant United States Hispanic
Chamber of Commerce Foundation

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S NOTICE OF TAKING TESTIMONY DEPOSITION OF SWEDISH - AMERICAN CHAMBERS OF COMMERCE USA** has been served upon the attorney for Opposer by facsimile and depositing a copy thereof in an envelope addressed to:

Erik C. Kane
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005
Fax: (202) 220-4201

on this 8th day of February, 2008.

Betty Lee
Betty Lee

AO88 (Rev. 12/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

The Chamber of Commerce of the United States of America,
Opposer,

SUBPOENA IN A CIVIL CASE

V.

United States Hispanic Chamber of Commerce Foundation,
Applicant.

Case Number:¹ U.S. Patent and Trademark
Office, Trademark Trial and Appeal Board
Case No. 91-156,321

TO: The Swedish - American Chambers of Commerce USA
1403 King Street
Alexandria, VA 22314

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Manatt, Phelps & Phillips, LLP; One Metro Center, 700 12th Street, N.W., Suite 1100, Washington, D.C. 20005. See Schedule A attached hereto.	DATE AND TIME February 26, 2008, 12:00 p.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Schedule B attached hereto.

PLACE Manatt, Phelps & Phillips, LLP; One Metro Center, 700 12th Street, N.W., Suite 1100, Washington, D.C. 20005.	DATE AND TIME February 22, 2008, 1:00 p.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Andrew Eliseev</i> Attorneys for Applicant	DATE February 8, 2008
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Andrew Eliseev Manatt, Phelps & Phillips, LLP; 11355 W. Olympic Boulevard, Los Angeles, CA 90064; Telephone: (310) 312-4384

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE _____ SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction -- which may include lost earnings and reasonable attorney's fees -- on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises -- or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person -- except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an untraced expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

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SCHEDULE A

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2 1. The date of the Swedish-American Chambers of Commerce USA's
3 ("SACC") first use of the trademark THE SWEDISH-AMERICAN CHAMBER
4 OF COMMERCE, or any other mark or name including CHAMBER OF
5 COMMERCE (the "SACC Marks").

6 2. The types of products and services that the SACC offers, sells or sold
7 under, or bearing or promoted as or under, the SACC Marks (the "SACC Products
8 and Services").

9 3. The SACC's marketing and/or advertising of the SACC Products and
10 Services.

11 4. The number and type of customers of the SACC Products and Services
12 and/or the number of members of the SACC.

13 5. The amount spent by the SACC to advertise or promote the SACC
14 Products and Services from inception to the present.

15 6. Publicity relating to the SACC Products and Services, including but
16 not limited to, reviews, features, or mentions of the SACC Products and Services in
17 any medium and all press releases relating to any SACC Products and Services.

18 7. Any instances of confusion between the SACC (or the SACC Products
19 and Services) and the U.S. Chamber of Commerce (or its products and services).

20 8. Any instances of confusion between the SACC (or the SACC Products
21 and Services) and the U.S. Hispanic Chamber of Commerce (or its products and
22 services).

23 9. Allegations of trademark infringement or any challenges to the use or
24 registration of the SACC Marks, if any, by the U.S. Chamber of Commerce against
25 the SACC.

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SCHEDULE B

1. Representative samples of documents and things reflecting the advertising, promotion, offering for sale, and/or sale of SACC's Products and Services, including but not limited to, catalogs, advertisements, website pages, brochures, tradeshow materials, etc.

2. Representative samples of documents and things reflecting the total number of SACC members from inception to the present.

3. Representative documents and things reflecting any publicity relating to SACC's Products and Services, including but not limited to, press releases, articles, stories, or the like featuring, mentioning, or reviewing SACC's Products and Services.

4. Representative samples of documents and things reflecting the geographic scope of SACC's use of the SACC Marks.

5. Letters, emails, or the like reflecting communications with the U.S. Chamber of Commerce, membership in the U.S. Chamber of Commerce, or any agreements or licenses with the U.S. Chamber of Commerce.

41204039.1

Exhibit G

**TRADEMARK TRIAL
AND
APPEAL BOARD
MANUAL OF
PROCEDURE
(TBMP)**

Second Edition

June 2003

Revision 1
March 2004

United States Patent and Trademark Office

Chapter 100
GENERAL INFORMATION

101 Applicable Authority

101.01 Statute and Rules of Practice

All proceedings before the Trademark Trial and Appeal Board ("TTAB" or "Board") are governed by the Lanham Trademark Act of 1946, as amended, ("Act of 1946" or "Act"), 15 U.S.C. § 1051 et seq.; the rules of practice in trademark cases (commonly known as the Trademark Rules of Practice), which may be found in Parts 2 and 7 of Title 37 of the Code of Federal Regulations ("CFR"); the rules pertaining to assignments in trademark cases, which may be found in Parts 3 and 7 of 37 CFR; and the rules relating to representation of others before the United States Patent and Trademark Office which may be found in Part 10 of 37 CFR. The United States Patent and Trademark Office ("USPTO" or "Office") rules governing procedure in inter partes proceedings before the Board are adapted, in large part, from the Federal Rules of Civil Procedure, with modifications due primarily to the administrative nature of Board proceedings.¹

A copy of Title 37 of the CFR may be obtained at a nominal cost from the U.S. Government Printing Office. Title 37 of the CFR may also be found on the Internet at the Government Printing Office web site at: www.access.gpo.gov/nara/cfr or at the USPTO web site at: www.uspto.gov.

Information regarding proposed and final rule changes to Title 37 is also posted on the Office web site at www.uspto.gov.

101.02 Federal Rules

Inter partes proceedings before the Board are also governed by the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), except as otherwise provided in the Trademark Rules of Practice, and "wherever applicable and appropriate";² and by the Federal Rules of Evidence ("Fed. R. Evid.").³

¹ See *Yamaha International Corp. v. Hoshino Gakki Co.*, 840 F.2d 1572, 6 USPQ2d 1001, 1004 (Fed. Cir. 1988).

² See 37 CFR § 2.116(a).

³ See 37 CFR §§ 2.116(a), 2.120(a), and 2.122(a); *Young v. AGB Corp.*, 152 F.3d 1377, 47 USPQ2d 1752, 1753 n.3 (Fed. Cir. 1998); and *Cerveceria India Inc. v. Cerveceria Centroamericana, S.A.*, 10 USPQ2d 1064 (TTAB 1989), *aff'd*, *Centroamericana, S.A. v. Cerveceria India, Inc.*, 892 F.2d 1021, 13 USPQ2d 1307, 1311 (Fed. Cir. 1989) (In applying the burden of proof provisions of Fed. R. Evid. 301, the court stated "[t]he Federal Rules of Evidence generally apply to TTAB proceedings.").

Chapter 400 DISCOVERY

of its case and that it is unable, without undue hardship, to obtain the substantial equivalent of the materials by other means.¹⁸

403 Timing of Discovery

403.01 In General

37 CFR § 2.120(a) ... The Trademark Trial and Appeal Board will specify the opening and closing dates for the taking of discovery. The trial order setting these dates will be mailed with the notice of institution of the proceeding. The discovery period will be set for a period of 180 days. The parties may stipulate to a shortening of the discovery period. The discovery period may be extended upon stipulation of the parties approved by the Board, or upon motion granted by the Board, or by order of the Board. If a motion for an extension is denied, the discovery period may remain as originally set or as reset. Discovery depositions must be taken, and interrogatories, requests for production of documents and things, and requests for admission must be served, on or before the closing date of the discovery period as originally set or as reset.
...

When a timely opposition or petition to cancel in proper form has been filed, and the required fee has been submitted (or at the time described in 37 CFR § 2.92 for an interference and 37 CFR § 2.99(c) for a concurrent use proceeding); the Board sends out a notice advising the parties of the institution of the proceeding.¹⁹ The notice includes a trial order setting the opening and closing dates for the discovery period and assigning each party's time for taking testimony.²⁰ The date set for the close of discovery is 180 days after the opening of discovery.

The discovery devices, namely, discovery depositions, interrogatories, requests for production of documents and things, and requests for admission, are available for use only during the discovery period.²¹ A party has no obligation to respond to an untimely request for discovery.

¹⁸ See, for example, Fed. R. Civ. P. 26(b)(3) and (b)(5); *Goodyear Tire & Rubber Co. v. Tyrco Industries*, 186 USPQ 207, 208 (TTAB 1975); and *Johnson & Johnson v. Rexall Drug Co.*, 186 USPQ 167, 171 (TTAB 1975). See also *Miles Laboratories, Inc. v. Instrumentation Laboratory, Inc.*, 185 USPQ 432 (TTAB 1975); *Amerace Corp. v. USM Corp.*, 183 USPQ 506 (TTAB 1974); and *Goodyear Tire & Rubber Co. v. Uniroyal, Inc.*, 183 USPQ 372 (TTAB 1974) and TBMP § 412 (Protective Orders).

¹⁹ See 37 CFR §§ 2.105 and 2.113; and TBMP §§ 310, 1003 and 1106.

²⁰ See 37 CFR §§ 2.120(a) and 2.121(a).

²¹ See *Smith International, Inc. v. Olin Corp.*, 201 USPQ 250, 251 (TTAB 1978) (although a specific time period is not provided in Rule 34, it is implicit that utilization thereof is limited to the discovery period) and *Rhone-Poulenc Industries v. Gulf Oil Corp.*, 198 USPQ 372, 373 (TTAB 1978).

Chapter 400 DISCOVERY

under the applicable rules, irrespective of the sequence of requests for discovery, or of an adversary's failure to respond to a pending request for discovery.²⁶

A party which fails to respond to a request for discovery during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed by the propounding party, to have forfeited its right to object to the discovery request on its merits.²⁷ Objections going to the merits of a discovery request include claims that the information sought by the request is irrelevant, overly broad, unduly vague and ambiguous, burdensome and oppressive, or not likely to lead to the discovery of admissible evidence.²⁸ In contrast, objections based on claims of privilege or confidentiality or attorney work product do not go to the merits of the request, but instead to a characteristic of the information sought.²⁹

403.04 Extensions of Discovery Period and/or Time to Respond to Discovery Requests

37 CFR § 2.120(a) ... The discovery period may be extended upon stipulation of the parties approved by the Board, or upon motion granted by the Board, or by order of the Board. If a motion for an extension is denied, the discovery period may remain as originally set or as reset.

* * * *

... The time to respond [to interrogatories, requests for production of documents and things, and requests for admission] may be extended upon stipulation of the parties, or upon motion granted by the Board, or by order of the Board. The resetting of a party's time to respond to an outstanding request for discovery will not result in the automatic rescheduling of the discovery

²⁶ See Fed. R. Civ. P. 26(d); *Miss America Pageant v. Petite Productions, Inc.*, 17 USPQ2d 1067, 1070 (TTAB 1990) and *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 231 USPQ 626, 632 (TTAB 1986).

²⁷ See *No Fear Inc. v. Rule*, 54 USPQ2d 1551, 1554 (TTAB 2000) (stating that the Board has great discretion in determining whether such forfeiture should be found); *Envirotech Corp. v. Compagnie Des Lampes*, 219 USPQ 448, 449 (TTAB 1979) (excusable neglect not shown where opposer was out of the country and, upon return, failed to ascertain that responses were due); and *Crane Co. v. Shimano Industrial Co.*, 184 USPQ 691, 691 (TTAB 1975) (waived right to object by refusing to respond to interrogatories, claiming that they served "no useful purpose"). See also *Luehrmann v. Kwik Kopy Corp.*, 2 USPQ2d 1303, 1303 (TTAB 1987) (right to object not waived where although discovery responses were late, there was some confusion regarding time to answer); and *MacMillan Bloedel Ltd. v. Arrow-M Corp.*, 203 USPQ 952, 953 (TTAB 1979) (party seeking discovery is required to make good faith effort to determine why no response has been made before coming to Board with motion to compel).

²⁸ See *No Fear Inc. v. Rule*, *supra* at 1554.

²⁹ See *No Fear Inc. v. Rule*, *supra* at 1554 (party will generally not be found to have waived the right to make these objections).

Chapter 400 DISCOVERY

and/or testimony periods; such dates will be rescheduled only upon stipulation of the parties approved by the Board, or upon motion granted by the Board, or by order of the Board.

37 CFR § 2.121(a)(1) ... The resetting of the closing date for discovery will result in the rescheduling of the testimony periods without action by any party.

* * * *

(d) When parties stipulate to the rescheduling of testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including as statement that every other party has agreed thereto, shall be submitted to the Board.

The closing date of the discovery period may be extended by stipulation of the parties approved by the Board, or on motion (pursuant to Fed. R. Civ. P. 6(b)) granted by the Board, or by order of the Board. An extension of the closing date for discovery will result in a corresponding extension of the testimony periods without action by any party.³⁰ A stipulation or consented motion to extend discovery and trial dates must be filed with the Board and should be presented in the form used in a trial order.³¹

Mere delay in initiating discovery does not constitute good cause for an extension of the discovery period.³² Thus, a party which waits until the waning days of the discovery period to serve interrogatories, requests for production of documents and things, and/or requests for admission will not be heard to complain, when it receives responses thereto after the close of the discovery period, that it needs an extension of the discovery period in order to take "follow-up" discovery.³³

At the same time, a party which receives discovery requests early in the discovery period may not, by delaying its response thereto, or by responding improperly so that its adversary is forced to file a motion to compel discovery, rob its adversary of the opportunity to take "follow-up" discovery. Such a delay or improper response constitutes good cause for an extension of the

³⁰ See 37 CFR § 2.121(a)(1). For information concerning stipulations to extend, see TBMP § 501.03. For information concerning motions to extend, see TBMP § 509.

³¹ See 37 CFR § 2.121(d).

³² See *Luehrmann v. Kwik Kopy Corp.*, 2 USPQ2d 1303, 1305 (TTAB 1987) (no reason given why discovery was not taken during the time allowed); and Janet E. Rice, *TIPS FROM THE TTAB: The Timing of Discovery*, 68 Trademark Rep. 581 (1978).

³³ See *American Vitamin Products Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313, 1316 n. 4 (TTAB 1992).

Chapter 400 DISCOVERY

discovery period. Therefore, the Board will, at the request of the propounding party, extend the discovery period (at least for the propounding party) so as to restore that amount of time which would have remained in the discovery period had the discovery responses been made in a timely and proper fashion.³⁴

The time for responding to a request for discovery may be extended or reopened by stipulation of the parties, or on motion (pursuant to Fed. R. Civ. P. 6(b)) granted by the Board, or by order of the Board. However, an extension of a party's time to respond to an outstanding request for discovery will not result in an automatic corresponding extension of the discovery and/or testimony periods.³⁵ Such periods will be rescheduled only on stipulation of the parties approved by the Board, or on motion granted by the Board, or by order of the Board.

A stipulation to extend or reopen only the time for responding to a request for discovery (that is, not to extend or reopen also the closing date for the discovery period and/or testimony periods) does not have to be filed with the Board. However, to avoid any misunderstanding between the parties as to the existence and terms of such a stipulation, it is recommended that the stipulation be reduced to writing, even if it is not filed with the Board.

403.05 Need for Early Initiation of Discovery

403.05(a) To Allow Time for "Follow-up" Discovery

If a party wishes to have an opportunity to take "follow-up" discovery after it receives responses to its initial requests for discovery, it must serve its initial requests early in the discovery period, so that when it receives responses thereto, it will have time to prepare and serve additional discovery requests prior to the expiration of the discovery period.³⁶

403.05(b) To Facilitate Introduction of Produced Documents

37 CFR § 2.120(j)(3)(ii) A party which has obtained documents from another party under Rule 34 of the Federal Rules of Civil Procedure may not make the documents of record by notice of reliance alone, except to the extent that they are admissible by notice of reliance under the provisions of § 2.122(e).

³⁴ See *Miss America Pageant v. Petite Productions, Inc.*, 17 USPQ2d 1067 (TTAB 1990) and *Neville Chemical Co. v. Lubrizol Corp.*, 184 USPQ 689 (TTAB 1975).

³⁵ See 37 CFR §§ 2.120(a) and 2.121(a); and *PolyJohn Enterprises Corp. v. 1-800-TOILETS, Inc.*, 61 USPQ2d 1860, 1861 (TTAB 2002) (mistaken belief that resetting time to respond to discovery also extended discovery and testimony periods did not constitute excusable neglect to reopen).

³⁶ See TBMP § 403.04 (Extensions of Discovery and Time to Respond).

Chapter 500 STIPULATIONS AND MOTIONS

If a motion to extend the time for taking action is denied, the time for taking such action may remain as previously set.¹⁴⁵

While the time for filing a brief in response to a motion for summary judgment may be extended, the time for filing, in lieu thereof, a motion for discovery under Fed. R. Civ. P. 56(f) will not be extended.¹⁴⁶

509.01(b) Motions to Reopen Time

509.01(b)(1) In General

Where the time for taking required action, as originally set or as previously reset, has expired, a party desiring to take the required action must file a motion to reopen the time for taking that action. The movant must show that its failure to act during the time previously allotted therefor was the result of excusable neglect. See Fed. R. Civ. P. 6(b).

The analysis to be used in determining whether a party has shown excusable neglect was set forth by the Supreme Court in *Pioneer Investment Services Company v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380 (1993), adopted by the Board in *Pumpkin Ltd. v. The Seed Corps*, 43 USPQ2d 1582 (TTAB 1997). These cases hold that the excusable neglect determination must take into account all relevant circumstances surrounding the party's omission or delay, including (1) the danger of prejudice to the nonmovant, (2) the length of the delay and its potential impact on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the movant, and (4) whether the movant acted in good faith.¹⁴⁷

¹⁴⁵ See, e.g., Trademark Rules 2.120(a) (discovery period); 2.121(a)(1) (testimony period); 2.127(a) (time for responding to a motion); and 2.127(e)(1) (time for responding to a summary judgment motion). See also *Fairline Boats plc v. New Howmar Boats Corp.*, *supra* at 1479; *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, *supra*; *Luemme Inc. v. D.B. Plus Inc.*, *supra*; and *Procyon Pharmaceuticals Inc. v. Procyon Biopharma Inc.*, *supra* at 1544 (petitioner's testimony period consequently expired where motion to extend testimony period was denied and dates were left as originally set).

Compare *C.H. Stuart Inc. v. Carolina Closet, Inc.*, 213 USPQ 506, 507(TTAB 1980) (three-day testimony period for opposer reset "putting opposer in the same position it would have been in had no motion to compel been filed."). In addition, see *Notice of Final Rulemaking*, published in the Federal Register on September 9, 1998 at 63 FR 48081, specifically, comments and responses published in the notice at 48091, 1214 TMOG at 149.

¹⁴⁶ See TBMP § 528.06 (Request for Discovery to Respond to Summary Judgment).

¹⁴⁷ *Pioneer Investment Services Company v. Brunswick Associates Ltd. Partnership*, *supra* at 395 and *Pumpkin Ltd. v. The Seed Corps*, *supra* at 1586. See also cases cited throughout this section and in TBMP §§ 534.02 regarding motions to dismiss under 37 CFR § 2.132, and 544 regarding motions for relief from final judgment.

Chapter 500 STIPULATIONS AND MOTIONS

The “prejudice to the nonmovant” contemplated under the first *Pioneer* factor must be more than the mere inconvenience and delay caused by the movant’s previous failure to take timely action, and more than the nonmovant’s loss of any tactical advantage which it otherwise would enjoy as a result of the movant’s delay or omission. Rather, “prejudice to the nonmovant” is prejudice to the nonmovant’s ability to litigate the case, e.g., where the movant’s delay has resulted in a loss or unavailability of evidence or witnesses which otherwise would have been available to the nonmovant.¹⁴⁸

It has been held that the third *Pioneer* factor, i.e., “the reason for the delay, including whether it was within the reasonable control of the movant,” may be deemed to be the most important of the *Pioneer* factors in a particular case.¹⁴⁹ Additionally, although many excusable neglect decisions which were issued prior to the Board’s 1997 *Pumpkin* decision may no longer be controlling under the somewhat more flexible excusable neglect standard set out in *Pioneer* and *Pumpkin* (e.g., decisions holding that a failure to act due to counsel’s docketing errors is, *per se*, not the result of excusable neglect), they nonetheless may be directly relevant to the Board’s analysis under the third *Pioneer* excusable neglect factor.¹⁵⁰

¹⁴⁸ See *Pumpkin Ltd. v. The Seed Corps.* *supra* at 1587, citing *Pratt v. Philbrook*, 109 F.3d 18 (1st Cir. 1997) and *Paolo’s Associates Ltd. Partnership v. Bodo*, 21 USPQ2d 1899, 1904 (Comm’r 1990).

¹⁴⁹ See *Pumpkin Ltd. v. The Seed Corps.* *supra* at n.7 and cases cited therein. See also *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 USPQ2d 1848, 1851 (TTAB 2000) (counsel’s press of other business, docketing errors and misreading of relevant rule are circumstances wholly within counsel’s control); *Gaylord Entertainment Co. v. Calvin Gilmore Productions Inc.*, 59 USPQ2d 1369 (TTAB 2000) (failed to provide specific reasons for former counsel’s inaction); *HKG Industries Inc. v. Perma-Pipe Inc.*, 49 USPQ2d 1156, 1158 (TTAB 1998) (failed to provide evidence linking the reason for the delay with the expiration of movant’s testimony period); and *Atlanta-Fulton County Zoo Inc. v. De Palma*, 45 USPQ2d 1858 (TTAB 1998) (failure to timely move to extend testimony period was due to counsel’s oversight and mere existence of settlement negotiations did not justify party’s inaction or delay).

¹⁵⁰ See *Pumpkin Ltd. v. The Seed Corps.*, *supra* at 1586-87 and at n.8. Such pre-*Pioneer* cases include, e.g., *Hewlett-Packard Co. v. Olympus Corp.*, 931 F.2d 1551, 18 USPQ2d 1710, 1712 (Fed. Cir. 1991) (no excusable neglect where plaintiff’s counsel unreasonably relied on defendant’s counsel to sign and file plaintiff’s proposed stipulated motion to extend trial dates); *American Vitamin Products Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313 (TTAB 1992) (defendant’s desire to take follow-up discovery and its uncertainty regarding status of plaintiff’s pending motion to strike affirmative defenses did not excuse respondent’s neglect in failing to file timely motion to extend discovery); *Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc.*, 14 USPQ2d 2064, 2065 (TTAB 1990) (no excusable neglect where defendant’s failure to timely respond to certain discovery requests was due to defendant’s oversight or lack of care in reading discovery requests); *Consolidated Foods Corp. v. Berkshire Handkerchief Co., Inc.*, 229 USPQ 619 (TTAB 1986) (no excusable neglect where defendant’s failure to timely respond to summary judgment motion was due to counsel’s press of other litigation); and *Coach House Restaurant, Inc. v. Coach and Six Restaurants, Inc.*, 223 USPQ 176 (TTAB 1984) (same).

For additional cases involving the excusable neglect standard, see TBMP §§ 534 (Motion for Judgment for Plaintiff’s Failure to Prove Case) and 544 (Motion for Relief from Final Judgment).

Chapter 500 STIPULATIONS AND MOTIONS

A party moving to reopen its time to take required action must set forth with particularity the detailed facts upon which its excusable neglect claim is based; mere conclusory statements are insufficient.¹⁵¹

In addition, for purposes of making the excusable neglect determination, it is irrelevant that the failure to timely take the required action was the result of the party's counsel's neglect and not the neglect of the party itself. Under our system of representative litigation, a party must be held accountable for the acts and omissions of its chosen counsel.¹⁵²

509.01(b)(2) To Introduce Newly Discovered Evidence

If a party files a motion to reopen its testimony period to introduce newly discovered evidence, the moving party must show not only that the proposed evidence has been newly discovered, but also that the evidence could not have been discovered earlier through the exercise of reasonable diligence.¹⁵³ However, even if a sufficient showing of due diligence has been made, the Board will not automatically reopen a party's testimony period for introduction of the new evidence. The Board must also consider such factors as the nature and purpose of the evidence sought to be brought in, the stage of the proceeding, and prejudice to the nonmoving party.¹⁵⁴

¹⁵¹ See *Gaylord Entertainment Co. v. Calvin Gilmore Productions Inc.*, *supra* (no specific reasons for former counsel's inaction); *HKG Industries Inc. v. Perma-Pipe Inc.*, *supra* (no factual details as to the date of counsel's death in relation to plaintiff's testimony period or as to why other lawyers in deceased counsel's firm could not have assumed responsibility for the case).

¹⁵² *Pioneer Investment Services Company v. Brunswick Associates Ltd. Partnership*, *supra* at 396 (citing *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) and *United States v. Boyle*, 469 U.S. 241 (1985)); *Gaylord Entertainment Co. v. Calvin Gilmore Productions Inc.*, *supra*; *CTRL Systems Inc. v. Ultraphonics of North America Inc.*, 52 USPQ2d 1300 (TTAB 1999); and *Pumpkin Ltd. v. The Seed Corps.*, *supra* at 1586. Cf. *Netcore Technologies, Inc. v. Firstwave Technologies, Inc.*, ___ USPQ2d ___, 2001 WL 243440 (TTAB 2001) (attorney's unwarranted and untimely request to withdraw from representation of party may not be used as subterfuge to obtain a reopening of time to which the party is not otherwise entitled).

¹⁵³ See, for example, *Rowell Laboratories, Inc. v. Canada Packers Inc.*, 215 USPQ 523, 529 n.2 (TTAB 1982) (improper to attempt to introduce newly discovered evidence by way of rebuttal testimony rather than moving to reopen testimony period). See also *Oxford Pendaflex Corp. v. Roladex Corp.*, 204 USPQ 249 (TTAB 1979); *Wilson Sporting Goods Co. v. Northwestern Golf Co.*, 169 USPQ 510 (TTAB 1971); *United States Plywood Corp. v. Modiglass Fibers, Inc.*, 125 USPQ 144 (TTAB 1960); *Lutz Superdyne, Inc. v. Arthur Brown & Bro., Inc.*, 221 USPQ 354 (TTAB 1984); *Tektronix, Inc. v. Daktronix, Inc.*, 187 USPQ 588 (TTAB 1975), *aff'd*, 534 F.2d 915, 189 USPQ 693 (CCPA 1976); and *Chemetron Corp. v. Self-Organizing Systems, Inc.*, 166 USPQ 495 (TTAB 1970).

¹⁵⁴ See *Harjo v. Pro-Football, Inc.*, 45 USPQ2d 1789, 1790 (TTAB 1998) (newly discovered evidence was cumulative and redundant and did not have significant probative value to justify further delay of case) *citing*

Exhibit H

LEXSEE



Positive
As of: Feb 12, 2008

GARY W. DODSON, Plaintiff, -against- CBS BROADCASTING INC., et al., Defendants.

02 Civ. 9270 (KMW) (AJP)

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK**

2005 U.S. Dist. LEXIS 30126

**November 29, 2005, Decided
November 29, 2005, Filed**

CORE TERMS: discovery, subpoena, contempt, deadline, subpoena duces tecum, pretrial, returnable

COUNSEL: [*1] Gary W. Dodson, Plaintiff, Pro se, Clark, NJ.

For CBS Broadcasting Inc., Charles Fagan, Tony DiGiovanni, Tony Pettiti, Mike Kentranakus, Defendants: Bettina Barasch Plevan, Howard Zachary Robbins, Proskauer Rose LLP, New York, NY; Thomas Martin Mullins, Jr, Sabin, Bermant & gould, New York, NY.

JUDGES: Andrew J. Peck, United States Chief Magistrate Judge.

OPINION BY: Andrew J. Peck

OPINION

OPINION AND ORDER

ANDREW J. PECK, United States Chief Magistrate Judge:

Presently before the Court is plaintiff Dodson's "Motion for Contempt & Court Order to Enforce Court Issued Subpoena." (Dkt. No. 82.) The motion is *DENIED* in all respects.

FACTS

Discovery in this case ended in late 2003, and in June 2004 I recommended that defendants' summary

judgment motion should be granted in part and denied in part. *Dodson v. CBS*, 02 Civ. 9270, 2004 WL 1336231 (S.D.N.Y. June 15, 2004) (Peck, M.J.). Judge Wood affirmed my Report and Recommendation on August 31, 2004. (Dkt. No. 55.) The parties thereafter were to file their Pretrial Order, and the case is trial ready, although no trial date has yet been set.

On or about October 5, 2005, Dodson served a subpoena [*2] *duces tecum* on Bettina Plevan, counsel of record for defendants, returnable at Dodson's home in New Jersey, seeking 10 categories of documents.

On or about October 18, 2005, defendants objected to the subpoena.

On or about November 7, 2005, Dodson filed the instant motion for contempt and to enforce the subpoena (Dkt. No. 82), and on November 22, 2005, defendants filed their opposition papers (Dkt. Nos. 84-85).

ANALYSIS

Dodson's motion is procedurally defective in at least two ways: (a) He did not request a pre-motion conference, as required by Judge Wood's rules (Judge Wood's Individual Practices P2.A; *see also* S.D.N.Y. Local Civil Rule 37.2); and (b) The motion is not accompanied by a Memorandum of Law, as required by S.D.N.Y. Local Civil Rule 7.1.

Furthermore, even aside from the procedural defects, Dodson's motion lacks merit.

Contempt is not available since defendants responded to the subpoena by serving objections. See Fed. R. Civ. P. 45(c)(2)(B). When objections to a subpoena have been made, the correct procedure is a motion to compel, not a motion for contempt. *Id.*

As to the portion of Dodson's motion [*3] that seeks to compel compliance with the subpoena: Discovery closed long ago. Dodson's subpoena clearly seeks discovery, as is apparent from his having the subpoena returnable to his address in New Jersey at the present time, instead of to Judge Wood's courtroom at the time of trial. Moreover, the scope of the request is broad and clearly is designed for discovery, not last-minute trial needs (such as for originals of documents where copies were produced in discovery and there is a need for the original at trial). While Rule 45 can be used to subpoena documents to be introduced at trial as trial exhibits, the need to do so should be limited because of the liberal federal pretrial discovery rules. Dodson here had ample discovery.

Rule 45 "trial subpoenas [*duces tecum*] may not be used, however, as means to engage in discovery after the discovery deadline has passed." Puritan Inv. Corp. v. ASLL Corp., No. Civ. A. 97-1580, 1997 WL 793569 at *1 (E.D. Pa. Dec. 9, 1997) (& cases cited therein); accord, e.g., 9 Moore's Federal Practice, § 45.02 (Matthew Bender 3d ed. 2005) ("Several courts have concluded that after the discovery [*4] deadline a party may not use a subpoena to obtain materials from third parties that could have been produced during discovery.") (citing cases); Playboy Enter. Int'l Inc. v. OnLine Entm't, Inc., No. 00-Civ.-6618, 2003 WL 1567120 at *1-2 (E.D.N.Y. Mar. 13, 2003); Mortgage Info. Servs., Inc. v. Kitchens, 210 F.R.D. 562, 566-68 & n.2 (W.D.N.C. 2002) ("After reviewing the relevant case law on both sides of this issue, the Court adopts the rule followed by the majority of jurisdictions and holds that a Rule 45 subpoena does in fact constitute discovery.") (citing cases & authorities); Drever v. GACS Inc., 204 F.R.D. 120, 122-23 (N.D. Ind. 2001) ("Rule 45 subpoenas constitute 'discovery' within the meaning of Rules 26 and 34. . . . This Court, like *Rice*, does not believe 'that a party should be allowed to employ a subpoena after a discovery deadline to obtain

materials from third parties that could have been produced during discovery."); Grant v. Otis Elevator Co., 199 F.R.D. 673, 675 (N.D. Okla. 2001) ("Litigants may not use the subpoena power of the court to conduct discovery after the discovery deadline. [*5] "); Alper v. United States, 190 F.R.D. 281, 283-84 (D. Mass. 2000); Rice v. United States, 164 F.R.D. 556, 558 & n.1 (N.D. Okla. 1995); BASF Corp. v. Old World Trading Co., No. 86 C 5602, 1992 WL 24076 at *2 (N.D. Ill. Feb. 4, 1992) (Trial subpoenas "may not be used as a means to engage in further discovery. . . . Here, discovery has been closed for almost eleven months, and the court will not allow the parties to engage in discovery through trial subpoenas. Furthermore, the court's policy of requiring parties to submit a pretrial order detailing those documents which it may use at trial is rendered nugatory if a trial subpoena may issue demanding documents not previously produced or identified."); Stockwell v. Am. Allsafe Co., No. CIV-84-1179, 1986 WL 13941 at *1 (W.D.N.Y. Dec. 9, 1986); Windsor Commc'ns Group, Inc. v. Price Waterhouse, No. Civ. A. 85-4119, 1986 WL 9888 at *1 (E.D. Pa. Sept. 8, 1986); Pitter v. American Express Co., 82 Civ. 7451, 1984 WL 1272 at *6 (S.D.N.Y. Nov. 27, 1984); United States v. Watchmakers of Switzerland Info. Ctr. Inc., 27 F.R.D. 513, 515 (S.D.N.Y. 1961). [*6]

Here, it is clear from the scope of Dodson's subpoena (and its return time and place) that it is for discovery purposes. As such, it is quashed and Dodson's motion is *DENIED*.

CONCLUSION

For the reasons set forth above, Dodson's motion for contempt and to enforce the subpoena *duces tecum* (Dkt. No. 82) is *DENIED*.

SO ORDERED.

Dated: New York, New York

November 29, 2005

Andrew J. Peck

United States Chief Magistrate Judge

Exhibit I

C

Only the Westlaw citation is currently available.

United States District Court,
 S.D. New York.

Maurice McKay, Plaintiff,

v.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY et al, Defendants.
 No. 05 Civ. 8936(RJS).

Nov. 5, 2007.

MEMORANDUM AND ORDER

RICHARD J. SULLIVAN, District Judge.

*1 Plaintiff Maurice McKay ("Plaintiff" or "McKay") brings this action against defendants Triborough Bridge and Tunnel Authority ("TBTA") and TBTA police officers Michael Chiaia, Michael Albano, Jose Vasquez, Clarence Whitaker, and Michael Zino (collectively "Defendants"), alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. On or about August 3, 2007, approximately five months after the close of discovery in this case, Defendants served a subpoena on Plaintiff's employer, Metropolitan Transportation Authority ("MTA"), seeking Plaintiff's personnel, disciplinary, training, and other files maintained by the MTA (the "subpoena"). Pending before the Court is Plaintiff's motion to quash the subpoena and Defendants' letter in opposition, which the Court construes as a motion to reopen discovery, requesting that the Court order the production of documents as identified in the subpoena. For the following reasons, Defendants' request to reopen discovery is denied.

A district court has broad discretion "to direct and manage the pre-trial discovery process." Wills v. Amerada Hess Corp., 379 F.3d 32, 41 (2d Cir.2004). As part of that discovery process, Rule 16(b) of the Federal Rules of Civil Procedure requires district courts to enter scheduling orders that limit the parties' time to complete discovery. Fed. R. Civ. Pro. 16(b)(3). The order "shall not be modi-

fied except upon a showing of good cause" and only by leave of the district judge. *Id.*; 6A Charles Alan Wright, Arthur R. Miller, and Mary Kay Kane, *Federal Practice and Procedure* § 1522.1 (2d ed.1990); George v. Ford Motor Co., No. 03 Civ. 7643(GEL), 2007 WL 2398806, at *12 (S.D.N.Y. Aug. 17, 2007) (noting that discovery is governed by the scheduling order and "may not be conducted after the close of discovery absent good cause to modify that order"). A party seeking relief from the discovery schedule, including the reopening of discovery when discovery has closed, must make an application to the Court demonstrating why good cause exists to modify the schedule. Gray v. Town of Darien, 927 F.2d 69, 74 (2d Cir.1991). Whether good cause exists "depends on the diligence of the moving party." Grochowski v. Phoenix Const., 318 F.3d 80, 86 (2d Cir.2003); Fed.R.Civ.P. 16 Advisory Committee's Note (party seeking modification must show that the deadline could not "reasonably be met despite the diligence of the party seeking" modification); Wright, Miller, and Kane, *supra* § 1522.1; see also Vilkhu v. City of New York, No. 06 Civ.2095(CPS)(JO), 2007 WL 2713340, at *5 (E.D.N.Y. Sept. 13, 2007) (noting that, in assessing good cause, the Court should consider several factors, including "the diligence *vel non* of the party requesting an extension, bad faith *vel non* of the party opposing such extension, the phase of the litigation and prior knowledge of and notice to the parties") (internal citations and quotations omitted).

*2 In addition, district courts have held that parties may not issue subpoenas "as a means to engage in discovery after the discovery deadline has passed." Dodson v. CBS Broad. Inc., No. 02 Civ. 9270(KMW)(AJP), 2005 U.S. Dist. LEXIS 30126, at *3-4 (S.D.N.Y. Nov. 29, 2005) (collecting cases); Ellis v. City of New York, 243 F.R.D. 109, 112 (S.D.N.Y.2007); Playboy Enters. Int'l Inc. v. On Line Entm't. Inc., No. 00 Civ. 6618(RJD), 2003 WL 1567120, at *1 (E.D.N.Y. Mar. 13, 2003) (granting motion to quash where "plaintiffs took it upon themselves to serve subpoenas, without prior

application to the Court, months after discovery closed, little more than a month before trial, upon a non-party from whom discovery was never before sought."); Stockwell v. American Allsafe Co., No. CIV-84-1179E, 1986 WL 13941, at *1 (W.D.N.Y. Dec. 9, 1986) (granting a motion to quash a subpoena as untimely where the subpoena sought employment records and was not served until approximately eight months after the close of discovery).

Defendants here concede that the subpoena was issued after the close of discovery, and that the requests in the subpoena, at least with regard to the request for pay records, "should have been conducted during the discovery phase." (Letter to the Court from Suzanne M. Halbardier, Esq. dated October 30, 2007 ("Pl. Opp.") at 2-3.) Nevertheless, Defendants assert that the Court should, in its discretion, direct MTA to respond to the subpoena because it seeks records that "will be trial exhibits" and "go to the reasonableness of the plaintiff's conduct." (*Id.* at 2.) Defendants further contend that the subpoena seeks documents that the defense "realized were relevant" only after the parties engaged in a court-ordered mediation on June 28, 2007, where the defense "became concerned that Mr. McKay's training for his own job could be very relevant on the issue of the reasonableness of Mr. McKay's actions on the day of the altercation." (*Id.* at 2.)

This Court agrees with the district courts that have held that service of a Rule 45 trial subpoena after the close of discovery is improper. *See Dodson*, 2005 U.S. Dist. LEXIS 30126, at *3-4 (collecting cases). As an initial matter, Defendants failed to make an application to the Court, pursuant to Rule 16(b) and the Court's Individual Practices, [FN1] to reopen discovery prior to serving the subpoena on the MTA despite the fact that the subpoena clearly seeks discovery. [FN2] Instead of moving to reopen discovery, Defendants issued the subpoena to the MTA without regard to and in spite of the fact that discovery in the case closed in March 2007, approximately five months before the subpoena was served. As such, the Court will construe Defendants' opposition as a motion to reopen discovery for the limited purposes of serving the MTA subpoena.

[FN1] The Individual Practices of the undersigned, like the Individual Practice of the Honorable Kenneth M. Karas, District Judge, to whom this case was assigned at the time the subpoena was issued, require that parties seeking to file a motion must first submit a pre-motion letter to the Court.

[FN2] That this is a subpoena for discovery is evidenced by the fact that the subpoena is returnable to Defendants' counsel's law firm. *See Dodson*, 2005 U.S. Dist. LEXIS 30126, at *3. Here, as in *Dodson*, while the subpoena seeks the production of documents defendants may introduce as trial exhibits, "the scope of the request is broad and clearly is designed for discovery, not last-minute trial needs (such as for originals of documents where copies were produced in discovery and there is a need for the original at trial)." *Id.* at *3.

The Court finds that Defendants have not demonstrated that good cause exists to reopen discovery to permit service and enforcement of the subpoena. Defendants do not contend that any new information has come to light since the mediation; they merely state that they "realized" at the mediation that they were not in possession of certain documents and speculate that those documents, if they exist, "could be relevant" to the issue of the reasonableness of Plaintiff's actions. (Pl. Opp. at 3.) Because Defendants have not shown why they could not have come to this conclusion and sought the subpoena prior to the close of discovery, it cannot be said that Defendants were sufficiently "diligent" in conducting discovery so as to justify reopening discovery five months after the close of discovery. *See Grochowski*, 318 F.3d at 86. To the extent that Defendants made any previous requests for documents covered by the subpoena (*i.e.* pay records, *see* Pl. Opp. at 3) during the discovery period with which Plaintiff did not comply, the appropriate response would have been to make a motion to compel at that time. *See Playboy Enterprises*, 2003 WL 1567120, at *1; *Ellis*, 243 F.R.D. at 112.

*3 Finally, Defendants assert that the documents are not "discovery under Mr. McKay's custody and control" and that the MTA is prepared to produce the requested documents pending the resolution of this motion. (*Id.* at 2.) Given that the Court has denied Defendants' request to reopen discovery, any arguments pertaining to whether Plaintiff has standing to move to quash the subpoena or whether the third parties are willing to produce the requested documents are moot.

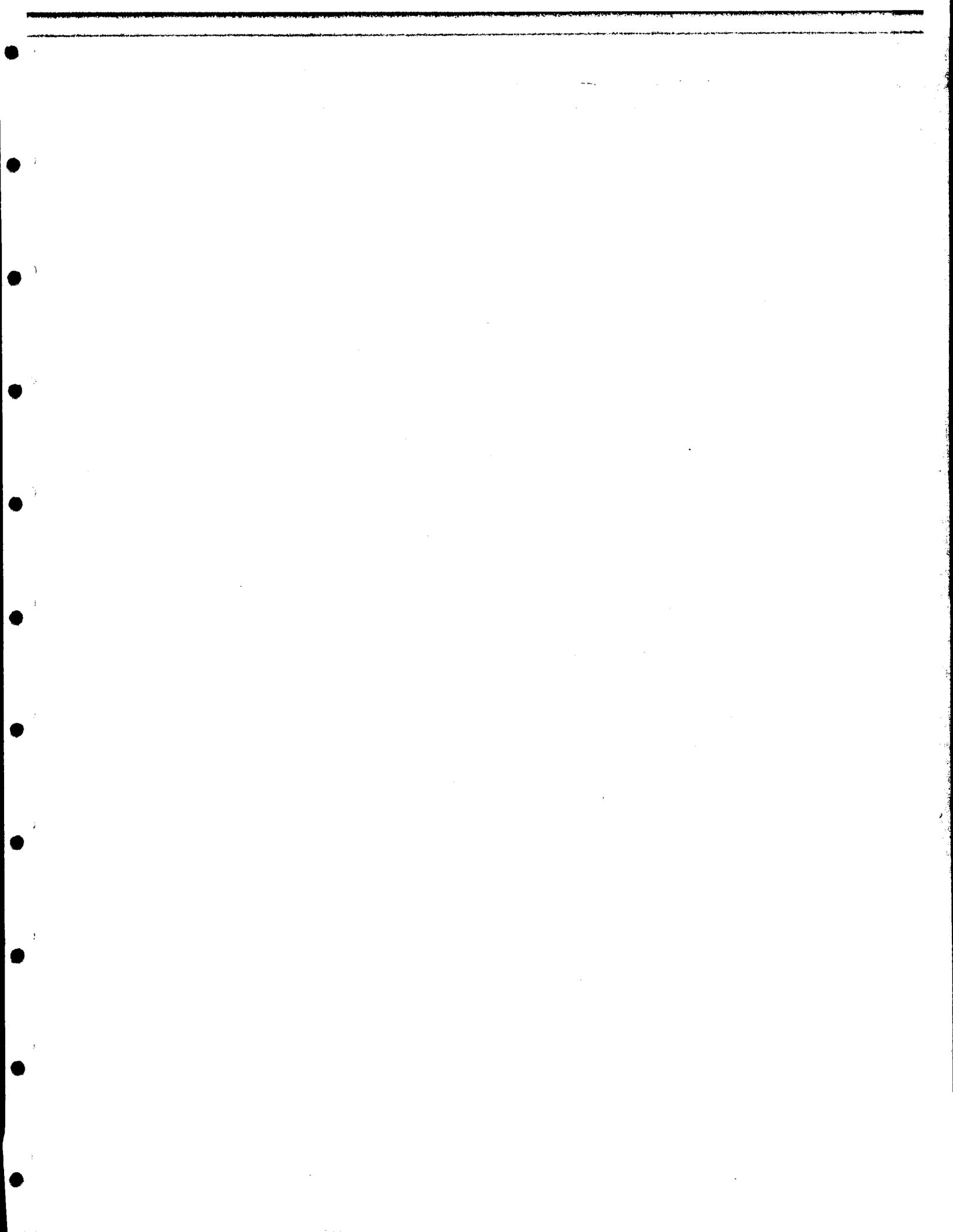
For the foregoing reasons, Defendants' motion to reopen discovery to permit service of the MTA subpoena is DENIED. The parties are directed to serve a copy of this order on the MTA.

SO ORDERED.

Slip Copy, 2007 WL 3275918 (S.D.N.Y.)

END OF DOCUMENT

Exhibit J



Westlaw.

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Page 1

Not Reported in F.Supp., 1992 WL 24076 (N.D.Ill.)
 (Cite as: Not Reported in F.Supp.)

H

BASF Corp. v. Old World Trading Co.
 N.D.Ill., 1992.

Only the Westlaw citation is currently available.

United States District Court, N.D. Illinois, Eastern
 Division.

BASF CORPORATION, Plaintiff,

v.

The OLD WORLD TRADING COMPANY,
 Defendant.

No. 86 C 5602.

Feb. 4, 1992.

notice of that subpoena was given to Old World before it was issued.

The court finds that subpoenas served by BASF without prior notice to Old World requesting the production of documents prior to trial were served in violation of Fed.R.Civ.P. 45. The court, therefore, quashes all trial subpoenas issued without prior notice and requesting production before trial, and orders BASF to provide Old World immediately with copies of all documents received to date in response to such subpoenas.

MEMORANDUM OPINION AND ORDER

LEINENWEBER, District Judge.

*1 The following Memorandum Opinion and Order disposes of three pretrial motions pending before the court.

1. Old World's Motion to Quash Trial Subpoenas

Defendant, The Old World Trading Company ("Old World"), now moves to quash all trial subpoenas served by plaintiff, BASF Corporation ("BASF"), requesting production of documents returnable before February 3, 1992. According to Old World, BASF has served a number of trial subpoenas requesting production of documents before the start of trial without first providing notice to Old World as required by Fed.R.Civ.P. 45. BASF responds that it has withdrawn all but two of the trial subpoenas which call for the production of documents before February 3, 1992. According to BASF, notice of those two subpoenas-served upon Dearborn Division of W.R. Grace and Olympic Oil-was sent to Old World prior to the document requests. BASF further states that documents were received from the University of Iowa pursuant to a subpoena, although BASF does not specify whether

2. Old World's Motion in Limine to Bar the Introduction of Documents Produced Pursuant to Ex Parte Deposition Notices and Subpoenas Duces Tecum Served By BASF

Old World moves to bar the introduction of documents produced pursuant to *ex parte* deposition notices and subpoenas *duces tecum*. Specifically, Old World seeks to bar BASF trial exhibits 206 through 210, labeled by BASF as "subpoena responses" or "group ex. subpoena responses." BASF responds that the exhibit list is in error and that the "documents in Exhibits 206 through 210 were produced voluntarily by the listed parties without resort to the use of subpoenas." BASF Resp. at 9.

Where a party seeks to obtain documents from a non-party through the use of the court's subpoena power, it must provide notice of that subpoena to all other parties. Fed.R.Civ.P. 45. Here, the court will take BASF at its word-that it did not serve subpoenas or notices of deposition to obtain the documents referenced in exhibits 206 through 210. However, should evidence surface that subpoenas or notices of deposition were issued by BASF without notice to all parties, the court will entertain a motion to bar the introduction of any and all

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Not Reported in F.Supp., 1992 WL 24076 (N.D.Ill.)
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documents falling within the scope of subpoenas or notices of deposition so served. In addition, the court orders BASF immediately to provide Old World with all documents in exhibits 206 through 210.

3. Old World's Motion to Bar the Use of Documents Received Pursuant to Subpoenas Served After the Close of Discovery

*2 Old World moves to bar the use of documents received pursuant to subpoenas served after the close of discovery. BASF concedes that it has served numerous trial subpoenas pursuant to Rule 45(a)(2) for documents returnable on the first day of trial. Old World now argues that the subpoenas issued, if and to the extent they resemble the subpoena served upon Mair Oil, are being used improperly as a discovery tool. The court agrees.

Fact discovery in this case was closed on March 7, 1991. While trial subpoenas may be used to require those served to produce documents at trial for the purpose of memory refreshment or trial preparation, they may not be used as a means to engage in further discovery. See *Pitter v. American Express Co., et al*, 1984 WESTLAW 1272 (S.D.N.Y.1984) ("shotgun production demands ... [by way of trial subpoena] are an impermissible substitute for orderly pre-trial discovery"). BASF's reliance on *U.S. v. IBM*, 71 F.D.R. 88 (S.D.N.Y.1976) is misplaced. There, discovery was continuing through trial and the issue was simply whether the party serving the subpoena should have moved for an order of inspection after objections to the subpoena were made. Here, discovery has been closed for almost eleven months, and the court will not allow the parties to engage in discovery through trial subpoenas. Furthermore, the court's policy of requiring parties to submit a pretrial order detailing those documents which it may use at trial is rendered nugatory if a trial subpoena may issue demanding documents not previously produced or identified.

For the reasons stated herein, the court 1)

prohibits BASF from introducing at trial any documents not identified on its exhibit list, 2) quashes any and all trial subpoenas issued by BASF which request the production of documents not identified on the exhibit list, and 3) bars BASF from adding to its trial exhibit list any documents obtained pursuant to subpoenas served after the close of discovery.

IT IS SO ORDERED.

N.D.Ill., 1992.
BASF Corp. v. Old World Trading Co.
Not Reported in F.Supp., 1992 WL 24076 (N.D.Ill.)

END OF DOCUMENT

Exhibit K

Westlaw.

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Page 1

Not Reported in F.Supp., 1997 WL 793569 (E.D.Pa.)
 (Cite as: Not Reported in F.Supp.)

H

Puritan Inv. Corp. v. ASLL Corp.
 E.D.Pa., 1997.

Only the Westlaw citation is currently available.

United States District Court, E.D. Pennsylvania.

PURITAN INV. CORP.

v.

ASLL CORP. and Eric Blumenfeld

No. Civ.A. 97-1580.

Dec. 9, 1997.

Richard T. Brown, Jr., Phila, PA, for Puritan
 Investment Corporation, plaintiff.

Michael S. Saltzman, Fineman & Bach, P.C., Phila,
 PA, for ASLL Corporation, defendant.

Michael S. Saltzman (See above), for Eric
 Blumenfeld, defendant.

MEMORANDUM ORDER

WALDMAN, J.

*1 Presently before the court are defendants' alternative Motions for a Protective Order and to Quash Plaintiff's Subpoenas and defendants' Motion in Limine. Defendants challenge trial subpoenas served upon them by plaintiff for the production of an array of business, tax and financial records for use by plaintiff in attempting to sustain its alter ego liability theory against Mr. Blumenfeld. Defendants also seek by their motion in limine to preclude "any evidence or testimony of plaintiff's 'alter ego' theory." The only reason proffered is that plaintiff has no such evidence.

Plaintiff is suing for trademark infringement arising from defendants' failure to make required payments under a licensing agreement involving the operation of a comedy club. The discovery deadline was October 22, 1997, providing over eighteen weeks to conduct discovery. Plaintiff never requested an extension of the discovery

deadline. The case has just entered the trial pool.

On November 24, 1997, plaintiff served subpoenas upon defendants directing them to produce at trial the following documents:

all documents concerning ASLL Corporation and its relation to Eric Blumenfeld, including but not limited to any documents proposing or relating to its formation in January 1995 or thereabouts, the bank records of ASLL Corporation from its formation to the present, the minute book and any other corporate records of ASLL Corporation showing meetings, resolutions, or any other activity by the corporation, all insurance documents issued to ASLL Corporation (including but not limited to declaration pages and invoices and checks paid) all tax returns filed by ASLL Corporation, all financial statements (audited or otherwise) concerning ASLL Corporation, and all other documents (including checks, notes, contracts, etc.) concerning transactions between Eric Blumenfeld and ASLL Corporation.

Defendants argue with some force that plaintiff is attempting to circumvent the discovery deadline. Defendants also claim that because the requested documents are voluminous and not all readily at their disposal, production would necessarily delay the trial of this action.

Plaintiff represents that no party propounded formal discovery requests, but instead met in May of 1997 to exchange informal discovery and that defendants knew since this meeting that such records might be used in court to support plaintiff's alter ego theory. Plaintiff does not represent, however, that defendants agreed at the May 1997 meeting to produce all of these records during the discovery period.

Trial subpoenas may be used to secure documents at trial for the purpose of memory refreshment or trial preparation or to ensure the availability at trial of original documents previously

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Not Reported in F.Supp.

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Not Reported in F.Supp., 1997 WL 793569 (E.D.Pa.)
(Cite as: Not Reported in F.Supp.)

disclosed by discovery. See, e.g., *Rice v. United States*, 164 F.R.D. 556, 558 n. 1 (N.D.Okla.1995); *BASF Corp. v. Old World Trading Co.*, 1992 WL 24076, *2 (N.D.Ill. Feb.4, 1992).

Trial subpoenas may not be used, however, as means to engage in discovery after the discovery deadline has passed. See *BASF Corp.*, 1992 WL 24076 at *2. See also *Ghandi v. Police Dept. of Detroit*, 747 F.2d 338, 354-55 (6th Cir.1984) (trial subpoena duces tecum used to seek discovery just prior to trial properly quashed); *Hatchett v. United States*, 1997 WL 397730, *3 (E.D.Mich. Feb.28, 1997) (trial subpoena cannot be used to obtain belated discovery after discovery period has ended); *Pitter v. American Express Co.*, 1984 WL 1272, *5 (S.D.N.Y. Nov.27, 1984) ("shotgun" production demands through use of trial subpoenas are impermissible substitute for proper pre-trial discovery).

*2 There is absolutely no indication that plaintiff knows what information is contained in the documents it seeks or that they would support plaintiff's theory of its case. A trial subpoena is not an appropriate means of ascertaining facts or uncovering evidence. This should be done through discovery in the manner and time provided by the Federal Rules and court order.

Plaintiff does not explain why the desired records were not obtained through a proper Rule 34 document request before the discovery deadline. Plaintiff bears the burden of preparing its own case for trial. Any documents it wished to peruse which were not voluntarily disclosed should have been timely demanded through formal discovery procedures.

Plaintiff does not and credibly could not aver that it was unaware of the possible existence of the subpoenaed documents before the discovery deadline. See *McNerney v. Archer Daniels Midland Co.*, 164 F.R.D. 584, 588 (W.D.N.Y.1995) ("when a [party] ... is aware of the existence of documents before the discovery cutoff date and issues discovery requests including subpoenas after the discovery deadline has passed, then the subpoenas and discovery requests should be denied")

). The documents plaintiff now seeks are standard records routinely maintained by corporations. Moreover, plaintiff's contention that defendants knew since the informal May 1997 meeting that such records might be used by plaintiff to support its alter ego theory shows that plaintiff itself was aware of the existence of such documents months before the close of discovery.

The only reasonable conclusion from the record presented is that plaintiff is attempting to use trial subpoenas improperly as a discovery device on the eve of trial. See, *Thompson v. Glenmede Trust Co.*, 1996 WL 529691, *1 (E.D.Pa. Sept.16, 1996) (unjust and burdensome to require party on eve of trial to produce documents pursuant to subpoena served after discovery deadline).

Thus, defendants' motion to quash will be granted. Because efficiency in the resolution of litigation should be balanced with the objective of resolving legal claims to the extent possible on the basis of complete and accurate information, the motion will be denied without prejudice to plaintiff promptly to seek a continuance and extension of discovery if it can show good cause therefor. See Fed.R.Civ.P. 16(b). Because an order to preclude a party from presenting evidence on the ground that the party has no such evidence is needless and meaningless, defendants' motion in limine will be denied.

ACCORDINGLY, this 9th day of December, 1997, **IT IS HEREBY ORDERED** that defendants' Motions for a Protective Order and to Quash Plaintiff's Subpoenas are **GRANTED** in that the trial subpoenas *duces tecum* issued to defendants are **QUASHED**, without prejudice to plaintiff promptly to seek a discovery extension upon a showing of good cause; and, **IT IS FURTHER ORDERED** that defendants' Motion in Limine is **DENIED**.

E.D.Pa., 1997.

Puritan Inv. Corp. v. ASLL Corp.

Not Reported in F.Supp., 1997 WL 793569
(E.D.Pa.)

END OF DOCUMENT

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Cancellation No.
92-045,876

EXHIBIT 4

PROCEEDING NO. 91-185,321 IN THIS PROCEEDING
dated July 3, 2008 (Cancellation No. 92-045,876)

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

-----X
In Re Application Serial No. 78/081,731 for U.S.

HISPANIC CHAMBER OF COMMERCE FOUNDATION & DESIGN
THE CHAMBER OF COMMERCE OF THE UNITED STATES OF
AMERICA,

Opposer,

vs.

Opposition No. 91-156,321

UNITED STATES HISPANIC CHAMBER OF COMMERCE
FOUNDATION,

Applicant.

-----X

February 27, 2008
12:00 p.m.

Deposition of MARY GINNANE-SINGER,
pursuant to Subpoena, held at the offices of
Manatt, Phelps & Phillips, LLP, 7 Times Square,
New York, New York, before Nicole Cannistraci, a
Notary Public within and for the State of New
York.

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IT IS HEREBY STIPULATED AND
AGREED, by and between the attorneys for the
respective parties hereto, that the sealing
and filing of the within deposition be
waived; that such deposition may be signed
and sworn to before any officer authorized to
administer an oath with the same force and
effect as if signed and sworn to before a
Justice of this Court.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination and any
corrections thereto may be signed before any
Notary Public with the same force and effect
as if signed and sworn to before this Court.

1 Mary Ginnane-Singer

2 MR. KANE: I want to state on
3 the record the Opposer objects to the
4 taking of this testimony. We were
5 given written confirmation by Andrew
6 Eliseev this deposition would not go
7 forward and we were given less than
8 24 hours notice that this deposition
9 is in fact going forward and we don't
10 believe it's sufficient notice and we
11 are reserving our rights to move to
12 strike this testimony.

13 MS. SHEEHAN: Okay.

14 M A R Y G I N N A N E - S I N G E R, having
15 been first duly sworn by Nicole Cannistraci, a
16 Notary Public of the State of New York, was
17 examined and testified as follows:

18 EXAMINATION

19 BY MS. SHEEHAN:

20 Q. State your name and address for
21 the record.

22 A. Mary Ginnane-Singer, 8458
23 Goldington Court, Middle Village, New York
24 11379.

25 Q. Could you please state the name

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780 Third Avenue, New York, NY 10017

1 Mary Ginnane-Singer

2 that you use professionally?

3 A. Mary Ginnane.

4 Q. And your current place of
5 employment?

6 A. Credit Industrial^e -- how do you ~~TH~~
7 define employment, employer?

8 Q. If you have more than one, you
9 can state more than one.

10 MR. ROSEN: Let me help along
11 the way. Are you asking for the
12 person or the entity that pays her a
13 salary or for whom she does work or
14 both?

15 MS. SHEEHAN: Both.

16 MR. ROSEN: What do you want
17 first?

18 Q. Your main position of
19 employment and if there is secondary positions
20 of employment or that you do work, paid or
21 unpaid?

22 A. I'm -- I work for and am paid
23 by Credit Industrial^e Et Commercial. Then I ~~TH~~
24 provide some administrative services for the
25 French-American Chamber of Commerce and the

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1 Mary Ginnane-Singer
2 Grand Marnier Foundation.

3 Q. Do you have a title at the
4 French-American Chamber of Commerce?

5 A. No.

6 Q. Is it okay if throughout the
7 deposition I refer to the French-American
8 Chamber of Commerce in the United States as the
9 French-American Chamber?

10 A. Yes.

11 MR. ROSEN: It's your choice.
12 We call it FACC, if you want to do it
13 that way.

14 MS. SHEEHAN: We'll call it
15 FACC.

16 Q. How long have you provided
17 administrative services for the FACC?

18 A. Approximately 20 to 25 years.

19 Q. What are your responsibilities
20 at the FACC?

21 A. My primary administrative
22 support is related to human resources and then I
23 also provide administrative support for
24 accounting and overhead expenses.

25 Q. Does the FACC have full-time

1 Mary Ginnane-Singer

2 employees?

3 A. Yes.

4 Q. Approximately how many
5 full-time employees?

6 A. Six or seven, I forgot.

7 Q. Approximately how much time per
8 week do you spend on your duties at the FACC?

9 A. A couple of hours a week I'd
10 say on average.

11 Q. Do you provide those services
12 physically at the FACC?

13 A. No.

14 Q. Have you ever held any other
15 positions at the FACC?

16 A. No.

17 Q. For your responsibilities in
18 human resources, accounting and overhead, what
19 are the tasks that you perform for the FACC?

20 A. For human resources I process
21 their payroll, I take care of any administrative
22 tasks related to benefits, premium payments,
23 enrollment, disenrollment of members, vacation
24 and days off, accounting and recordkeeping, 401K
25 administrative processing. For overhead

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1 Mary Ginnane-Singer

2 expenses I -- they have -- they outsource their
3 accounting functions, so I liaise or interface ~~with~~
4 with the external accountant if she has
5 questions. I prepare some miscellaneous
6 payments if it's not a straightforward payment
7 that is processed by the Chamber. There is
8 some, occasionally outside of HR, payments, a
9 dues payment or an enrollment payment for
10 somebody. We might be asked to prepare a check
11 for signature. At year-end, I coordinate with
12 the accountant for a year-end closing function,
13 preparation of depreciation expenses, accruals
14 of expenses that have not yet been invoiced or
15 provisioning for expenses that have not been
16 invoiced yet to be recorded in the accounting
17 books before year-end closing.

18 MS. SHEEHAN: I would like to
19 mark this as Exhibit 1 for
20 identification.

21 (Subpoena marked Exhibit 1
22 for identification.)

23 Q. Have you seen this document?

24 A. Yes.

25 Q. Can you identify it?

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1 Mary Ginnane-Singer

2 MR. ROSEN: Let me just state
3 I don't know if we have seen the
4 first two pages of this document.
5 Certainly the subpoena attached to
6 the first two pages we've seen, but I
7 think you should request that the
8 witness clarify that, because I
9 haven't seen the first two pages
10 before.

11 Q. Starting on the third physical
12 page that's titled Issued By The United States
13 District Court, have you seen this page and the
14 following pages?

15 A. Yes.

16 Q. Can you identify it?

17 MR. ROSEN: Objection to
18 form. If you understand the
19 question, you can answer it.

20 A. I would say it's the subpoena
21 addressed to the French-American Chamber of
22 Commerce.

23 Q. Are you here testifying in
24 response to the subpoena?

25 A. Yes.

1 Mary Ginnane-Singer

2 MR. ROSEN: To that extent,
3 let me note for the record that on
4 behalf of the French-American Chamber
5 of Commerce, we did interpose an
6 objection to this subpoena to its
7 breadth. The Schedule A identifying
8 the subject matters we believe was
9 overly broad, overly inclusive, and
10 there cannot be one witness or
11 multiple witnesses that can testify
12 to these areas, particularly because,
13 by way of example, the
14 French-American Chamber of Commerce
15 has been in existence for more than
16 100 years. This is asking for
17 information relating to the
18 French-American Chamber of Commerce
19 from its inception. I want to note
20 that for the record. Thank you.

21 Q. If you will turn to Schedule A
22 in that document, as a witness have you been
23 designated with knowledge of particular topics
24 as set out in Schedule A?

25 MR. ROSEN: Let me restate my

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1 Mary Ginnane-Singer
2 objection again. This Schedule A is
3 very broad. We sent a letter to
4 Mr. Eliseev on February 15
5 identifying the problems with the
6 schedule, and there cannot be a
7 witness, one person designated to
8 testify onto each of these matters or
9 to several of these matters that are
10 identified in Schedule A.

11 By way of example, number 5
12 says the amount sent by FACC to
13 advertise or promote the FACC
14 products and services from the
15 inception to the present. Well, the
16 inception is 112 years ago. There
17 is no person that can be designated
18 to testify to things that happened
19 100 years ago.

20 Now, this witness has been
21 designated by the French-American
22 Chamber of Commerce to testify to
23 the best of her knowledge as to the
24 subject matters that are listed.

25 She will not be able to testify, for

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1 Mary Ginnane-Singer
2 example, to the breadth of number 5.

3 Q. Can you answer my question?

4 You can read it back.

5 (The last question was read
6 back by the court reporter.)

7 MR. ROSEN: I don't need to
8 restate my objection because it's
9 been repeated, so if you understand
10 the question, you can answer it.

11 A. Can you reread the question,
12 please? When you say "knowledge of particular
13 topics," what do you mean?

14 Q. In your review of the topics in
15 Schedule A, 1 through 9, do you have knowledge
16 of some or all of these topics?

17 A. Yes, I have knowledge of some
18 or all of them.

19 Q. What topics do you have
20 knowledge of?

21 MR. ROSEN: Objection to the
22 form of the question. You can answer
23 it.

24 A. I have knowledge of the general
25 types of activities that the Chamber conducts

1 Mary Ginnane-Singer
2 and to the fact that the Chamber -- the FACC has
3 always conducted its business using the name
4 French-American Chamber of Commerce. And that
5 as long as I have been associated with the
6 Chamber, there have not been any instances of
7 confusion between its use of the name
8 French-American Chamber of Commerce and any
9 other organization.

10 Q. When and where was the FACC
11 established?

12 A. As I -- to my knowledge, ~~it's~~ 
13 ~~that~~ it was established in New York in 1896.

14 MS. SHEEHAN: I would like to
15 have this marked as Exhibit 2.

16 (Registration of
17 Incorporation marked Exhibit 2 for
18 identification.)

19 Q. Can you identify this document?

20 MR. KANE: Objection, lack of
21 foundation.

22 Q. What is this document?

23 A. I have no idea.

24 Q. Have you seen this document
25 before?

1 Mary Ginnane-Singer

2 A. No.

3 MS. SHEEHAN: For the record,
4 I've handed the witness a
5 Registration of Incorporation for the
6 French-American Chamber of Commerce
7 in the United States.

8 Q. Now that I've identified the
9 document, are you familiar with this document?

10 MR. ROSEN: Wait, wait, can
11 you repeat the question, please?

12 (The last question was read
13 back by the court reporter.)

14 MR. ROSEN: All right. I'm
15 objecting to the question. This
16 document is not a registration
17 document. It looks like it's a
18 printout of something, so I can't
19 take your representation as being
20 factually accurate. The witness has
21 said she does not recognize this
22 document. I don't know how much
23 further you can go with this.

24 Q. Does the information in the
25 document accurately reflect the -- does this

1 Mary Ginnane-Singer
2 document accurately reflect the incorporation
3 information for the French-American Chamber of
4 Commerce in the United States?

5 MR. KANE: I'm going to
6 repeat my objection, lack of
7 foundation.

8 MR. ROSEN: I'm also going to
9 repeat my objection.

10 THE WITNESS: Answer?

11 MR. ROSEN: If you know the
12 answer to -- If you understand the
13 question.

14 A. I don't know if it accurately
15 reflects it.

16 Q. Do you have any reason to
17 believe that is it is not accurate?

18 MR. ROSEN: Objection.

19 Q. Where is the FACC located?

20 A. Its business office is located
21 at 122 East 42nd Street, Suite 2015, New York,
22 New York 10168.

23 Q. What is the objective or
24 mission statement of the FACC?

25 MR. KANE: Objection to the

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1 Mary Ginnane-Singer

2 form.

3 A. The Chamber -- the FACC
4 conducts various events and activities to
5 promote French-American relations between France
6 and the United States and between French and
7 American companies.

8 Q. Can you describe those
9 activities?

10 A. They organize various events,
11 seminars, breakfast briefings, round table
12 discussions, luncheons. They have an annual
13 gala dinner award event, business card
14 exchanges. They have a visitor exchange program
15 to promote the -- ~~and~~ provide training for young *JA*
16 French professionals in the U.S., as well as
17 American students in France.

18 Q. When hosting and promoting
19 these events and activities, what name is used?

20 A. French-American Chamber of
21 Commerce.

22 Q. What services does the FACC
23 currently offer?

24 A. They offer the services I just
25 described.

1 Mary Ginnane-Singer

2 Q. Are there any other services
3 for its members?

4 A. They offer the types of
5 services I described, which would allow their
6 members to meet other binational and bilingual
7 companies and service providers so that they can
8 promote their business in France and the United
9 States.

10 Q. How is the FACC organized?

11 MR. ROSEN: Objection to
12 form.

13 A. I don't understand.

14 Q. Are there chapters?

15 A. The French-American Chamber of
16 Commerce that is located in New York is a
17 chapter.

18 Q. The chapter of what?

19 A. It's a chapter of a network of
20 chapters of French-American Chambers of Commerce
21 across the United States.

22 Q. How many chambers across the
23 United States are there?

24 A. There ^{are} ~~is~~ 18 or so TH
25 approximately. I don't know if that's an exact

1 Mary Ginnane-Singer

2 count.

3 Q. How many members does the FACC
4 currently have?

5 A. How are you defining "FACC"?

6 Q. We have been talking about it
7 as the entity that exists in New York.

8 A. The FACC in New York has about
9 650 members.

10 Q. How many members are there
11 across the United States combined?

12 A. They have approximately 3,500
13 members.

14 Q. In the last five to six years,
15 has membership in the New York chapter changed
16 appreciably?

17 MR. ROSEN: Objection to
18 form.

19 A. I don't know what the numbers
20 were exactly over the past five or six years,
21 but I would -- to my knowledge, it's been -- it
22 has probably fluctuated a little bit based on
23 the economy, but it's been roughly the name.

24 Q. For the past five to six years,
25 has the membership across the country changed

1 Mary Ginnane-Singer
2 appreciably?

3 MR. ROSEN: Objection to
4 form.

5 A. I don't know.

6 Q. In 2002, what was the
7 approximate membership for the New York chapter
8 of the FACC?

9 MR. ROSEN: Objection to
10 form.

11 A. I don't know. I would have to
12 look.

13 Q. Can you describe the FACC's
14 members?

15 MR. ROSEN: Objection to the
16 form.

17 A. What do you mean, "describe"
18 their members?

19 Q. Are they individuals?

20 A. ~~They~~^{There} are individuals and 
21 businesses that are members.

22 Q. Approximately what percentage
23 of the members are individuals?

24 A. I don't know.

25 Q. What kind of businesses are

1 Mary Ginnane-Singer

2 members?

3 MR. ROSEN: Objection to
4 form.

5 A. They have many different types
6 of businesses that are members. They share a
7 common interest in French-American relations and
8 some are French companies, some are American
9 companies.

10 Q. Could you provide examples of
11 companies that are members?

12 MR. ROSEN: I'm going to
13 object and direct the witness not to
14 answer that question. The membership
15 of the French-American Chamber of
16 Commerce is proprietary information
17 to the French-American Chamber of
18 Commerce. I'm not aware of any kind
19 of confidentiality in these
20 proceedings, so at this point I'm
21 going to direct the witness not to
22 answer, to identify specific members.

23 Q. Can you give examples of the
24 type of businesses that the member -- that the
25 members are in?

1 Mary Ginnane-Singer

2 MR. KANE: Objection to the
3 form.

4 A. There are companies that
5 manufacture and sell products, there are service
6 providers. There are certainly lawyers who are
7 members, legal firms who are members, there are
8 companies that have products that are sold in
9 the U.S. and in France.

10 Q. Are there large companies?

11 MR. ROSEN: Objection to
12 form.

13 A. I guess some of them are large,
14 some of them are small.

15 Q. Generally where are the
16 companies that members are located?

17 A. They are located -- I would
18 say, to my knowledge, they are mostly located in
19 the tristate area.

20 Q. For the chapters across the
21 country, where are they located?

22 MR. ROSEN: Objection to
23 form.

24 MR. KANE: I'm going to
25 object to this line of questioning to

1 Mary Ginnane-Singer

2 the extent it goes outside the scope
3 of the subpoena. The witness has
4 identified herself as representing
5 the French-American Chamber of
6 Commerce in the United States not to
7 the extent they are a member of a
8 network of other chambers. The
9 witness has only been called forth to
10 testify as to the New York entity
11 that's represented here today.

12 Q. Is there a national
13 organization that the FACC in New York and the
14 other chapters belong to?

15 A. There is a -- an umbrella
16 structure that coordinates the licensing of the
17 chapters to use the name French-American Chamber
18 of Commerce to be part of the network, and
19 coordinates a national meeting once a ~~week~~^{year}. *JH*
20 There is no staff. It's basically the
21 president.

22 Q. What is the name of that
23 umbrella organization?

24 A. National French-American
25 Chamber of Commerce.

1 Mary Ginnane-Singer

2 Q. Where is it located?

3 A. In New York.

4 Q. What is the specific address?

5 A. 520 Madison Avenue.

6 Q. What's the name of the
7 president?

8 A. Serge Bellanger,
9 B-E-L-L-A-N-G-E-R.

10 Q. Do you provide services for the
11 national umbrella organization?

12 MR. ROSEN: When you say
13 "you," meaning the witness or the
14 FACC?

15 MS. SHEEHAN: The witness.

16 A. I handle logistics for their
17 national meeting.

18 Q. Do you provide services for any
19 other chapter in the United States?

20 MR. KANE: Objection. The
21 witness has not been called to
22 testify as an individual. She has
23 been called as a 30(b)(6) for the
24 French-American Chamber of Commerce.

25 A. No, I don't.

1 Mary Ginnane-Singer

2 Q. Can you refer to Exhibit 1 on
3 page 3? It states here the French-American
4 Chamber of Commerce in the United States, 12~~0~~² *MA*
5 East 42nd Street. Is this the only entity that
6 resides at this address?

7 MR. ROSEN: Objection.

8 Q. Is that the New York chapter?

9 A. The New York chapter is at that
10 address.

11 Q. Is that the name of the
12 New York chapter?

13 A. Yes.

14 Q. Does the FACC service
15 businesses located in the United States?

16 MR. ROSEN: Objection to the
17 form.

18 A. When you say services?

19 Q. Provide services?

20 A. To business^{es} in the United *MA*
21 States? Yes.

22 Q. Has the name of the FACC
23 changed in any way through the FACC's existence?

24 MR. ROSEN: Objection to
25 form.

1 Mary Ginnane-Singer

2 A. Not to my knowledge.

3 Q. So for at least the last 20 to
4 25 years, the name has been the French-American
5 Chamber of Commerce in the United States?

6 A. Yes.

7 Q. To your knowledge, has it been
8 the same name since 1896?

9 A. I believe it has changed since
10 then.

11 Q. Do you know when it changed?

12 A. I think it changed somewhere in
13 the 1970's.

14 Q. Do you know what the name was
15 in 1896?

16 MR. ROSEN: Let me again --
17 I'll reiterate Mr. Kane's objection.
18 This is going outside the scope of
19 the subpoena. The subpoena, for
20 example, in number one, says --
21 talking about the date the
22 French-American Chamber of Commerce
23 in the United States used the
24 trademark French-American Chamber of
25 Commerce or any other mark or name

1 Mary Ginnane-Singer
2 including the Chamber of Commerce.
3 I'm going to let the witness continue
4 and go -- let the witness answer, but
5 I don't want this to go beyond the
6 scope of the schedule, the items
7 itemized on this schedule. You can
8 answer the question if you remember.

9 A. I'm not sure what their name
10 was at first.

11 Q. When did the FACC first use the
12 name French-American Chamber of Commerce in the
13 United States?

14 A. I don't know when they first
15 used it. That's what they were using when I
16 became associated with the Chamber, with the
17 FACC.

18 Q. So for the past 25 years,
19 they've used the name the French-American
20 Chamber of Commerce in the United States?

21 A. Yes.

22 Q. Have the FACC's products or
23 services changed over the period of time?

24 MR. ROSEN: Objection to
25 form.

1 Mary Ginnane-Singer

2 A. Well, they've had different
3 breakfast seminars. Maybe they -- I don't know
4 when they started organizing business card
5 exchanges, so maybe they didn't have that at
6 first and then they started offering that. The
7 general type of forums for members to come
8 together and gather information on
9 French-American trade and business relations has
10 been a continuity to that type of activity.

11 Q. Has the FACC obtained or
12 applied to obtain a state or federal trademark
13 registration for the FACC's name?

14 A. For which name?

15 Q. The French-American Chamber of
16 Commerce in the United States.

17 A. It has a trademark registration
18 for French-American Chamber of Commerce in the
19 United States, Inc.

20 MS. SHEEHAN: Could you mark
21 this as Exhibit 3.

22 (Service Mark Principal
23 Register marked Exhibit 3 for
24 identification.)

25 Q. What is this document?

1 Mary Ginnane-Singer

2 MR. ROSEN: Objection to
3 form.

4 MR. CLARICK: If she knows.

5 MR. ROSEN: The question is
6 do you know what this document is.

7 A. It looks like a copy of the
8 principal register and supplemental register for
9 the United States Patent and Trademark Office
10 for French-American Chamber of Commerce in the
11 United States, Inc.

12 Q. Have you seen this document
13 before?

14 A. I believe I've seen something
15 that looks like the first two pages. I haven't
16 seen something that looks like pages 3 and 4.

17 MR. KANE: I object. Lack of
18 foundation.

19 Q. Does this document accurately
20 reflect your understanding of the trademark
21 registration for the French-American Chamber of
22 Commerce in the United States, Inc.?

23 MR. KANE: Same objection.

24 A. What do you mean by
25 "understanding of the trademark registration"?

1 Mary Ginnane-Singer

2 Q. You testified that the FACC had
3 a trademark registration for the name
4 French-American Chamber of Commerce in the
5 United States, Inc. Does this document reflect
6 your understanding of the trademark
7 registration?

8 A. From this document, I
9 understand that this trademark, French-American
10 Chamber of Commerce in the United States, Inc.,
11 is on the principal register.

12 Q. Has the FACC applied for or
13 obtained any other trademark registration?

14 A. It has other trademark
15 registrations.

16 Q. What other trademark
17 registrations?

18 A. French-American Chamber of
19 Commerce, French-American Commerce and
20 French-American News.

21 Q. Are they registered federally
22 in the United States?

23 A. Yes.

24 Q. For each of those three
25 registrations, when did you obtain the

1 Mary Ginnane-Singer

2 registration?

3 A. I don't know.

4 Q. Was it before you started
5 working with the FACC?

6 A. Yes.

7 Q. So for at least twenty years,
8 the FACC has had trademark registrations for the
9 French-American Chamber of Commerce, the
10 French-American News and the French-American
11 Commerce?

12 A. Yes. I don't recall when I
13 first saw the trademark registration, but from
14 when I first saw a trademark registration, they
15 had all of those trademarks.

16 Q. Does the FACC have any state
17 trademark registrations?

18 A. Not to my knowledge.

19 Q. Has FACC obtained or applied to
20 obtain any other trademark registrations for
21 trademarks containing the phrase "Chamber of
22 Commerce"?

23 A. Not to my knowledge.

24 Q. To your knowledge, are all four
25 registrations still valid?

1 Mary Ginnane-Singer

2 A. I believe that French-American
3 Commerce has lapsed.

4 Q. For the trademark
5 French-American News, what does that trademark
6 refer to?

7 MR. ROSEN: Let me now object
8 because the French-American News is
9 nowhere listed in the schedule. I
10 don't know if the witness has any
11 knowledge about French-American News
12 or what its --

13 MS. SHEEHAN: The question is
14 withdrawn.

15 Q. Does the FACC use a logo?

16 A. Yes, it does.

17 Q. Has the FACC ever attempted to
18 register the logo as a trademark?

19 A. No, it has not.

20 MS. SHEEHAN: Please have
21 this marked as Exhibit 4.

22 (Logo marked Exhibit 4 for
23 identification.)

24 Q. Can you identify this document?

25 A. This looks like the logo of the

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1 Mary Ginnane-Singer
2 French-American Chamber of Commerce.
3 (Indicating.)

4 MR. ROSEN: Well, you got
5 to -- the court reporter can't record
6 your -- with your fingers. You need
7 to explain what you're pointing at.

8 A. The circular diagram with the
9 French and American and American and French flag
10 looks like the logo of the French-American
11 Chamber of Commerce.

12 Q. Is this used by the FACC on a
13 regular basis?

14 A. Yes.

15 Q. How is this image used?

16 MR. ROSEN: Let's define the
17 image as the flags and just not the
18 words.

19 MS. SHEEHAN: Flags.

20 Q. How are these flags used?

21 A. It appears on the letterhead of
22 the FACC, on its invitations and announcements
23 of events.

24 Q. Is it used in conjunction with
25 the words "French-American Chamber of Commerce

1 Mary Ginnane-Singer
2 in the United States"?

3 MR. ROSEN: Objection to
4 form.

5 A. It is used in conjunction with
6 French-American Chamber of Commerce in the
7 United States and Chamber of Commerce. I don't
8 remember when they adopted this diagram as their
9 logo.

10 Q. Was it adopted before you began
11 working with the FACC?

12 A. No.

13 Q. Sometime in the past 25 years,
14 the FACC adopted this logo with the circular
15 flags?

16 A. Right.

17 Q. Does the FACC have a Web site?

18 A. Yes, it does.

19 Q. Do you know what the URL or the
20 Web site address is?

21 A. No.

22 Q. How is the Web site used?

23 A. I understand that they post
24 information about upcoming events, they describe
25 their activities, they list how you can get

1 Mary Ginnane-Singer
2 information, where you can contact someone for
3 information if you want more information on
4 events or activities.

5 Q. Is the logo of the circular
6 flags in Exhibit 4 used on the Web site?

7 A. I'm not sure.

8 Q. Is the name the French-American
9 Chamber of Commerce in the United States used on
10 the Web site?

11 A. I'm not sure how they list the
12 name on the Web site.

13 MS. SHEEHAN: Can I have this
14 marked as Exhibit 5?

15 (Web site printout marked
16 Exhibit 5 for identification.)

17 Q. After looking through this --
18 take a minute to look through the document, if
19 you can identify this document?

20 A. It looks like a printout of the
21 Web site. I don't access the Chamber's Web
22 site.

23 MR. KANE: I object to lack
24 of foundation.

25 Q. Who at the FACC maintains the

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1 Mary Ginnane-Singer

2 Web site?

3 A. I don't know who does that now.

4 Q. Have you seen the Web site
5 before?

6 A. No, I don't access the Web
7 site.

8 Q. By "access" do you mean --

9 A. I don't log onto the Web site.

10 Q. Is it an open Web site to the
11 public?

12 MR. KANE: Same objection,
13 lack of foundation.

14 A. I really don't know.

15 Q. Who uses the Web site?

16 A. I don't know.

17 Q. Who at the FACC would have
18 knowledge regarding the Web site?

19 MR. KANE: Asked and
20 answered.

21 A. My guess is the staff at the
22 Chamber, the full-time staff would know.

23 Q. What are their positions and
24 names?

25 A. The managing director is Martin

1 Mary Ginnane-Singer
2 Bichoff (ph), the person in charge of the
3 International Career Development programs is
4 Christopher Gallagher. He has two people
5 working in that department with him. One is
6 Brett Grossman. The other is Beverly Wind.
7 There is someone who is responsible for
8 communications and events, Ann Marie
9 *Van den Broeck* ~~Vandenbrook~~. There is a person who deals with *7/14*
10 trade services, Phillipe Metais, M-E-T-A-I S.

11 Q. Does this document accurately
12 reflect the services and activities of the FACC?

13 MR. ROSEN: Do you want her
14 to read through the entire document
15 and tell you -- she is not familiar
16 with the document, so I don't know
17 how she can answer that question.
18 If -- she can read it and tell you
19 this is what the FACC provides, but
20 you and I can read it, as well.

21 Q. Page 1 of the document, it
22 states, "The mission of the FACC is to support
23 strong economic relations between France and the
24 United States and to promote the development of
25 our member companies in the New York region."

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1 Mary Ginnane-Singer

2 Is this FACC's mission statement?

3 MR. ROSEN: Objection to
4 form.

5 A. As I understand it, yes.

6 Q. Are you familiar with the Web
7 sites of the other chapters in the United
8 States?

9 MR. KANE: Again, I'm
10 objecting to the extent this goes
11 outside the scope of the subpoena.
12 The witness has only been called to
13 testify on behalf of the
14 French-American Chamber of Commerce.

15 A. No, I'm not familiar with them.

16 Q. In addition to the examples
17 that you provided, how else do you use the
18 FACC's name?

19 MR. ROSEN: Objection to
20 form. Are you referring to the name
21 of the company, the French-American
22 Chamber of Commerce in the United
23 States, Inc., or are you referring to
24 the trademarks that the company uses?

25 Q. How do you use the name

1 Mary Ginnane-Singer
2 French-American Chamber of Commerce in the
3 United States?

4 MR. ROSEN: Inc.? I don't
5 know if there is any testimony they
6 used the name French-American Chamber
7 of Commerce in the United States
8 without the "Inc."

9 MS. SHEEHAN: I believe there
10 has been.

11 Q. What name is used -- how do you
12 use the trademark name French-American Chamber
13 of Commerce in the United States, Inc.?

14 A. It has been used on
15 directories, informational brochures about the
16 activities of the Chamber, sometimes on
17 announcements or invitations for events.

18 Q. What does the letterhead state?

19 A. The letterhead now states
20 French-American Chamber of Commerce, I believe.

21 Q. Are there business cards?

22 A. Yes.

23 Q. What name is used on the
24 business cards?

25 MR. ROSEN: Currently?

1 Mary Ginnane-Singer

2 MS. SHEEHAN: Currently.

3 A. I'm not sure. I don't have any
4 of their business cards.

5 Q. What directories are you aware
6 of that have used the name French-American
7 Chamber of Commerce in the United States, Inc.?

8 A. The New York chapter used to
9 publish a directory that lists all of the
10 chapters in the U.S. network, and that name
11 would appear on the cover and on various pages
12 in the beginning of the directory.

13 Q. How is the directory used?

14 A. The directory was distributed
15 to all of the chapters and each chapter decided
16 how they used it. The New York chapter would
17 distribute it to its paying members.

18 Q. Were there other directories
19 that used the name?

20 A. That's the only directory that
21 the French-American Chamber of Commerce ever
22 produced. I don't know when they did the
23 last -- when they printed the last one.

24 Q. You stated that the name was
25 used on invitations. What invitations is the

1 Mary Ginnane-Singer

2 name used on?

3 A. To different events that the
4 French-American Chamber of Commerce was
5 organizing if they sent an invitation to their
6 membership to invite them to attend a breakfast
7 or a luncheon or a seminar.

8 Q. Approximately how many events
9 does the FACC host using the FACC's name each
10 year?

11 A. They use their name on
12 everything that they host. I don't know how
13 many events they have.

14 Q. Do they have more than ten
15 events each year?

16 A. I would say they probably do.

17 Q. Do they have more than thirty
18 events every year?

19 A. I don't know if they have more
20 than thirty.

21 Q. Who are the invitations sent
22 to?

23 A. It's sent to its membership. I
24 don't know if they send it to other people
25 beyond the membership. If there is a guest

1 Mary Ginnane-Singer
2 speaker, they may send some on his or her own if
3 they want people to come because they are
4 speaking, or invite members of their own company
5 if it's a speaker from their firm. That would
6 be up to the speaker.

7 Q. Does the FACC have any
8 publications?

9 MR. ROSEN: Objection to
10 form. Do you mean like regular
11 monthly magazines or something that
12 it publishes every once in awhile?

13 MS. SHEEHAN: Either one.

14 MR. ROSEN: Objection to
15 form.

16 A. I don't know if they have a
17 regular publication schedule now. I think that
18 they write various articles on their events and
19 activities and, as I understand, they do post it
20 on their Web site. It seemed like there was one
21 or two in here. They, in the past, had regular
22 publications and I don't know what the status of
23 that is now, if it continues or not.

24 Q. What are the names of those
25 past publications?

1 Mary Ginnane-Singer

2 A. French-American News,
3 French-American Commerce.

4 Q. In addition to invitations,
5 what other mailings are provided to members?

6 A. They provide them with
7 information on their -- the International Career
8 Development programs, information on -- recently
9 there was a change in J1 visa regulations, so
10 that had to be distributed to the membership to
11 advise them of the changes in regulations and
12 how the program was being operated under new
13 regulations. There ^{are} ~~is~~ announcements to the JH
14 board of board meetings. The invitations are
15 announcements of whatever activity is being
16 organized, a breakfast, luncheon, or if somebody
17 who is not -- does not -- is not a local person,
18 say, a foreign -- a prominent foreign speaker is
19 in New York and they arrange to engage this
20 person as a speaker, an announcement will go out
21 saying there is so-and-so, whoever it is, will
22 be addressing the Chamber in whatever forum it
23 is, whatever time it is.

24 Q. Do these mailings use the
25 trademark name?

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1 Mary Ginnane-Singer

2 MR. ROSEN: Which name?

3 MS. SHEEHAN: French-American
4 Chamber of Commerce, Incorporated.

5 MR. ROSEN: That's not a
6 name. Do one at a time. Do they
7 use --

8 Q. French-American Chamber of
9 Commerce In The United States, Incorporated?

10 A. I don't believe that the full
11 name appears on all of their documents.

12 Q. What name is used in the
13 mailing communications to members?

14 A. I think that a lot of the time
15 they have French-American Chamber of Commerce.

16 Q. At the events that the FACC
17 hosts, what name is used on materials that are
18 distributed?

19 A. Definitely French-American
20 Chamber of Commerce is used. I don't retain --
21 I don't receive all of these announcements. I
22 am not responsible for retaining them.

23 Q. Are there banners at the
24 events?

25 A. Not to my knowledge.

1 Mary Ginnane-Singer

2 Q. Would there be a poster on a
3 podium for a speaker?

4 A. Not to my knowledge.

5 Q. Any other displays that would
6 use the French-American Chamber of Commerce
7 name?

8 A. I don't know.

9 Q. Can you think of any other ways
10 that the French-American Chamber of Commerce
11 name is used, whether it includes the full
12 Incorporated or just French-American Chamber of
13 Commerce?

14 A. No, I can't think of anything.

15 Q. Does the French-American
16 Chamber of Commerce in the United States
17 advertise and promote its services?

18 A. What do you mean by "advertise
19 and promote"?

20 Q. How does the FACC solicit
21 members?

22 A. I don't know that it has
23 anything in print. I mean, I see that they have
24 something here that describes the benefits of
25 membership. (Indicating.)

1 Mary Ginnane-Singer

2 Q. By "here," you mean on the --

3 A. Exhibit 5.

4 Q. How do potential members hear
5 about FACC?

6 MR. KANE: I'm going to
7 object to the extent this is really
8 going outside the scope of what's in
9 Schedule A. You have not asked for
10 the witness to testify about
11 soliciting membership and how you
12 advertise your membership.

13 MR. ROSEN: I'll object on a
14 different ground. I don't know if
15 the witness can testify as to what
16 the members did or knew or found out.
17 She can only testify as to what the
18 FACC did with those members in
19 connection with recruiting -- if you
20 want to use that word -- new members.
21 You can answer the question if you
22 understand it.

23 A. What's the question?

24 Q. I'll ask a new question. Does
25 FACC in any way advertise its services?

1 Mary Ginnane-Singer

2 A. What do you mean by
3 "advertise"?

4 Q. Does the FACC solicit new
5 members?

6 A. They encourage their current
7 membership to let other people, colleagues, know
8 about the Chamber and its activities and to
9 encourage them to ^{become} ~~book~~ members of the Chamber. *JH*

10 Q. How do they do that?

11 A. They say to the members tell
12 your colleagues about the Chamber and encourage
13 them to become members. They have some events
14 where members are allowed to bring a non-member
15 at -- that gives them an opportunity to see what
16 the Chamber does.

17 Q. Does the FACC promote its
18 services to existing members?

19 A. What do you mean "promote its
20 services"?

21 Q. Publicize.

22 A. What do you mean by
23 "publicize"?

24 MR. ROSEN: The witness has
25 already testified that invitations

1 Mary Ginnane-Singer

2 get sent out to its members.

3 Q. In addition to what you
4 testified to regarding mailings, are there any
5 other ways the FACC communicates to members
6 regarding its services?

7 A. Well, they use postal mailings
8 and they use e-mails to distribute information.

9 Q. In e-mails from the FACC, how
10 does the Chamber identify itself?

11 A. Well, the e-mail would really
12 be the same document that would be put in an
13 envelope, but is scanned and e-mailed.

14 Q. What would the e-mail
15 address -- what e-mail address would the sender
16 use?

17 A. I don't know.

18 Q. In addition to what you
19 testified to, does the FACC ever solicit
20 non-members to come to FACC events?

21 A. To my knowledge, they -- they
22 inform their members when they send out notices
23 if non-members are welcome, allowed to register
24 for an event.

25 Q. Does FACC have an annual

1 Mary Ginnane-Singer

2 advertising budget?

3 A. Not to my knowledge, no.

4 Q. In addition to the tristate
5 area, Connecticut, New York and New Jersey,
6 where else are FACC mailings sent?

7 A. I don't know. They are sent to
8 the membership. If there were a member
9 someplace else, I would assume that member would
10 also receive it.

11 Q. You've testified that the FACC
12 organizes conferences or seminars?

13 A. Seminars.

14 Q. What kind of seminars?

15 A. Seminars on current topics of
16 interest to French-American business firms doing
17 business in the U.S., doing business with
18 France. It could be the same as a seminar
19 organized by another bilateral organization
20 concerning doing business in the United States.

21 Q. Where are they located?

22 A. Who is "they"?

23 Q. The seminars.

24 A. At various locations. It could
25 be at a hotel, a conference room in a hotel, it

1 Mary Ginnane-Singer

2 could be at a member's conference room.

3 Q. How many participants attend
4 the seminars?

5 A. It varies. It depends on what
6 the topic is. If there is a lot of interest,
7 they anticipate more people will attend. If
8 it's a very specific topic, a smaller group will
9 attend. I don't know what the range is.

10 Q. Are the participants members?

11 A. Most, I believe, of the
12 Chamber's activities are organized for members.
13 There are some, I don't know how many or which
14 ones they are that are organized where
15 non-members are invited to attend, as well.

16 Q. They are invited through
17 current members?

18 A. I suppose if someone could go
19 on the Web site and find an activity, they could
20 inquire if they could register.

21 Q. What are the purposes of these
22 events, the seminars?

23 A. To provide information to
24 members on various aspects of French-American
25 business relations, information that can help

1 Mary Ginnane-Singer
2 them interact with other French-American
3 businesses.

4 Q. Does the FACC attend
5 conferences or conventions organized by somebody
6 else?

7 A. By the "FACC" what do you mean?

8 Q. The French-American Chamber of
9 Commerce in the United States or representative
10 from the FACC.

11 A. Well, the staff of the Chamber
12 have attended educational seminars and
13 conferences that benefits them and aids them in
14 doing their job.

15 Q. What type?

16 A. Well, the -- I guess it was the
17 State Department or U.S. Information Agency,
18 whichever structure it was under, has organized
19 seminars on J1 visas and the people in the FACC,
20 the staff in the FACC that work with J1 visas
21 would attend that. So they would be up to date
22 and informed on the current regulations. Staff
23 have attended seminars on business writing,
24 organizational skills, project management,
25 things like that.

1 Mary Ginnane-Singer

2 Q. Does the FACC or
3 representatives of the FACC attend trade shows?

4 A. As a participant or a
5 representative?

6 Q. Either?

7 A. The Chamber has, to my
8 knowledge, never had a booth or been at a trade
9 show. I don't believe they have attended other
10 trade shows to see what others are doing. The
11 International Career Development Program that
12 deals with the J1 visas visits U.S. universities
13 to promote the exchange -- the division -- part
14 of the exchange program where American students
15 can go to France, to provide information to
16 American students in universities.

17 Q. They visit universities on
18 behalf of the FACC?

19 A. I don't know in what other
20 capacity they would go, but they inform the
21 universities of the existence of the J1 visa
22 program whereby American students can obtain a
23 J1 visa to go to France for a training program.

24 Q. If you know, how often do they
25 visit universities?

1 Mary Ginnane-Singer

2 A. I don't know. It depends, I
3 guess, on how many universities they are allowed
4 to go to. I don't know how they set that up.

5 Q. If you know, which universities
6 have they attended to promote the J1 visa
7 program?

8 A. I'm not sure exactly which ones
9 they have been to. I don't know for a fact
10 which ones they have been to.

11 Q. Do they visit universities in
12 the tristate area?

13 A. Yes.

14 Q. Do they visit universities
15 outside the tristate area?

16 A. I don't know, I don't know.

17 Q. In addition to the educational
18 seminars you described, does the FACC or its
19 representatives attend any other conferences?

20 A. They attend conferences of
21 French Chambers of Commerce, conferences that
22 are organized by a French organization for
23 French Chambers of Commerce around the world.

24 Q. Where are those conferences
25 located?

1 Mary Ginnane-Singer

2 A. In different cities, in Europe
3 usually.

4 Q. Do they have them in the United
5 States?

6 A. No. This is usually organized
7 in Europe. The National French-American Chamber
8 of Commerce will welcome representatives of the
9 French organization to come and speak at its
10 national meeting.

11 Q. Where is the national meeting
12 held?

13 A. In different cities in the
14 United States.

15 Q. Every year it will be held in
16 different cities?

17 A. Yes.

18 Q. How large is the national
19 meeting?

20 A. About forty or fifty people.

21 MR. ROSEN: Can we take a
22 break?

23 MS. SHEEHAN: Yes.

24 (A recess was taken.)

25

1 Mary Ginnane-Singer

2 BY MS. SHEEHAN:

3 Q. Who owns the trademarks that
4 you earlier described?

5 MR. KANE: Objection, vague.

6 Q. You testified that FACC has
7 four trademark registrations. Do you know who
8 owns the trademark registration?

9 A. I don't know what you mean by
10 "owns."

11 Q. What entity are the trademarks
12 registered to?

13 A. To the business entity. I'm
14 confused by the question. I really don't
15 understand.

16 Q. Does the chapter in New York
17 own the trademark French-American Chamber of
18 Commerce and French-American Chamber of Commerce
19 in the United States, Inc.?

20 A. Yes. The French-American
21 Chamber of Commerce in New York filed the
22 applications and I guess they are the ones to
23 whom the approval was issued.

24 Q. Do other chapters across the
25 country use the names French-American Chamber of

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1 Mary Ginnane-Singer
2 Commerce and French-American Chamber of Commerce
3 in the United States?

4 A. The other chapters use -- they
5 use French-American Chamber of Commerce and what
6 any other variation of that I cannot say for
7 sure, if they use "in the United States" or if
8 they use the name of their city or their state
9 attached to French-American Chamber of Commerce,
10 I don't know.

11 Q. Are you aware how they use the
12 name French-American Chamber of Commerce in
13 combination with other words? Do they use it on
14 their letterhead?

15 A. They use -- from what I have
16 seen, their documents, they have it on their
17 letterhead and they put it on announcements of
18 events. I've heard people discussing amongst
19 the various chapters if they have a Web site,
20 their name is on the Web site, as well. I don't
21 access their Web sites, so I haven't seen it for
22 myself.

23 Q. You personally have seen
24 examples of letterhead and invitations from
25 other United States chapters using the name

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1 Mary Ginnane-Singer
2 French-American Chamber of Commerce?

3 A. Yes.

4 Q. Have they obtained permission
5 to use the name French-American Chamber of
6 Commerce from the New York chamber?

7 A. They have an agreement with the
8 New York chapter, which allows them to use the
9 name French-American Chamber of Commerce, and to
10 present themselves as a French-American Chamber
11 of Commerce.

12 Q. When were these agreements
13 entered, if you know?

14 A. Before they can begin to use
15 the name French-American Chamber of Commerce.
16 For each chapter it would depend on when they
17 became organized.

18 Q. Do you know how many chapters
19 in the United States have entered into
20 agreements with the New York chapter to use the
21 name?

22 A. All of them that use the name
23 have entered an agreement with the New York
24 chapter. If there ^{are} ~~is~~ 18 or so, I don't have the *2/4*
25 exact number, all of those 18 or so have entered

1 Mary Ginnane-Singer

2 an agreement.

3 Q. To go back for one minute, you
4 testified that representatives from the FACC
5 attend seminars and sometimes conferences?

6 A. Yes.

7 Q. When they attend those events,
8 do they represent themselves as from the
9 French-American Chamber of Commerce?

10 A. Yes. When they are enrolled,
11 they give their business affiliation as
12 French-American Chamber of Commerce.

13 Q. Has the French-American Chamber
14 of Commerce received any media attention related
15 to its events or services?

16 A. I guess they have. I know that
17 the French press will publish a news story about
18 various events, certainly about its gala award
19 dinner. It has published articles about other
20 Chamber events depending on who the speaker is.
21 If a French official comes and is speaking at a
22 French-American Chamber of Commerce event,
23 certainly there will be something in some press
24 that this speaker spoke at a luncheon or
25 whatever ~~or~~ sponsored by the French-American *JA*

1 Mary Ginnane-Singer

2 Chamber of Commerce.

3 Q. Is the French press distributed
4 in the United States, if you know?

5 A. The ones I have seen that I'm
6 thinking of would be published in the United
7 States. I don't know if it appears in French
8 press in France.

9 Q. Can you give me examples of
10 publications that would cover the events?

11 A. FranceAmerique is a French
12 newspaper published here. Over the years there
13 were some other publications that I don't think
14 exist anymore. I don't remember the names.

15 Journal Francis^{ais}. J-O-U-R-N-A-L, F-R-A-N-C-I-S. ^{A I-S} ~~I-S~~ *W*

16 Q. Has the FACC received or been
17 nominated for any awards?

18 A. Not that I'm aware of.

19 Q. Any other recognitions?

20 MR. ROSEN: Objection to
21 form.

22 A. Not that I'm aware of.

23 Q. But the FACC gives out awards
24 at its annual gala?

25 A. They have, yes, one award gala

1 Mary Ginnane-Singer
2 event per year. It's the person of the year
3 award gala.

4 Q. What types of people have won
5 the person of the year award?

6 A. It's usually been a prominent
7 business person, either -- sometimes it's an
8 American, sometimes it's a French person, that
9 has contributed to the promotion of
10 French-American relations or been prominent in
11 leading the way to improve relations between
12 France and the United States or has collaborated
13 with a French company or an American company to
14 form a new partnership, something that is
15 notable in the promotion of French-American
16 relations.

17 Q. Are you aware of the existence
18 of the United States Chamber of Commerce?

19 A. Yes.

20 Q. Is the FACC a member of the
21 United States Chamber of Commerce?

22 A. Yes.

23 Q. When did it become a member of
24 the United States Chamber of Commerce?

25 A. I'm not sure of the year

1 Mary Ginnane-Singer
2 exactly. It's at least five or more years I'd
3 say, but I'm not sure of the exact date.

4 Q. Has the FACC had any other
5 interaction with the United States Chamber of
6 Commerce?

7 MR. KANE: I'm going to
8 object to this line of questioning.
9 It's going outside the scope of the
10 schedule -- the subpoena.

11 MR. ROSEN: I object to the
12 form.

13 A. What was the question?

14 Q. Has the FACC had any other
15 interaction with the United States Chamber of
16 Commerce in addition to being a member?

17 MR. ROSEN: Objection to
18 form.

19 A. I don't know, I really don't
20 know.

21 Q. Do you know of any licenses or
22 other agreements that the FACC has entered into
23 with the United States Chamber of Commerce?

24 MR. KANE: Same objection.

25 A. No, I'm not aware of any.

1 Mary Ginnane-Singer

2 Q. Do you know if the FACC has any
3 license agreement with the United States Chamber
4 of Commerce regarding its trademarks?

5 MR. ROSEN: Whose trademarks?

6 MS. SHEEHAN: The
7 French-American Chamber of Commerce's
8 trademarks.

9 A. Not that I'm aware of.

10 Q. The United States Chamber of
11 Commerce trademarks?

12 A. Not that I'm aware of.

13 Q. Has FACC at any time received
14 any request from the United States Chamber of
15 Commerce that the FACC must change its name?

16 A. The U.S. Chamber of Commerce,
17 at one point, expressed an objection or
18 opposition to the French-American Chamber of
19 Commerce using their name, French-American
20 Chamber of Commerce in the United States.

21 Q. When was that?

22 A. I believe it was 1991, the
23 early '90s.

24 Q. How did they make this
25 objection or opposition?

1 Mary Ginnane-Singer

2 A. I think they wrote -- I don't
3 know who it was addressed to, whether it was a
4 letter or memo written, where they expressed an
5 objection.

6 Q. Who was the letter sent to?

7 A. I don't know who they sent it
8 to. I don't remember who it was sent to.

9 Q. Was this an opposition as part
10 of a U.S. Trademark Office proceeding?

11 A. It coincided with the
12 French-American Chamber of Commerce application
13 to the Principal Register of the trademark
14 French-American Chamber of Commerce in the
15 United States, Inc.

16 Q. The objection was sent to the
17 FACC?

18 A. That's what I recall.

19 Q. And the FACC ^{later} letter obtained *JA*
20 the registration it was seeking?

21 A. Yes, it did.

22 Q. Did anything else happen
23 regarding this objection from the United States
24 Chamber of Commerce?

25 A. Not that I'm aware of. That

1 Mary Ginnane-Singer

2 was, I think, all there was.

3 Q. Does the FACC receive mail?

4 A. Yes.

5 Q. Does the FACC receive e-mails?

6 A. Yes.

7 Q. As far as you are aware, has
8 the FACC ever received e-mails intended for the
9 United States Chamber of Commerce?

10 A. Not that I'm aware of, no.

11 Q. As far as you are aware, has
12 the FACC ever received mail directed to or
13 intended for the United States Chamber of
14 Commerce?

15 A. No, not that I'm aware of.

16 Q. Has the FACC ever received
17 phone calls intended for the United States
18 Chamber of Commerce?

19 A. Not that I'm aware of, no.

20 Q. Has the FACC ever received
21 voice mails intended for the United States
22 Chamber of Commerce?

23 A. Not that I'm aware of, no.

24 Q. Has the FACC ever received
25 membership applications intended for the United

1 Mary Ginnane-Singer

2 States Chamber of Commerce?

3 A. No, not that I'm aware of.

4 Q. Has the French-American Chamber
5 of Commerce ever been mistaken for the United
6 States Chamber of Commerce, as far as you are
7 aware?

8 A. Not that I'm aware, no.

9 Q. Has FACC ever received checks
10 or donations intended for the United States
11 Chamber of Commerce?

12 A. No, not that I'm aware.

13 Q. Has FACC ever received
14 complaints that the name French-American Chamber
15 of Commerce is confusing?

16 A. No, not that I'm aware of.

17 Q. Were you contacted by the
18 United States Chamber of Commerce lawyers or the
19 United States Chamber of Commerce about the
20 subpoena?

21 A. I don't believe so. You mean
22 was the Chamber of Commerce contacted?

23 Q. Yes.

24 A. No, I don't believe so.

25 Q. As far as you are aware, the

1 Mary Ginnane-Singer
2 FACC was not contacted by the United States
3 Chamber of Commerce about your testifying today?

4 MR. ROSEN: Let me state here
5 that there were communications
6 between counsel for the FACC and
7 counsel for the U.S. Chamber of
8 Commerce. I was not a participant in
9 those communications, the written
10 communications portion, prior to
11 yesterday when I first spoke to you,
12 Eric.

13 MR. KANE: I believe that's
14 correct.

15 MR. ROSEN: I don't know how
16 the communications between the U.S.
17 Chamber of Commerce and -- the
18 counsel for the U.S. Chamber of
19 Commerce and counsel for FACC was
20 initiated. To the extent the witness
21 knows of anything relating to those
22 communications, those communications
23 are going to be privileged. With
24 that in mind, you can ask the
25 question, but I don't know if the

1 Mary Ginnane-Singer
2 witness even knows the answer to
3 that.

4 MS. SHEEHAN: That's fine.
5 Just give me a minute and we may have
6 a couple of additional questions.

7 (A recess was taken.)

8 MS. SHEEHAN: As a
9 housekeeping matter, I would like to
10 move Exhibits 1 through 5 marked for
11 identification into the record.

12 (Exhibits 1 through 5 received in
13 evidence.)

14 MR. KANE: I'm going to object
15 to Exhibit 1 in that the witness never
16 identified the first two pages. I'm
17 going to object to Exhibit 2 for lack
18 lack of foundation. The witness did not
19 know what the printout was. I'm going to
20 object to Exhibit 3 in that the witness
21 did not recognize anything beyond the
22 principal and supplemental registration
23 identified therein. I'm going to object
24 to Exhibit 5 in that the witness stated
25 she had no knowledge as to the document.

1 Mary Ginnane-Singer

2 MS. SHEEHAN: The objections
3 are noted and we'll bring the
4 objections up with the TTAB.

5 BY MS. SHEEHAN:

6 Q. I would like to ask the witness
7 if you would like to stipulate to have the
8 deposition signed outside the presence of an
9 attorney?

10 MR. ROSEN: We'll do that,
11 outside the presence of the court
12 reporter. That's fine. We'll do
13 that.

14 MS. SHEEHAN: No further
15 questions.

16 EXAMINATION

17 BY MR. KANE:

18 Q. I just have one quick question
19 for you, actually.

20 Earlier you mentioned that the
21 services that the FACC provided were binational
22 services. Do you remember that?

23 A. Services to promote binational
24 exchange? I don't remember the words I used.

25 Q. Would you consider the FACC to

1 Mary Ginnane-Singer

2 be a bilateral chamber?

3 MS. SHEEHAN: Objection.

4 MR. KANE: What's the reason?

5 MS. SHEEHAN:

6 Mischaracterizes her testimony.

7 MR. KANE: I'm asking if she
8 considers the FACC to be a bilateral
9 chamber. I'm not characterizing her
10 testimony.

11 MS. SHEEHAN: Objection, no
12 foundation to the question.

13 MR. KANE: I'm asking the --

14 MS. SHEEHAN: It's out of the
15 scope of the direct.

16 MR. KANE: No, you have asked
17 the witness about the
18 mission statement, what the purposes
19 and services were of the Chamber.
20 I'm asking her if she can
21 characterize the Chamber as a
22 bilateral chamber.

23 MR. CLARICK: I think the
24 objection is to the foundation for
25 the phrase "bilateral chamber." I

1 Mary Ginnane-Singer
2 don't think there is any foundation
3 for what that means.

4 Q. Do you understand what the word
5 "bilateral" means?

6 A. I understand it to be a -- a
7 bilateral chamber would be a chamber that
8 represents two different countries, and *JA*
9 businesses and members from both countries.

10 Q. Within that understanding of
11 the word "bilateral chamber," do you consider
12 the FACC to be a bilateral chamber?

13 A. Yes.

14 MR. KANE: No further
15 questions.

16 (Time noted: 2:01 p.m.)

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Mary Ginnane-Singer

ACKNOWLEDGMENT

I, MARY GINNANE-SINGER,
hereby certify that I have read the
transcript of my testimony taken
under oath in my deposition of
February 27, 2008, that the
transcript is a true, complete and
correct record of my testimony, and
that the answers on the record as
given by me are true and correct.



MARY GINNANE-SINGER

Subscribed and sworn to before me
this _____ day of _____, 2008.

_____, Notary Public

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Mary Ginnane-Singer

CERTIFICATE

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

I, NICOLE CANNISTRACI, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That MARY GINNANE-SINGER, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

That I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

That the attorney for Kenyon & Kenyon appeared on behalf of the Opposer, HISPANIC CHAMBER OF COMMERCE FOUNDATION, et al.

I further certify that said deposition was taken at Manatt, Phelps & Phillips, LLP, 7 Times Square, New York, New York on the 27th day of February, 2008 commencing at 12:00 p.m. and ending at 2:01 p.m.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, 2008.

Nicole Cannistraci

NICOLE CANNISTRACI

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Mary Ginnane-Singer

I N D E X

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ORIGINAL

IN RE: HISPANIC CHAMBER OF COMMERCE FOUNDATION, et al.
v.
UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION

Witness: MARY GINNANE-SINGER

Date: 2/27/2008

EXHIBITS 1 - 5

ELISA DREIER REPORTING CORP. (212) 557-5558
780 Third Avenue, 7th Floor, New York, NY 10017

Opp. No. 91-15631

Chamber of Commerce v.

Chamber of Commerce Foundation

and Hispanic Chamber of Commerce.

Patricia of Mary Elizabeth Singer

Applicant's Exhibit

1

Docket No. 27206-060

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p>Opposer,</p> <p>vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p>Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S NOTICE OF TAKING TESTIMONY DEPOSITION OF FRENCH AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES</p>
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TO OPPOSER AND ITS ATTORNEYS OF RECORD:

Pursuant to Trademark Rule 2.123(c) and the Federal Rules of Civil Procedure, Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant"), will take the testimony deposition, by oral examination, of French American Chamber of Commerce in the United States on Wednesday, February 27, 2008, beginning at 9:00 a.m. A copy of the subpoena for the witness is attached.

Applicant will take the deposition at the following address:

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036

The deposition will be conducted before an officer authorized to administer oaths and will be recorded by stenographic methods.

Opposer is invited to attend and cross-examine.

MANATT, PHELPS & PHILLIPS, LLP

Dated: February 8, 2008

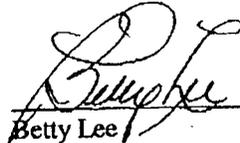
By: 
Jill M. Pietrini
Andrew Eliseev
*Attorneys for Applicant United States Hispanic
Chamber of Commerce Foundation*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S NOTICE OF TAKING TESTIMONY DEPOSITION OF FRENCH AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES** has been served upon the attorney for Opposer by facsimile and depositing a copy thereof in an envelope addressed to:

Erik C. Kane
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005
Fax: (202) 220-4201

on this 8th day of February, 2008.


Betty Lee

41205001.1

Issued by the
UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

The Chamber of Commerce of the United States of America,
 Opposer,
 V.

SUBPOENA IN A CIVIL CASE

United States Hispanic Chamber of Commerce Foundation,
 Applicant.

Case Number:¹ U.S. Patent and Trademark
 Office, Trademark Trial and Appeal Board
 Case No. 91-156,321

TO: The French American Chamber of Commerce in the United States
 122 East 42nd Street, Suite 2015
 New York, NY 10168

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Manatt, Phelps & Phillips, LLP; 7 Times Square, New York, NY 10118. See Schedule A attached hereto.	DATE AND TIME February 27, 2008, 9 a.m.
---	--

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Schedule B attached hereto.

PLACE Manatt, Phelps & Phillips, LLP; 7 Times Square, New York, NY 10118.	DATE AND TIME February 22, 2008, 9 a.m.
--	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Andrew Eliseev</i> Attorneys for Applicant	DATE February 9, 2008
---	--------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Andrew Eliseev Manatt, Phelps & Phillips, LLP; 11355 W. Olympic Boulevard, Los Angeles, CA 90064; Telephone: (310) 312-4384	
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(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) **Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply.

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is either a party or a party's officer from significant expense resulting from compliance.

(3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(3)(C). The court may specify conditions for the discovery.

(2) **Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to appear or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

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SCHEDULE A

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1. The date of the French American Chamber of Commerce in the United States' ("FACC") first use of its name and trademark FRENCH AMERICAN CHAMBER OF COMMERCE, or any other mark or name including CHAMBER OF COMMERCE (the "FACC Marks").

2. The types of products and services that the FACC offers, sells or sold under, or bearing or promoted as or under, the FACC Marks (the "FACC Products and Services").

3. The FACC's marketing and/or advertising of the FACC Products and Services.

4. The number and type of customers of the FACC Products and Services and/or the number of members of the FACC.

5. The amount spent by the FACC to advertise or promote the FACC Products and Services from inception to the present.

6. Publicity relating to the FACC Products and Services, including but not limited to, reviews, features, or mentions of the FACC Products and Services in any medium and all press releases relating to any FACC Products and Services.

7. Any instances of confusion between the FACC (or the FACC Products and Services) and the U.S. Chamber of Commerce (or its products and services).

8. Any instances of confusion between the FACC (or the FACC Products and Services) and the U.S. Hispanic Chamber of Commerce (or its products and services).

9. Allegations of trademark infringement or any challenges to the use or registration of the FACC Marks, if any, by the U.S. Chamber of Commerce against the FACC.

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SCHEDULE B

1. Representative samples of documents and things reflecting the advertising, promotion, offering for sale, and/or sale of FACC's Products and Services, including but not limited to, catalogs, advertisements, website pages, brochures, tradeshow materials, *etc.*
2. Representative samples of documents and things reflecting the total number of FACC members from inception to the present.
3. Representative documents and things reflecting any publicity relating to FACC's Products and Services, including but not limited to, press releases, articles, stories, or the like featuring, mentioning, or reviewing FACC's Products and Services.
4. Representative samples of documents and things reflecting the geographic scope of FACC's use of the FACC Marks.
5. Letters, emails, or the like reflecting communications with the U.S. Chamber of Commerce, membership in the U.S. Chamber of Commerce, or any agreements or licenses with the U.S. Chamber of Commerce.

41204057.1

Case No. 91-156321

Chamber of Commerce v.

Chamber of Commerce Foundation

and Hispanic Chamber of Commerce.

Records of Mary Queen Singer

Applicant's Exhibit

2

2 of 2 DOCUMENTS

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY

THIS DATA IS NOT AN OFFICIAL RECORD OF THE DEPARTMENT OF STATE OR THE STATE OF NEW YORK. LEXISNEXIS IS NOT AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF STATE OR THE STATE OF NEW YORK. THE DEPARTMENT OF STATE DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, REGARDING THIS DATA.

NEW YORK DEPARTMENT OF STATE

Company Name: FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES, INC.

Process Address:

S/S THE CORP.
1250 AVE OF AMERICAS
NEW YORK, NY 10019

Type: DOMESTIC NOT FOR PROFIT

Status: ACTIVE

Status Comment: AMENDMENT

Standing: NOTE: GOOD STANDING STATUS CAN ONLY BE DETERMINED BY PERFORMING A SEARCH IN THE RECORDS OF BOTH THE DEPARTMENT OF STATE CORPORATION RECORDS AND THE DEPARTMENT OF TAX AND FRANCHISE.

Filing Date: 10/21/1983

Duration: PERPETUAL

County: NEW YORK

Date of Incorporation/Qualification: 12/21/1925

Registered Agent: FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES, IN

Registered Office:

1350 AVE. OF THE AMERICA
NEW YORK, NY 10019

Prior Names:

CHAMBRE DE COMMERCE FRANCAISE DE NEW YORK, INC.

Type: ACTUAL

File Date: 10/23/1931

CHAMBRE DE COMMERCE FRANCAISE DES ETATS-UNIS, INC.

Type: ACTUAL

File Date: 7/5/1967

Opp. No. 91-156321

US. Chamber of Commerce v.

United States Hispanic Chamber of Commerce Foundation

Applicant United States Hispanic Chamber of Commerce.

2/27/08 Applicant's Exhibit

2

NEW YORK DEPARTMENT OF STATE

FRENCH CHAMBER OF COMMERCE IN THE UNITED STATES, INC.

Type: ACTUAL

File Date: 4/26/1977

Corporation Number: 20216

Microfilm Number: 247Q-22

History:

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 10/21/1983

Microfilm Number: B032048-3

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 4/26/1977

Microfilm Number: A395783-7

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 7/24/1975

Microfilm Number: A249403-5

Type: ANNULMENT OF DISSOLUTION (DOMESTIC NOT FOR PROFIT)

Effective Date: 7/5/1967

Microfilm Number: 627202-2

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 7/5/1967

Microfilm Number: 627203-4

Type: DISSOLUTION BY PROCLAMATION (DOMESTIC BUSINESS/NOT FOR PROFIT)

Effective Date: 10/15/1952

Microfilm Number: DP-4525

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 3/27/1950

Microfilm Number: 527Q-44

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 10/23/1931

NEW YORK DEPARTMENT OF STATE

Microfilm Number: 318Q-9

Type: AMENDMENT (DOMESTIC NOT FOR PROFIT)

Effective Date: 2/1/1926

Microfilm Number: 249Q-106

Type: INCORPORATION (DOMESTIC NOT FOR PROFIT)

Effective Date: 12/21/1925

Microfilm Number: 247Q-22

Case No. 91-156371

Member of Committee on

Inter-American Chamber of Commerce Foundation

and Hispanic Chamber of Commerce

Member of Mary Queen of Angels

Apartment's Board

3

Int. Cl.: 35

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,731,508

Registered Nov. 10, 1992

**SERVICE MARK
PRINCIPAL REGISTER**

**FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE
UNITED STATES, INC.**

FRENCH-AMERICAN CHAMBER OF COM-
MERCE IN THE UNITED STATES, INC.
(NEW YORK CORPORATION)
509 MADISON AVENUE
SUITE 1900
NEW YORK, NY 10022

FOR: CHAMBER OF COMMERCE SERVICES;
NAMELY, FOSTERING ECONOMIC, COMMER-
CIAL AND FINANCIAL RELATIONS BE-
TWEEN FRANCE AND THE UNITED STATES,
IN CLASS 35 (U.S. CL. 101).

FIRST USE 0-0-1980; IN COMMERCE
0-0-1980.

OWNER OF U.S. REG. NOS. 1,260,463,
1,260,464, AND 1,290,581.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHAMBER OF COMMERCE
IN THE UNITED STATES, INC.", APART
FROM THE MARK AS SHOWN.
SEC. 2(F).

SER. NO. 74-137,429, FILED 2-8-1991.

PATRICK, LEVY, EXAMINING ATTORNEY

Opp. No. 91-156321

US. Chamber of Commerce v.

United States Hispanic Chamber of Commerce Foundation

Applicant United States Hispanic Chamber of Commerce.

2/27/08 Applicant's Exhibit

3

H06062

Int. Cl.: 35

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,290,581

Registered Aug. 14, 1984

**SERVICE MARK
Supplemental Register**

**FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE
UNITED STATES, INC.**

French-American Chamber of Commerce in the
United States, Inc. (New York corporation)
1350 Avenue of the Americas
New York, N.Y. 10019

For: CHAMBER OF COMMERCE SERVICES
—NAMELY, THE FOSTERING OF ECONOMIC,
COMMERCIAL AND FINANCIAL RELATIONS
BETWEEN FRANCE AND THE UNITED
STATES, in CLASS 35 (U.S. Cl. 101).

First use 1980; in commerce 1980.

No claim is made to the exclusive right to use the
words "Chamber Of Commerce", apart from the
mark as shown.

Ser. No. 350,164, filed P.R. Feb. 16, 1982; Am.
S.R. Jul. 28, 1983.

AVIS FRAZIER, Examining Attorney

H06041

Document Description: Notice-Acceptance-Renewal

Mail / Create Date: 01-Apr-2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 1290581 SERIAL NO: 73/350164 MAILING DATE: 04/01/2005
REGISTRATION DATE: 08/14/1984
MARK: FRENCH-AMERICAN CHAMBER OF COMMERCE IN T ETC.
REGISTRATION OWNER: French-American Chamber of Commerce in t

CORRESPONDENCE ADDRESS:

LISA W ROSAYA
COUDERT BROTHERS
1627 I STREET, N.W.
WASHINGTON, D.C. 20006-4007

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
035.

GRANATA, SHARON D
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

H06042

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

[TDR Home](#)

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[FAQ: Are you seeing only the first page of this PDF document?](#)

If you need help:

- **General trademark information:** Please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone either 571-272-9250 or 1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail TDR@uspto.gov. If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](#).

NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

H06043

Case No. 91-15632F

Board of Commerce v

Board of Commerce Foundation

and Historic Chamber of Commerce

Trustees of Mary Queen Singer

Applicant's Exhibit

4

**French-American
Chamber of Commerce
in the U.S.**



Opp. No. 91-156321
US. Chamber of Commerce v.
United States Hispanic Chamber of Commerce Foundation
Applicant United States Hispanic Chamber of Commerce.
2/27/08 Applicant's Exhibit
4

Case No. 91-136321

Member of Congress v

Democratic Chamber of Commerce Foundation

and the Hispanic Chamber of Commerce

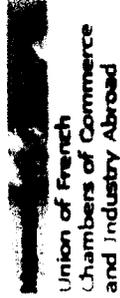
Association of Mary Chamber of Commerce

Department's Exhibit

5



French-American Chamber of Commerce New York



List of FACC Chapters | Member of the UCCIFE network |

Wednesday, February 20, 2008

YOUR CCIFE

- About us
- Calendar of Events
- Membership
- Membership Benefits
- Members directory
- Person of the Year Award Gala
- Tennis Tournament
- FACC Advertising and Sponsorship
- Trade Services



COMPANIES BENEFITTING COMPANIES

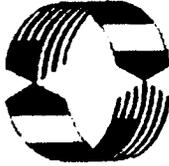
Welcome to the French American Chamber of Commerce in New-York

- Created in 1896, the FACC has 2 principal missions :
- Support strong economic relations between France and the United States
 - Promote the development of our member companies in the New York region

UPCOMING EVENTS

- Wednesday, March 5, 2008** A Corporate and Councilor member luncheon with David Jones, Global CEO, EuroRSCG Worldwide
- Thursday, March 6, 2008** FACC Board Meeting and FACC Executive Committee Meeting
- Thursday, April 17, 2008** J1 Visa and Immigration Update 2008

122 East 42nd Street
Suite 2015
New York, NY 10168
Tel: (212) 867-0123
Fax: (212) 867-9050
info@faccnyc.org



INTERNATIONAL CAREER DEVELOPMENT PROGRAMS

- About ICDP
- J-1 Visa News
- International Trainees in the United States
- American trainees in France
- Job opportunities

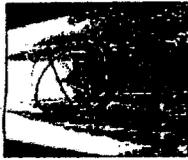
TO IMPORT, EXPORT, SET UP OPERATIONS IN THE USA

- MEMBERS DIRECTORY
- OUR EVENTS
- Events organized by our Chamber >>>
- BUSINESS FORUM
- JOB OPPORTUNITIES
- Consult or post opportunities in our **global CCIFE business forum** >>>
- Consult **job postings and positions** >>>

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Opp. No. 91-156321
US. Chamber of Commerce v.
United States Hispanic Chamber of Commerce Foundation
Applicant United States Hispanic Chamber of Commerce.
2/27/08 Applicant's Exhibit

5



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

About us

Since its founding in 1896, the French-American Chamber of Commerce (FACC) has become the most important private organization for promoting trade and investment between the United States and France.

The FACC's New York Chapter, the first and largest, offers its 550+ members a perfect forum to network, learn and develop their businesses. Its executive seminars, lectures and social events keep members informed and entertained, while its online Membership Directory facilitates contact among members and opens doors to influential people in New York's French-American business community. Lastly, our renowned International Career Development Programs (ICDP) offer training visas to hundreds of young professionals and students a year, helping a new wave of executives from both sides of the Atlantic to take their places in a global economy.

A private, not-for-profit association, the FACC also enjoys a special relationship with French government agencies, including the French Embassy's *Mission Economique*, Invest In France Agency and French domestic Chambers of Commerce. These vital contacts help our members find important commercial, financial and legal information about doing business on both sides of the Atlantic.

The French-American Chamber of Commerce in New York is a member of the *Union des Chambres de Commerce et d'Industries Francaises a l'Etranger* (UCIFFE) network, which spans 74 countries, 86 Chambers of Commerce, and 24,500 members worldwide, multiplying your opportunities for finding reliable overseas business contacts and partners.

Your Chamber

...> [About us](#)

...> [Role and missions](#)

Consult also...

...> [The list of other chapters](#)

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YOUR CCIFE

-- CALENDAR OF EVENTS



NEW YORK CHAPTER

- You will find in this section all types of events organized by our Chamber.
- For additional information, please contact us.

Next events of our Chamber

All events Any month 2008



➤ [A Corporate and Councilor member luncheon with David Jones, Global CEO, EuroRSCG Worldwide](#)

Date : Wednesday, March 5, 2008

Type : Luncheons debates

Place : Aquavit - 65 East 55th Street

...➔ [More information...](#)

➤ [FACC Board Meeting and FACC Executive Committee Meeting](#)

Date : Thursday, March 6, 2008

Type : Special Events

Place : Credit Industriel et Commercial, 520 Madison Ave.

...➔ [More information...](#)

➤ [J1 Visa and Immigration Update 2008](#)

Date : Thursday, April 17, 2008

Type : Seminars

Place : Nippon Club, 145 West 57th Street

...➔ [More information...](#)

➤ [FACC - NY Chapter Annual Member Meeting](#)

Date : Tuesday, April 22, 2008

Type : Annual meeting

Place : To be announced

...➔ [More information...](#)

Also consult...

➤ [Photo gallery](#)

➤ [Market news](#)

➤ [Approaching France](#)



Employment

Access to [job offers in the world](#)

...➔ [More information...](#)



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

Membership

When you join the French American Chamber of Commerce in New York (FACC-NY), your experience will be valuable and enjoyable. As a member, you will receive access to our Online Membership Directory and invitations to FACC events, where you can expand your business know-how and network at our high-level seminars, discussions and social gatherings. With the FACC-NY Membership Benefits Program/ *Programme Privilège*, you'll receive preferential terms on products and services from more a wide variety of member companies.

As an FACC member, you will be invited to our seminars, networking events, gala dinners and other events where you can see old friends, make new ones and get to know other influential and interesting people. FACC membership will also allow your company to participate in our International Career Development Programs, training and exchange programs for skilled young professionals and students, and to receive personalized attention when obtaining J-1 visas (training permits) for the international interns you are hosting.

We offer five levels of membership to satisfy a wide range of business objectives:

 **Download a Membership Application Form (156Ko) here and join today!**

1. Corporate Membership - \$2,000 annual dues

Created for companies that wish to maintain a high profile in the French-American business community, Corporate Membership provides benefits for up to **six individuals** - one corporate representative and five additional members. Corporate membership *includes all benefits of Councilor membership (below)*, plus:

- Company receives 3 Young Executive memberships for \$500 (a \$100 savings)
- Company may have one guest attend FACC events at

Membership

- ...> Membership
- ...> [Membership Benefits](#)

Consult also...
The worldwide members directory of the French Chambers of Commerce and Industry Abroad

...> [More...](#)

the member price

2. Councillor Membership - \$750 annual dues

Designed for individuals who seek a high level of participation in the French-American business community. Councillor membership includes all benefits of Active membership (below), plus:

- Invitations to Corporate and Councillor events
- Members are eligible to serve on the FACC Board and Committees

3. Active Membership - \$500 annual dues

Designed for individuals who wish to participate in regular French-American Chamber of Commerce events. Active membership includes all benefits of Associate membership (below), plus:

- Company is eligible to host trainees, interns, and Volunteers for International Experience (VIEs) on a J-1 visa through the Chamber's International Career Development Program

4. Associate Membership - \$300 annual dues

Intended for those who are not active in the business sector, including not-for-profit organizations, academics and individuals who are retired corporate executives.

Associate Member benefits include all of the benefits of Young Executive membership (below) plus:

- Access to and listing in the FACC Online Membership Directory

5. Young Executive Membership - \$200 annual dues

Young Executive Membership is reserved for entry to middle-level managers who are 35 years old or younger. Young Executive Member benefits include:

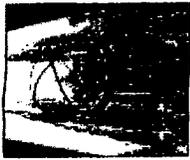
- Invitations to all regular FACC events
- Invitations to all Young Executives member events
- Access to Online Membership Directory
- FACC-NY 2008 Membership Card for special terms on products and services from other member companies
- Company is eligible to offer products and services as part of the FACC Membership Benefits Program/Programme Privilege

French-American Chamber of Commerce in New York

For more information about FACC membership, call Martin Bischoff, at (212) 867-1664, or mbischoff@faccnyc.org

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**YOUR CCIFE
MEMBERSHIP**



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

Membership Benefits Program

Now in its fourth year, the FACC-NY Membership Benefits Program / Programme Privilège provides FACC-NY members with exclusive discounts and special offers from other member companies.

- ...→ [Membership](#)
- ...→ [Membership Benefits](#)

The worldwide members dire
Industry Abroad

Click on logo to view company and offer details. For a full list of MBP offers, please click [here](#).

Bars, Restaurants & Specialty Foods

[Aquavit](#)

[The Bubble Lounge](#)

[D'Artagnan](#)

[La Bonne Soupe](#)

[Petrossian](#)

Retail and Luxury Goods

[Artemiam](#)

[è Shave](#)

[G&O Art](#)

[Giftybox](#)

[Liste Rouge - Paris](#)

[L'Occitane](#)

[Longchamp](#)

[Pierre Deux](#)

[Saint James](#)

[Zirh](#)

Travel & Lodging

[Air France](#)

[Aria Limousines](#)

[Jolly Hotel](#)

[Novotel](#)

[Renault Eurodrive](#)

[The Shoreham](#)

[Urban Living](#)

Business Services

[Airborne Visuals](#)

[Call-In-Europe](#)

[Inlingua Language Center](#)

[Means Language Center](#)

[Click here to view Membership Benefits in Paris](#)

Questions or comments - please contact us at info@facnyc.org or (212) 867-0123.

Please be advised that the French-American Chamber of Commerce is not related in any way to the companies participating in the FACCC-NY Membership Benefits Program / *Programme Privilège* and assumes no liability in connection with any utilization of the products or services provided. Offers are subject to change at any time with or without

notice without any responsibility whatsoever to anyone claiming the benefit of the program.

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BUSINESS CONTACTS
-- MEMBERS DIRECTORY



Our Chamber has 2 principal missions:

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

All about members

You wish to develop your activity? You wish to find commercial and industrial partners? Or to get information on a member from ... ?

Access our multi-criteria search motor and consult :

➤ **the Membership Directory of our Chamber**

...→ [Consult...](#)

➤ **the worldwide members directory of the French Chambers of Commerce and Industry abroad.**

...→ [Consult...](#)

You are already a member? Access is free once you have entered your login and your password.

You are not a member? Please complete the identification form and consult the members directory.

Consult

- The Membership Directory of our Chamber
- The worldwide members directory of the French Chambers of Commerce and Industry Abroad

...→ [Consult...](#)

To become a member

You wish to become a member of our Chamber and benefit from exclusive advantages

...→ [More ...](#)

YOUR CCIFE

PERSON OF THE YEAR AWARD GALA



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

New York's French-American Chamber of Commerce honors John A. Thain and Jean-François Théodore at the Chamber's 24th annual "Person of the Year" Award Dinner

Person of the Year

...→ [2007 Photo gallery](#)

...→ [2006 Person of the Year](#)

On November 15, 2007, the French-American Chamber of Commerce – New York Chapter held its 24th annual Gala at the Waldorf=Astoria Hotel to bestow the prestigious Person of the Year Award on John A. Thain, then Chief Executive Officer, and Jean-François Théodore, Deputy Chief Executive Officer, NYSE Euronext.

The evening featured testimonials by the Ambassador of France to the United States, His Excellency Pierre Vimont, and the President of the French-American Chamber of Commerce, Serge Bellanger.

In recognizing the contribution that both recipients have made in creating a global capital market and strengthening French-American economic cooperation, Serge Bellanger stated that "the [FACC] seeks to expand the flows of trade and investment between our countries and we believe John Thain and Jean-François Théodore have helped to do just that."

The world's first truly global exchange, the holding company NYSE Euronext was launched on April 4, 2007 following the merger of two renowned financial institutions – the New York Stock Exchange, then headed by Mr. Thain, and Euronext N.V., then headed by Mr. Théodore. The strategic merger, under the leadership of the honorees, created the world's largest and most liquid exchange group and today brings together six cash equities exchanges and six derivatives exchanges.

As stated by Ambassador Vimont, who highlighted the audacity, innovation, and vision shared by both leaders, "[NYSE Euronext] is the best illustration of the spectacular performance France and the United States can give when they join forces and start joint ventures and joint enterprises."

In their remarks, Mr. Thain and Mr. Théodore each addressed the importance of a prosperous and mutually-beneficial French-American economic alliance and detailed the role of NYSE Euronext in further strengthening this relationship. Both drew on the unique history of the relationship to describe how major marketplaces on both sides of the Atlantic have combined to mark a milestone for global exchanges and

become a leader for listings, equity and interest rate derivatives, and bonds. Indeed, Mr. Thain emphasized that this negotiation has "resulted in a tremendously powerful business organization but also a tremendously powerful social and cultural link between our nations."

Guests also had the opportunity to hear a candid interview between journalist David Barroux, New York Bureau Chief, *Les Echos*, and the honorees. During the interview, the challenges and opportunities currently surrounding this nascent venture were explored. Both Mr. Thain and Mr. Théodore emphasized the importance of furthering the integration process, developing the NYSE Euronext 'product mix', and extending a global footprint in regions such as Asia.

Following the Award Ceremony, guests enjoyed an impressive medley of Broadway, opera, jazz and soul hits sung by the popular Three Mo' Tenors. Guests were also treated to a commemorative bronze NYSE medal.

Corporate Patron sponsors of the 2007 Person of the Year Award Gala included BNP Paribas; Crédit Industriel et Commercial; Mazars LLP; NYSE Euronext; Orrick, Herrington & Sutcliffe LLP; and Société Générale Corporate & Investment Banking.

Corporate Benefactor sponsors included Air France; Baker & McKenzie; Calyon Americas; Crédit Industriel et Commercial; Deloitte; Ernst & Young; Invest in France Agency; Natixis; PricewaterhouseCoopers; Sanofi-Aventis; The Stanley Works; and Winston & Strawn.

Contributors included Atticus Capital, Daum, Lehman Brothers, and L'Oréal.

Photos are available in our [photo gallery](#).

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**YOUR CCIFE
- ADVERTISING**



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

**INCREASE YOUR BUSINESS THROUGH
FACC PROMOTIONAL OPPORTUNITIES**

ADVERTISING

ON THE FACC-NY HOMEPAGE:

Feature your Corporate Logo/Website Link on our Homepage

- The French-American Chamber of Commerce-NY website receives approximately 3,400 hits a day
- Your corporate logo and website link will be prominently featured and will boost traffic to your company's website, thereby increasing business and revenue
- Advertising will allow your company to reach a specific target market- the French-American business community in the New York area; this represents an influential and internationally-oriented segment of the market
- Advertising will emphasize your company's interest and visibility in this community
- Your company can select different advertising options according to needs and budget:

Duration	Member Rate	Non-Member Rate
1 month	\$300	\$450
3 months/quarterly	\$700	\$1,050
6 months	\$1,100	\$1,650

IN THE PROGRAM OF THE FACC'S "PERSON OF THE YEAR" GALA EVENT:

Feature your company's advertisement in the 24th Annual POY Program

- The Person of the Year Award Gala is the FACC's signature event and honors a French or American executive who has made an outstanding contribution to international business
- By placing an advertisement, you will recognize our honoree's accomplishments and enhance your

http://www.ccife.org/usa/new_york/yourccife/Advertising/ad.htm

company's visibility in the French-American business community

- Your advertisement will reach many high-level professionals who represent the most prominent French and American businesses; over 360 guests gathered in 2006, for example, to recognize Frederick W. Smith, Chairman, President, and CEO of the FedEx Corporation
- As a reference, please find enclosed the 2006 POY advertising contract (rates are subject to change)

For additional information and please contact the FACC at (212) 867-3596 or via email at info@faccnyc.org

SPONSORSHIP

SPONSOR AN FACC EVENT

- The FACC's New York Chapter, the first and largest, offers its 620+ members a perfect forum to network, learn and develop their business
- Our events are attended by high-level business leaders in the French-American community
- Our promotional information and invitations are sent to over 800 targeted contacts, providing invaluable exposure for organizations of all sizes
- By sponsoring an FACC event, you will have the opportunity to choose from a variety of promotional opportunities based on your level of commitment

FACC EVENTS:

[Annual European Chambers of Commerce Networking Event](#)

[16th Annual Tennis Tournament - The BNP Cup](#)

[Annual Person of the Year Award Dinner \(2006 Rates\)](#)

["Celebrate 2007" - FACC Holiday Reception \(2007 Rates\)](#)

For additional information and please contact the FACC at (212) 867-2069 or via email at info@faccnyc.org

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FRENCH-AMERICAN CHAMBER OF COMMERCE

TRADE SERVICES



Our Chamber has 2 principal missions:

- ▶ Support strong economic relations between France and the United States
- ▶ Promote the development of our member companies in the New York region

TRADE SERVICES

- Developing your business in the **U.S. market?**
 - Improving your **market knowledge?**
 - Looking for **business partners?**
 - **Setting up** your subsidiary?
- We provide a range of services to Small and Medium-sized companies that intend to start up operations in the U.S. market.**

- 1. Market Research** - To evaluate market trends, identify key actors, understand distribution networks and choose your first market access point.
- 2. Explorative Mission** - To test and verify your assumptions, make your first contacts, and estimate your project's viability, on the ground, in the U.S.
- 3. Business Prospecting Mission** -To identify and meet your partners and prospects, confirm your product positioning, and start your subsidiary.
- 4. Business Implementation** -To facilitate the creation of your company via our member network: lawyers, accountants, logistics, insurance...
- 5. Coaching and Consulting** -To avoid common obstacles and boost your business development.

Please click on the following links to view trade services brochure:

[Trade Services \(English\)](#)

[Trade Services \(French\)](#)

For additional information please contact our Trade Services Department:

Philippe Metals, Associate Director
 122 East 42nd Street, Suite 2015
 New York , NY 10168
 Tel: (212) 867-5499, Email: info@facccnyc.org

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INTERNATIONAL CAREER DEVELOPMENT PROGRAMS (ICDP)

--- ABOUT ICDP



Our Chamber has 2 principal missions:

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

About ICDP

The French-American Chamber of Commerce has helped prepare thousands of international young professionals and students for a future in the global economy. Each year, our International Career Development Programs (ICDP) department sponsors highly skilled young people, ages 18 to 35, for J-1 visas and provides trainee placement opportunities with U.S. and French FACC members.

"Cartier benefits in many ways from the gifted people who participate in the training programs - and FACC makes everything so simple. They are gracious and efficient. Their turn-around time for visas is exceptionally fast. Thanks to the Chamber, the program has worked out great for us."

Helen O'Shaughnessy
Richemont North America (Cartier)

We first opened our doors to exchange trainees in 1971 under the Mutual Educational and Cultural Exchange Act, when we brought Young French Professionals to train at U.S.-based companies. Since then, we have developed a range of exciting options for professional and student exchange in partnership with the French Embassy Cultural Services in Washington, and through our French partners: Ubifrance and *l'Office des Migrations Internationales* in Paris. In addition to these programs, we provide internships to French Volunteers for International Experience (VIEs) - corporate internships for eligible European citizens. Our U.S.-based sponsored training program has benefited more than 6,000 young French men and women since 1983. Similarly, we facilitate internship opportunities for Americans in France in industries that include banking, media, journalism and architecture.

"Quick... that's the best way to describe the staff at FACC. They process visas right away and they find solutions to any request we make. The students that work here bring us fresh new ideas and are always eager to learn."

Kareen Cavalerie
Arcelor International America

ICDP is the ideal mechanism for American and French companies to make their workplaces more diverse and international in scope. ICDP is only available to FACC members and, as a result, participants enjoy supportive, individually tailored service. The ICDP overseas experience benefits all

http://www.ccife.org/usa/new_york/icdp/about/about.htm

Internship profile



"I would really encourage people to participate in the internship program, and to turn to the FACC for their excellent assistance. They're very reassuring. They make you feel like you're not alone in this international learning experience. I feel very lucky."

...→ [Read the complete interview...](#)

Foreign American Chamber of Commerce in New York

participants. Trainees gain practical experience, knowledge, linguistic competency, and cross-cultural skills critical to leadership in today's international business community. FACC members have the opportunity to add bright professional trainees to their business operations and to strengthen their connections to overseas markets.

For both members and trainees, IDCP is an invaluable tool for remaining relevant in today's increasingly interdependent economy. For additional information please view [IDCP Presentation](#).

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INTERNATIONAL CAREER DEVELOPMENT PROGRAMS (ICDP)

J-1 VISA NEWS



Our Chamber has 2 principal missions:

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region



J-1 Visa News

Welcome to the J-1 Visa News page of the ICDP Department of the French-American Chamber of Commerce. On this page you will find the latest information on J-1 visa policies and procedures, and any news from the U.S. embassy in Paris, as well as from the U.S. State Department and the Department of Homeland Security that may impact visa issues and immigration. Please bookmark this page and check regularly for updates to stay informed on what is happening in the world of J-1 visas.

1. New J-1 Visa Regulations in Effect - On July 19th, 2007, new federal regulations governing the J-1 visa intern and trainee categories took effect. The new regulations contain significant changes in program operations and candidate eligibility. For additional information, please download our [summary memorandum](#) and [fact sheet](#) which outline these important changes.

2. New Visa Appointment System - The American Embassy in Paris has instituted a new online visa appointment service. This service is available 24 hours per day, seven days per week; a fee of \$14.00 (in Euros) is charged, which permits up to five family members to schedule their visa appointment together. Please visit www.usvisa-france.com for more information and to begin the appointment process. Persons who wish to speak to a live operator may continue to call 08-10-26-46-26. The live operator service is open Monday through Friday 8:00 a.m. to 5:00 p.m. Note that all candidates must have a credit card, passport, and Form DS-2019 serial number in hand at the time of the call. The cost of each call to the above number is €14.50.

3. Visa Applicant Forms - As of Monday, April 3, 2006, the U.S. Embassy will accept only the completed on-line application forms (DS-156 and DS-158). Handwritten or typed application forms can no longer be accepted after that date. Please note that Form DS-157 is also required of male applicants.

4. ICDP New Contact Information - As of December 10, 2005, the ICDP department has the following new contact information:

http://www.ccife.org/usa/new_york/icdp/j1_vis_a_news/j1_vis_a_news.htm

International Career Development Programs
122 East 42nd Street, Suite 2015
New York, NY 10168

Christopher Gallagher, Deputy Director: 212-867-0205
Annemarie van den Broeck, Assistant Deputy Director: 212-867-3596
Brett Grossman, Associate: 212-867-3603
ICDP Department Fax: 212-867-9050

4. SEVIS Fee – As of September 1, 2004 any J-1 visa applicant must pay a \$100 non-refundable fee which will be used to fund and maintain the new SEVIS registration system. J-1 visa applicants must pay this fee at least three (3) days prior to the interview date at the U.S. embassy. Please note that this SEVIS Fee is separate from the visa processing fee which is currently set at €100 in local currency by the U.S. embassy. The SEVIS Fee can be paid on-line with a credit card at www.fmjfee.com. For more information on the general J-1 visa application process, please see the website of the U.S. embassy in Paris at <http://www.amb-usa.fr/consul/niv/appointments/default.htm>

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NEW YORK

French-American Chamber of Commerce New York



Union of French
Chambers of Commerce
and Industry Abroad

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INTERNATIONAL TRAINEES IN THE UNITED STATES



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

International Trainees in the United States

ICDP

The FACC is authorized by the U.S. State Department to sponsor eligible trainees on a J-1 visa by issuing the Certificate of Eligibility, Form DS-2019. With this document, a foreign candidate with the offer of a training program from a company in the United States may apply for J-1 visa at the U.S. embassy in Paris. The J-1 visa allows participants in our program to come to the United States for up to 18 months for full-time, paid, practical training at an eligible FACC member company.

...> International Trainees in the United States
 ...> The host company
 ...> The candidate

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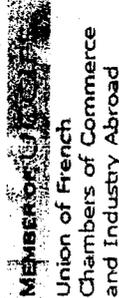
Prior to submitting an application, please read the J-1 Visa requirements.

HOST COMPANY / CANDIDATE

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French-American Chamber of Commerce New York



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INTERNATIONAL CAREER DEVELOPMENT PROGRAMS (ICDP)

AMERICAN TRAINEES IN FRANCE



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Our Chamber has 2 principal missions:

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

American Trainees in France

The FACC internship program for Americans in France brings together qualified young Americans aspiring to work in France and companies interested in hosting them as trainees or interns for up to 18 months.

Internship profile



"I would really encourage people to participate in the internship program, and to turn to the FACC for their excellent assistance. They're very reassuring. They make you feel like you're not alone in this international learning experience. I feel very lucky."

ICDP partners with French government agencies in order to assure quality service, and to assist our candidates in obtaining the visa and work authorization they need as quickly as possible. In the administration of the internship program for Americans in France, we work with the French Embassy Cultural Services in Washington, as well as the French immigration authority *l'Office des Migrations Internationales* (OMI) in Paris.

...➔ [Read the complete interview ...](#)

If you are an American citizen and are interested in a long-term (3 to 18 months) internship in the private sector in France and are between the ages of 18 and 35, please contact us at icdp@faccnyc.org or by telephone at 212-867-3596 for more information.

If you are interested in a short-term internship (1-9 months) in the public or cultural sector, please contact our partner organization, the French Embassy Cultural Services. You can visit their website at www.frenchculture.org.

For additional program information, please view our [complete presentation](#).

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French-American Chamber of Commerce New York



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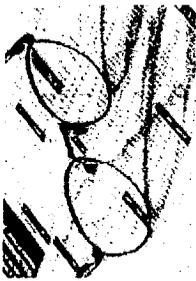
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EMPLOYMENT SECTION



» 14 resumes and 8 offers available on this site

International Career Development Programs

Overview of the employment service

Candidate: If you are not legally authorized to work in the United States, or if you will now or in the future require sponsorship for employment visa status, please do not post your resume. It will not be taken into consideration. Thank you.

Candidate

» [Access your section](#) to post your resume and search job openings
...» [Click here...](#)

Company

» [Access your private section](#) to search resumes and post available jobs
...» [Click here...](#)

Contact: International Career Development Programs

E-mail: icdp@faccnyc.org

Tel.: (212) 867-0123

Fax: (212) 867-9050

[[General terms for the collection and use of personal information](#)]

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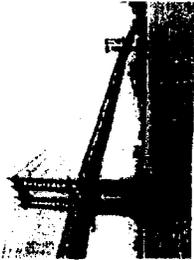
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INFORMATION ABOUT THE USA

INFORMATION



Country Data

> Geography:

Area: 9,629,091 sq. km.
Ten largest rivers:

- Missouri : 2,540 miles
- Mississippi : 2,340 miles
- Yukon : 1,980 miles
- Rio Grande : 1,900 miles
- St. Lawrence: 1,900 miles
- Arkansas : 1,460 miles
- Colorado : 1,450 miles
- Atchafalaya : 1,420 miles
- Ohio : 1,310 miles
- Red: 1,290 miles

> Deserts

- Chihuahuan - North Central Mexico and Southwestern United States (Arizona , New Mexico , Texas) - 175,000 sq. miles
- Great Basin-Western U.S. (Idaho , Nevada , Oregon , and Utah) - 158,000 sq. miles
- Sonoran - Southwestern U.S. (Arizona , California) and parts of Mexico (Baja Peninsula , Sonora)
- Mojave - Southwestern U.S. (Arizona , California , Nevada) - 25,000 sq. miles

Lowest point: Death Valley , Calif. 282 ft . (86 m) below sea level

Highest point: Mount McKinley , Alaska 20,320 ft . (6,198 m) above sea level

> Population
2001: 281.4million

Ten largest metropolitan areas (based on population):

http://www.ccife.org/usa/new_york/infocountry/data/country_data.htm

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French-American Chamber of Commerce in New York

- New York (21,199,865)
 - Los Angeles (16,373,645)
 - Chicago (9,157,540)
 - Washington , DC (7,608,070)
 - San Francisco (7,039,362)
 - Philadelphia (6,188,463)
 - Boston (5,819,100)
 - Detroit (5,456,425)
 - Dallas (5,221,801)
 - Houston (4,669,571)
- › **Race**
- White: 75.1%
 - Black or African-American: 12.3%
 - Asian: 3.6%
 - Latino or Hispanic (of any race): 12.5%

› **Religion**

- Protestant: 56%
- Roman Catholic: 28%
- Jewish: 2%
- Other: 4%
- none: 10% (1989)

› **Health**

Average life expectancy: 77.2 years (2001, all races, U.S. CDC)
 Infant Mortality Rate: 6.63 per 1,000 live births ('99-01, all races, U.S. CDC)

Health Insurance Statistics

- 61.3% of population covered by employment based insurance
- 25.7% by government programs
- 15.2% uninsured

2001 National healthcare expenditure:

- \$1.4 trillion, up 8.7% from 2000
- 13.3% of GDP, largest share of any industrialized country; compares to 10.6% in Germany and 9.3% in Canada and France

Sources: For additional Country Data, please visit the following sites:

- CIA World Factbook: <http://www.cia.gov/cia/publications/factbook/>
- U.S. National Parks Service: <http://www.nps.gov/rivers/waterfacts.html#lengths>

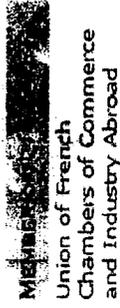
http://www.ccife.org/usa/new_york/infocountry/data/country_data.htm

- U.S. Census Bureau: Details at:
http://factfinder.census.gov/home/saff/main.html?_lang=en
- U.S. Center for Disease Control and Prevention:
<http://www.cdc.gov/nchs/hus.htm>
- Factmonster.com:
<http://www.factmonster.com/ipka/A0108853.html>
- U.S. Department of Defense: <http://www.dod.gov/pubs/dod101/>
- U.S. Department of Education:
<http://www.ed.gov/about/landing.jhtml>

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French-American Chamber of Commerce New York



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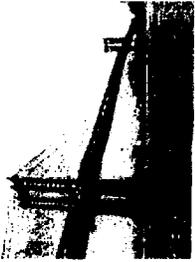
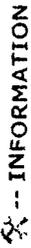
- Other French-American Chambers of Commerce
- Comité des Associations Françaises: <http://www.cafusa.org/>
- French Consulate in New York : <http://www.consulfrance-newyork.org/>
- French Institute Alliance Française: <http://www.fiaf.org/>
- French-American Foundation: <http://www.frenchamerican.org>
- French Embassy "Mission Economique": <http://www.dree.org/etatsunis/>

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INFORMATION ABOUT THE USA



Useful sites

General Information about the United States :

- French Embassy in the United States : <http://www.info-france-usa.org/>
- American Embassy in France : <http://www.amb-usa.fr/>

Starting a business in France or the United States :

In the United States :

- French Embassy "Mission Economique": <http://www.dree.org/etatsunis/>
- U.S. Small Business Administration: <http://www.sba.gov>

Consult our Member Directory for contacts in

- U.S. Commercial Development
- Law
- Accounting
- Import/export
- Banking
- Insurance
- Language instruction
- Real estate
- Recruiting
- ...and more

In France :

- Network of French Chambers of Commerce and Industry Abroad: www.uccife.org
- Network of Chambers of Commerce and Industry (CCI) in France : <http://www.acfci.cci.fr/>
- Paris Chamber of Commerce: www.cci.fr
- Invest in France Agency: <http://www.investinfrance.org/NorthAmerica/>

Select Government sites:

http://www.ccife.org/usca/new_york/infocountry/sites/useful_sites.htm

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France :

- French Government Portal: <http://www.admifrance.gouv.fr/>
- Présidence de la République: <http://www.elysee.fr/>
- Prime Minister: <http://www.premier-ministre.gouv.fr/fr/>
- Senate: <http://www.senat.fr/>
- National Assembly: <http://www.assemblee-nat.fr/>
- Ministry of Culture & Communication: <http://www.culture.gouv.fr/>
- Ministry of the Economy, Finance and Industry: <http://www.minefi.gouv.fr/>
- Ministry of Foreign Affairs: <http://www.diplomatie.gouv.fr/>
- French Government Tourist Office: <http://us.franceguide.com/>
- French Customs: <http://www.douane.gouv.fr/>

U.S.

- Office of the President: <http://www.whitehouse.gov/>
- U.S. House of Representatives: <http://www.house.gov/>
- U.S. Senate: <http://www.senate.gov/>
- U.S. Trade Representative Office: <http://www.ustr.gov>
- U.S. Customs and Border Protection: <http://www.customs.gov/>
- U.S. Department of Commerce: <http://www.commerce.gov/>
- U.S. State Department: <http://www.state.gov/>
- U.S. Internal Revenue Service (Dept. of the Treasury): <http://www.irs.gov/>
- U.S. Department of Homeland Security: <http://www.dhs.gov/dhspublic/>

New York City :

- Office of the Mayor of New York City - International Division: http://www.nyc.gov/html/unccp/html/international_biz/main.shtml
- New York City Economic Development Agency: www.nycedc.com

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NEWS SECTION
NEWS SECTION

NEWS FLASH...

- You will find all the news in this section
- You can access the details of the events .

The latest news

All sections (and) keywords : _____

➤ **"Meet the Executive" with Alexis de Bretteville, CEO of the Americas, Michael Page International**

Date : 01/23/08

Type : News of the Chamber

-> On January 23,

...> [Read the news...](#)

➤ **FACC Holiday Reception "Celebrate 2008"**

Date : 01/10/08

Type : News of the Chamber

-> The chic botanical-filled **Marithé & François Girbaud Boutique** in SoHo provided a unique setting for the January 10th French-Ameri

...> [Read the news...](#)

➤ **Wine and Cheese Tasting**

Date : 12/06/07

Type : News of the Chamber

->

On December 6, members and gues

...> [Read the news...](#)

➤ **Entrepreneur Roundtable Breakfast Discussion**

Date : 10/30/07

Type : News of the Chamber

->

Starting, growing, and managing a bus

...> [Read the news...](#)

➤ **U.S. Markets and the World Economy**

Date : 10/19/07

Type : News of the Chamber

->

On October 19, members and guests of the French-American Chamber of Co

...> [Read the news...](#)

➤ **Young Executive European Chambers of Commerce Networking**

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> [Photo gallery](#)

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> [Information about France](#)



Members directory

Visualise all the companies members of the French Chambers of Commerce and Industry Abroad in over 75 countries.

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French Chamber of Commerce and Industry : news section

Event

Date : 10/18/07

Type : News of the Chamber

-> On October 18th, 2007, Members and guests of the Austrian, Belgian, British, French, German, Italian, Luxembourg, Portuguese, Spanish and Swiss Chambe

[...> Read the news...](#)

↳ **FACC Corporate Member Luncheon featuring Tim Rothwell**

Date : 10/10/07

Type : News of the Chamber

->

On Tuesday, October 9, Corporate Members of the French-American Chamber of Commerce assembled for a spe

[...> Read the news...](#)

↳ **Créativité: Revolution by Design**

Date : 10/03/07

Type : News of the Chamber

->

On October 3, 2007, in

[...> Read the news...](#)

↳ **Fall Kickoff Networking Event: Beer and Wine Tasting**

Date : 09/27/07

Type : News of the Chamber

->

On September 27, to

[...> Read the news...](#)

↳ **Turbulence Ahead: Fastening Seatbelts and Tightening Credit**

Date : 09/19/07

Type : News of the Chamber

->

On Septe

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NEWS

-- CHAMBER PUBLICATIONS



Our Chamber has 2 principal missions :

- › Support strong economic relations between France and the United States
- › Promote the development of our member companies in the New York region

NAFTA, 14 YEARS LATER

Opening remarks

Serge Bellanger

President of the Union des Chambres de Commerce et d'Industrie Françaises à l'Étranger

The following remarks were delivered at the opening of the Forum on NAFTA which was held in Montreal on April 25th, 2007 jointly with the Annual Meeting of the French-American Chamber of Commerce National Chapter network.

NAFIC is the North American French Industrial Club based in Montreal, which organizes biannually a forum on NAFTA in cooperation with the French business communities, the Economic Missions as well as the French chambers of the three countries (U.S., Canada Mexico). A printable version is available at the following link.

Forum NAFIC 07

North American French Industrial Club
Montreal, April 25, 2007

We come together at the end of the first dozen years of NAFTA, the North American Free Trade Agreement. This historic agreement between Canada, the U.S. and Mexico has clearly offered all three countries a number of benefits. There have also been shortfalls and problems.

The principal evidence that NAFTA is working is the high level of trade among the three nations. These are among the largest trade flows in the world. However, it is not clear precisely how much of this expanding trade can be attributed to NAFTA. Even before NAFTA, the U.S. was the largest trading partner for both Canada and Mexico. And Canada has been Mexico's second largest trading partner after the U.S. Moreover, Canada and the U.S. had already signed their own free trade agreement five years before NAFTA.

One thing that is clear as we assess NAFTA is that many of the claims that were made and the fears that were expressed in the political debate that preceded the enactment of NAFTA have turned out to be misguided. The problems that emerged have not been the problems that were forecast. There were three principal focal points in the debate around NAFTA: the movement of jobs, the movement of goods and services, and the movement of people, and there were surprises in all three arenas.

With regard to jobs, U.S. Presidential candidate Ross Perot talked about a "giant sucking sound" that would result from NAFTA as they would be pulled out of the U.S. into Mexico. That giant sucking sound may be heard, but it is the sound of jobs being pulled out of North America, including Mexico, and being pulled into Asia, particularly China.

The first surprise

The first surprise about NAFTA has been the growing impact of globalization. The competitive position of all three NAFTA signatories is being challenged and changed by the expansion of the global economy. NAFTA is like a telenovela on Mexican television, in which the interaction of three central characters is suddenly interrupted by the unexpected arrival of an outsider. That outsider is the global economy. And it is affecting the competitive position of the three NAFTA nations differently.

Canada's mineral wealth and natural resources are benefiting mightily from a burgeoning global demand for natural resources that has driven up commodities prices.

The U.S. meanwhile, is finding its industrial economy is being challenged by foreign competition. There has been a hollowing out of American industry as production and manufacturing jobs is moved off shore and a growing number of other activities are being outsourced to foreign destinations.

The biggest surprise

The biggest surprise, however, has probably been Mexico. On both sides of the Rio Grande River, there was an unspoken assumption that Mexico would become the low cost production center for the U.S. market. This was embodied in the maquiladora industry model, in which U.S. companies established operations in Mexico just across the border to capitalize on low Mexican wages and high U.S. demand.

But it turns out that it is often cheaper to make many products in Asia rather than Mexico. Many of the jobs that the U.S. has lost and that Mexico anticipated getting are now in China, or Vietnam or Bangladesh. If Mexico is to be competitive, it must carve out specialties that don't depend on having rock bottom wages.

A second set of surprises has to do with the free circulation of goods. One of the basic objectives of NAFTA was to facilitate the easy movement of goods and services, of investment and trade. That was, in fact, proceeding during the first half dozen years of NAFTA. Then came 9/11. In response to that event, the U.S. has become much more careful about the movement of goods as well as people. Since then Canada has had incidents that suggested it was at risk of having its own 9/11. The result has been closer scrutiny of goods in motion.

Interwoven with the goal of facilitating the free circulation of goods, NAFTA had another goal: easing the movement of people. Indeed, there have been steps to enable workers, particularly from Mexico, to move more freely in North America. But 9/11 has also made the movement of people more difficult.

However, there is another surprise as well: The movement of people has been affected by mounting concern about Mexican immigration. The U.S. is the land of immigrants, the melting pot of the world. Many people forget that the same is true of Canada -- it is also a nation of immigrants. But Mexican immigration has presented a special problem. Two rich nations lie just across a small river from a much poorer nation. Millions of people have sought a better life for themselves and their children by crossing that river, by legal or illegal means.

One of the basic objectives of NAFTA was to help close the income gap between Mexico and the U.S. in the belief that a more prosperous Mexican population would not be so eager to emigrate to the U.S. But this does not happen overnight.

Changing emigration patterns

Meanwhile Mexican emigration has changed during the NAFTA era. Mexicans are no longer coming across the border and stopping in Arizona or California, as was the case in the past. They are increasingly spreading through the U.S. There are now tens of thousands of Mexicans in Chicago and New York as well as in Phoenix and Los Angeles. There has also been a relatively large increase of Mexican migration to Canada, although the aggregate numbers remain small.

This growth has created deep concern about its economic and cultural effects on the U.S. Many Mexican immigrants are in the U.S. illegally. The issue of illegal immigration is a difficult one not only for economic reasons but also for social and political reasons as well. The U.S. political system is still struggling to find an answer to this problem.

The issues of globalization, terrorism, and illegal immigration were not on the minds of those who created NAFTA. But the three countries involved must find answers to them if NAFTA is to realize its full potential.

The answers are not only important for North America. Europe is searching for answers to many of the same questions. The European Union has expanded to include poor nations of Eastern Europe. This has created many economic efficiencies and benefits. But the Polish plumber has become the symbol of the Eastern Europeans who have come, legally and illegally, to the West. And Europe is still trying to come to grips with an even larger version of the same issue. Turkey is knocking at the door of the EU. Can Europe adapt to a nation whose population is far larger than even the largest European countries and whose history and culture is very different? The fears and debates that Europe is facing are well known in the U.S. and Canada.

NAFTA's global dimensions

In short, the outcome of NAFTA is not a local issue, it is a global one. It is global because the forces that are shaping the relationship among the three countries of North America and the competitiveness of their economies are global in nature. The results of NAFTA not only depend on what happens in North America but also what happens in Asia and Europe.

And it is global because the lessons of NAFTA will be taken to heart around the world, particularly in Western Europe as it grapples with how to deal with Eastern Europe and Turkey. NAFTA is also relevant to Asian nations which are seeking to come together in economic and political alliances. These must involve countries of varied levels of prosperity, and they also must involve two countries, China and India, whose economies cast a long shadow on their neighbors in much the same way that the U.S. does

North American Chamber of Commerce in New York

in North America. So as we assess NAFTA and the competitive position of North America, we will also be assessing the implications for nations around the world.

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NEWS

COMMUNITY NEWS



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

**Introducing the Club 600 Entrepreneurship Award
In honor of Dominique Mercier - Helping Young Francophone
Entrepreneurs Succeed in the US Market**

NEW YORK (January 2008) - Club 600, Inc. has created the annual Entrepreneurship Award in honor of Dominique Mercier to reward an innovative US business project led by a young Francophone entrepreneur. It was created to honor the memory of one of its members, the late Dominique Mercier, who was a very successful business entrepreneur.

In order to be eligible to participate in the competition, the proposed project must be in a pre-launch or start-up phase, for profit, for the US market and led by a young (under 35 years old) French-Speaker. Each candidate is expected to submit a business plan according to the format provided by Club 600. The competition is judged by a group of Club 600 members representing a range of expertise in many areas of business and specialized industries.

The winner will receive a year-long consultation package valued at \$100,000 focused on strategy, legal, accounting and finance from a Club 600 project team with relevant business or industry experience. Additionally the winner is awarded a \$10,000 cash prize to fund his venture, and a one-year guest invitation to access the Club 600 professional network.

"It is just great to be able to help a young Francophone entrepreneur and give him all the chances to be successful" says Emmanuel Cargill, Entrepreneurship Award Committee Chair.

Club 600 was established in 1985 by a group of French-speaking business executives in New York City. Their intention was to create a forum for the exchange of ideas and experiences amongst Francophones living in New York and to contribute to the development of economic, commercial and financial relations between French and American business entities. The Club continues the same mission and today is composed of senior managers and owners of US companies with more than 100 members in four chapters (New York, Miami, France and Mexico).

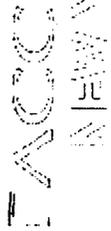
French-American Chamber of Commerce in New York

Members of the Club 600 Entrepreneurship Award are: Emmanuel Cargill (Marnier Lapostolle), Ariane Daguin (Dartagnan), Stephane Sigaud (Harris Interactive), Yves Coleon (Transmark), Patricia Carreras (IC&A), François Château (Salans), and Christian Millet (Logfret).

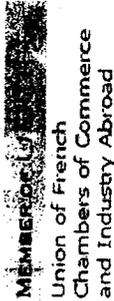
Information on the award can be found at www.club600award.com and all communication should be sent to info@club600award.com. Entries have to be submitted between February 1 and June 30, 2008.

#

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French-American Chamber of Commerce New York



List of FACC Chapters | Member of the UCCIFE network |

Thursday, February 21, 2008

YOUR CCIFE

- About us
- Calendar of Events
- Membership
- Membership Benefits
- Members directory
- Person of the Year Award Gala
- Tennis Tournament
- FACC Advertising and Sponsorship
- Trade Services

INTERNATIONAL CAREER DEVELOPMENT PROGRAMS

- About ICDP
- J-1 Visa News
- International Trainees in the United States
- American trainees in France
- Job opportunities

INFORMATION ABOUT THE USA

- Country data
- French community
- Useful sites

INFORMATION ABOUT FRANCE

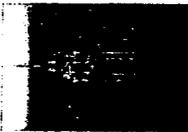
- News
- Approaching France
- Useful sites

NEWS

- Events and Photos
- Chamber News
- Community News
- French-American News

NEWS

FRENCH-AMERICAN NEWS SOURCES



Our Chamber has 2 principal missions :

- Support strong economic relations between France and the United States
- Promote the development of our member companies in the New York region

French-American news sources

· France

- Le Monde: www.lemonde.fr
- Le Figaro: www.lefigaro.fr
- Les Echos: www.lesechos.fr
- France 2: www.france2.fr
- France 3: www.france3.fr
- TF1: www.tf1.fr
- TV5: www.tv5.fr
- Liberation: www.liberation.com

· United States

- New York Times: www.nytimes.com
- USA Today: www.usatoday.com
- CNN: www.cnn.com
- Washington Post: www.washingtonpost.com
- Boston Globe: www.boston.com/news/globe
- Wall Street Journal: www.wsj.com

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Cancellation No.

92-045,876

EXHIBIT 5

**EXHIBIT 5 - REQUEST FOR LEAVE TO USE TRIAL TESTIMONY FROM
CASE NO. 91-155,821 IN THIS PROCEEDING
dated July 3, 2008 (Cancellation No. 92-045,876)**

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

-----X
In Re Application Serial No. 78/081,731 for U.S.

HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design
THE CHAMBER OF COMMERCE OF THE UNITED STATES OF
AMERICA,

Opposer,

vs.

Opposition No. 91-156,321

UNITED STATES HISPANIC CHAMBER OF COMMERCE
FOUNDATION,

Applicant.

-----X

February 28, 2008
12:20 p.m.

Deposition of MELISSA BROWN,
pursuant to Subpoena, held at the offices of
Manatt, Phelps & Phillips, LLP, 7 Times Square,
New York, New York, pursuant to Subpoena, before
Nicole Cannistraci, a Notary Public within and for
the State of New York.

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A p p e a r a n c e s :

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Attorneys for the Witness
919 Third Avenue, 39th Floor
New York, New York 10022
BY: BRIAN C. DUNNING, ESQ.

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IT IS HEREBY STIPULATED AND
AGREED, by and between the attorneys for the
respective parties hereto, that the sealing
and filing of the within deposition be
waived; that such deposition may be signed
and sworn to before any officer authorized to
administer an oath with the same force and
effect as if signed and sworn to before a
Justice of this Court.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination and any
corrections thereto may be signed before any
Notary Public with the same force and effect
as if signed and sworn to before this Court.

1 Melissa Brown

2 M E L I S S A B R O W N, been first duly sworn
3 by Nicole Cannistraci, a Notary Public of the
4 State of New York, was examined and testified as
5 follows:

6 EXAMINATION

7 BY MS. SHEEHAN:

8 Q. State your name and address for
9 the record.

10 A. Melissa Brown, 256 East 89th
11 Street, New York, New York 10128.

12 Q. Could you please state your
13 place of employment.

14 A. The Spain-U.S. Chamber of
15 Commerce.

16 Q. What is your role or position
17 there?

18 A. Deputy Director.

19 Q. What are you -- what duties do
20 you perform as Deputy Director?

21 A. Do you mean what --

22 Q. What are your responsibilities
23 and what tasks do you perform?

24 A. I assist with oversight of
25 office management, oversight of office

Elisa Dreier Reporting Corp. (212) 557-5558
780 Third Avenue, New York, NY 10017

1 Melissa Brown

2 activities.

3 Q. What is the location of The
4 Spain-U.S. Chamber of Commerce in the United
5 States?

6 A. In New York City, in the Empire
7 State Building.

8 Q. Is it okay as we go through the
9 deposition if I refer to the Chamber of Commerce
10 as The Spain-U.S. Chamber for short?

11 A. Yes.

12 Q. How long have you held this
13 position at The Spain-U.S. Chamber?

14 A. Two years.

15 Q. Have you had any other
16 positions at The Spain-U.S. Chamber prior to
17 this position?

18 A. Yes.

19 Q. What were those positions?

20 A. Membership Associate and
21 Professional Exchange Program Manager.

22 Q. How many years did you hold
23 each of those positions?

24 A. Sorry, I have to do the math.

25 I have been working at The Spain-U.S. Chamber of
Elisa Dreier Reporting Corp. (212) 557-5558
780 Third Avenue, New York, NY 10017

1 Melissa Brown

2 Commerce since 2002.

3 Q. You started as a Professional
4 Exchange Associate?

5 A. I would say I held both of
6 those positions at the same time, so six years
7 for each.

8 Q. What were your duties in those
9 positions?

10 A. As the Membership Associate, it
11 was my responsibility to recruit new members and
12 manage the members that we currently had.

13 Q. And the second title?

14 A. For the Professional Exchange
15 Program I was responsible for liaising with the
16 U.S. Department of State in sponsoring J1 visa
17 traineeships for the US.

18 Q. In your role as Membership
19 Associate, how did you recruit new members?

20 A. Setting up meetings, attending
21 events, even through research in finding which
22 companies would have interest -- would have
23 interest in Spain-U.S. business relations.

24 Q. What kind of meetings would you
25 set up?

1 Melissa Brown

2 A. Informational meetings where I
3 presented the services that the Chamber could
4 offer.

5 Q. What kind of events would you
6 attend?

7 A. Like trade events, trade shows,
8 networking events.

9 MS. SHEEHAN: We'll have this
10 marked as Exhibit 1.

11 (Subpoena marked Exhibit 1
12 for identification.)

13 Q. Take a minute to look it over.
14 Have you seen this document before?

15 A. I believe it was this document.

16 Q. Can you identify this document?

17 A. Do you mean what is this
18 document?

19 Q. Yes.

20 A. It's a subpoena.

21 Q. A subpoena sent to whom?

22 A. It was sent to The Spain-U.S.
23 Chamber of Commerce.

24 Q. Did you ever receive this
25 document?

1 Melissa Brown

2 A. It was addressed directly to
3 the Executive Secretary of The Spain-U.S.
4 Chamber of Commerce.

5 MR. DUNNING: We'll stipulate
6 the Chamber received it and we are
7 going to waive any objections you
8 might think we have about the
9 service.

10 Q. Are you here testifying in
11 response to this subpoena?

12 A. Yes.

13 Q. When and where was The
14 Spain-U.S. Chamber established?

15 A. In New York City in 1959.

16 Q. What is the objective or
17 mission statement of the U.S. Chamber --
18 sorry -- Spain-U.S. Chamber?

19 A. To promote business relations
20 between Spain and the United States.

21 Q. How does it promote business
22 relations between Spain and the United States?

23 A. Through the services it offers.

24 Q. What services does The
25 Spain-U.S. Chamber currently offer?

1 Melissa Brown

2 MS. SHEEHAN: I would like to
3 have this marked as Exhibit 2.

4 (Spain, The Business Link
5 marked Exhibit 2 for
6 identification.)

7 Q. Take some time to look over the
8 document I just handed you. Do you recognize
9 this document?

10 A. Yes.

11 Q. What is this document?

12 A. Spain, The Business Link
13 Magazine.

14 Q. This magazine is published by
15 The Spain-U.S. Chamber of Commerce?

16 A. Yes.

17 Q. How often did you say?

18 A. Twice yearly.

19 MR. KANE: Counselor, before
20 I object, I want to know was this
21 document produced to you by The
22 Spain-U.S. Chamber?

23 MS. SHEEHAN: No.

24 MR. KANE: Then I'm going to
25 object to this document in its late

1 Melissa Brown
2 production after the close of
3 discovery, that we never have seen
4 this document before today.

5 MR. DUNNING: This looks like
6 it was downloaded from the Web; is
7 that right?

8 MS. SHEEHAN: Yes, it's
9 available on the Web site.

10 Q. Who is The Business Link sent
11 to?

12 A. Members of The Spain-U.S.
13 Chamber of Commerce.

14 Q. Is it sent through the mail?

15 A. Yes.

16 Q. Is it also available online?

17 A. Yes.

18 Q. Is it sent to any non-members?

19 A. Yes.

20 Q. What non-members is it sent to?

21 A. Participants in the magazine
22 and people who request it.

23 Q. Who requests the magazine?

24 A. Who requests it? People in the
25 Spain-U.S. business community.

1 Melissa Brown

2 Q. Does it have a subscription
3 base?

4 A. Are you --

5 Q. Do people pay to receive the
6 magazine?

7 A. No.

8 Q. If a non-member requests to
9 receive it, they will receive the magazine twice
10 annually?

11 A. Yes.

12 MS. SHEEHAN: We will have
13 this marked as Exhibit 3.

14 (Newsletter Printout marked
15 Exhibit 3 for identification.)

16 Q. Have you seen this document
17 before?

18 A. Yes.

19 Q. Can you identify this document?

20 A. It's a printout of the
21 June 2007 electronic newsletter.

22 Q. Is this the newsletter that you
23 described that's sent on a regular basis?

24 A. Yes.

25 Q. How often is this newsletter

1 Melissa Brown

2 distributed?

3 A. Approximately monthly.

4 Q. Who is it distributed to?

5 A. Members and non-members of The
6 Spain-U.S. Chamber of Commerce.

7 Q. How is this newsletter -- how
8 does The Spain-U.S. Chamber of Commerce use this
9 letter?

10 A. Can you be more specific?

11 Q. What is the purpose of this
12 newsletter?

13 A. To keep members of the
14 Spain-U.S. business community as to what's
15 happening within their community and business
16 news and, of course, to share news about The
17 Spain-U.S. Chamber of Commerce.

18 Q. Is it used to announce events?

19 A. Yes.

20 MS. SHEEHAN: Exhibit 4.

21 (Newsletter Printout marked
22 Exhibit 4 for identification.)

23 Q. Can you identify this document?

24 A. Yes. This is a printout of the
25 January 2008 electronic newsletter.

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Melissa Brown

Q. Is this another example of the regular newsletter that you described?

A. Yes.

Q. This newsletter was sent to members and non-members?

A. Yes.

Q. Can you describe the J1 visa program?

A. Yeah. It's a program that allows companies to sponsor -- not to sponsor, to host J1 visa trainees -- trainees from throughout the world to participate in exchange programs for a period up to 18 months. The Spain-U.S. Chamber of Commerce sponsors those trainees. That's the difference.

Q. How many members does The Spain-U.S. Chamber currently have?

A. 420.

Q. Where are those members located?

A. Primarily in the U.S. and in Spain and there are a few members in Latin America.

Q. In the last five to six years,

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Melissa Brown

has the membership for The Spain-U.S. Chamber
changed?

A. Quantitatively, yes.

Q. In 2002, approximately how many
members did The Spain-U.S. Chamber have?

A. To the best of my knowledge,
130.

Q. In 2003, how many members did
The Spain-U.S. Chamber approximately have?

A. Approximately 160.

Q. How many in 2004?

A. Approximately 300.

Q. And in 2005?

A. Approximately 350.

Q. And in 2006?

A. I think at this point we're
getting closer and closer to the final number.

Q. Somewhere between 350 and 420?

A. Yes.

Q. What kind of entities belong to
The Spain-U.S. Chamber?

A. Companies that have interest in
Spain-U.S. business.

Q. What types of businesses are

1 Melissa Brown

2 they?

3 A. Do you mean what sector?

4 Q. Yes.

5 A. Banks, law firms, food
6 producers, PR companies, shipping companies.

7 Q. What is their typical size?

8 A. There is a wide range. There
9 is no typical size.

10 Q. Generally where in the United
11 States are they located for the United States
12 members?

13 A. For the U.S. members the
14 primary concentration is in the New York area.

15 Q. Does The Spain-U.S. Chamber
16 have chapters in the United States?

17 A. No.

18 Q. Could individuals belong to the
19 U.S. Chamber of Commerce, The Spain-U.S. Chamber
20 of Commerce?

21 A. Yes.

22 Q. Has the name of The Spain-U.S.
23 Chamber changed in any way through its
24 existence?

25 A. I'm not sure.

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1 Melissa Brown

2 Q. Could you say for at least how
3 long the name has been The Spain-U.S. Chamber of
4 Commerce in the United States?

5 A. Can you repeat the question?

6 Q. Could you say for at least how
7 long the name has been The Spain-U.S. Chamber of
8 Commerce in the United States?

9 A. I can tell you that's been the
10 same since I've worked there.

11 Q. Has The Spain-U.S. Chamber's
12 services changed over time?

13 A. Yes.

14 Q. In what way?

15 A. As you see, we've grown
16 significantly and so we're able to offer more
17 services.

18 Q. How was the Chamber able to
19 grow from 130 to 420 since 2002?

20 A. There is more services. I
21 guess it's hand-in-hand, more services and more
22 members.

23 Q. What new services have been
24 added?

25 A. Particularly the J1 visa

1 Melissa Brown

2 program has grown, was just started in 1999.
3 That's taken off. And the trade services, which
4 are listings and business referrals that I
5 mentioned before.

6 Q. Has The Spain-U.S. Chamber
7 applied to obtain or obtained any trademark
8 registrations?

9 A. I'm not sure.

10 MS. SHEEHAN: Mark that 5.

11 (Service Mark Principal
12 Register marked Exhibit 5 for
13 identification.)

14 Q. Can you identify this document?

15 MR. DUNNING: You can ask her
16 if she's seen it before. I think
17 that might be a better foundational
18 question.

19 Q. Have you ever seen this
20 document before?

21 A. No.

22 MS. SHEEHAN: I've handed the
23 witness a document from the United
24 States Patent and Trademark Office
25 titled Service Mark Principal

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Melissa Brown
Register, The Spain-U.S. Chamber of
Commerce.

Q. Now that I've identified this
document, are you able to identify what this
document represents?

MR. KANE: Objection, lack of
foundation.

THE WITNESS: If there is an
objection, do I answer the question?

MR. DUNNING: Well, you can
answer the question. Before we go
on, she has already said she hasn't
seen it before. Since she is not a
lawyer or specialist in trademarks, I
think it's pretty clear she is not
going to know from any personal
knowledge what this is. We can all
read it and see what it says and what
it purports to be. If what you're
trying to do is establish some
evidentiary basis for using it, my
guess is you can probably do that
without a witness. You may just want
to move on. If you have questions

1 Melissa Brown

2 about the trademark, the service
3 mark, itself, you may want to ask
4 those.

5 Q. Is the name The Spain-U.S.
6 Chamber of Commerce a name that the Spain-U.S.
7 Chamber uses on a regular basis?

8 A. Yes.

9 Q. How does it use the name The
10 Spain-U.S. Chamber of Commerce, in what way?

11 A. To identify the company.

12 Q. Is it used on letterhead?

13 A. Yes.

14 Q. Is it used on business cards?

15 A. Yes.

16 Q. Is it used on the Web site?

17 A. Yes.

18 Q. Is it used in invitations to
19 events?

20 A. Yes.

21 Q. Is it used in other
22 communications to members and non-members?

23 A. Yes.

24 Q. Can you think of any other
25 examples in which the name The Spain-U.S.

1 Melissa Brown

2 Chamber of Commerce is used?

3 A. No.

4 Q. Are you aware of any other
5 names using the phrase "Chamber of Commerce"
6 that The Spain-U.S. Chamber of Commerce has
7 registered or attempted to register as a
8 trademark?

9 A. No, I'm not aware of any.

10 Q. Does The Spain-U.S. Chamber use
11 a logo?

12 A. Yes.

13 Q. Can you describe that logo?

14 A. It is the official seal for
15 representing Spain in the United States.

16 Q. What does it look like?

17 A. It's a rectangle and it's --

18 MR. DUNNING: What I was
19 going to suggest, Counsel, you might
20 ask her whether there is anything in
21 the exhibits that she can point to to
22 create a record for you.

23 A. Yeah?

24 Q. Yes.

25 A. In the -- in Exhibit 4, in the

1 Melissa Brown

2 upper left-hand corner, that is one version of
3 the logo.

4 Q. You are describing the
5 rectangular box and the two small boxes to the
6 left of the larger box, one yellow, one red,
7 with the symbols inside the boxes?

8 A. Yes, but I am including the
9 text, but I'm not including the blue behind the
10 text.

11 Q. Is this logo always used with
12 the name The Spain-U.S. Chamber of Commerce?

13 A. Not always.

14 Q. It's sometimes used
15 independently?

16 A. Exactly, but those boxes are
17 not independent.

18 Q. Where else do you use that
19 logo?

20 A. Letterhead, business cards.

21 MR. DUNNING: Counsel, can I
22 just have a second?

23 (Witness and counsel
24 confer.)

25 Q. Does The Spain-U.S. Chamber

1 Melissa Brown

2 have a Web site?

3 A. Yes.

4 Q. What is the URL or Web site
5 address?

6 A. WWW.SPAINUSCC.ORG.

7 Q. How does The Spain-U.S. Chamber
8 use its Web site?

9 A. Can you be more specific?

10 Q. What content does The
11 Spain-U.S. Chamber place on its Web site?

12 A. Our membership, upcoming
13 events, past events, photos, trade information,
14 business listings. We include a copy of our
15 publications there, we include information about
16 the J1 visa there, and a resource center that
17 includes frequently asked questions.

18 Q. On the Web site and on those
19 different sections of the Web site, do you use
20 the name The Spain-U.S. Chamber of Commerce?

21 A. Yes.

22 Q. Do you visit the Web site on a
23 regular basis?

24 A. Yes.

25 MS. SHEEHAN: Mark this as

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1 Melissa Brown

2 Exhibit 6.

3 (Web Site Printout marked
4 Exhibit 6 for identification.)

5 Q. Have you seen this document
6 before? Take your time to look at it. I know
7 it's long.

8 A. Yes.

9 Q. Can you identify what it is?

10 A. Yes.

11 Q. What is it?

12 A. It's a printout of The
13 Spain-U.S. Chamber of Commerce Web site.

14 Q. In the seventh grouping of
15 papers on the second page --

16 A. Can you tell me the title of
17 the seventh grouping just to make sure?

18 Q. News and Events Overview. It
19 has a photo.

20 A. There we go.

21 Q. On the second page does that
22 page accurately reflect the events that The
23 Spain-U.S. Chamber of Commerce offers?

24 A. Can you be more specific?

25 Q. It lists networking,

1 Melissa Brown

2 receptions, business luncheons, conferences and
3 seminars, gala dinners, cultural gatherings.

4 Are those examples of events that The Spain-U.S.
5 Chamber of Commerce hosts?

6 A. Yes.

7 Q. Who attends those events?

8 A. Members of The Spain-U.S.
9 business community.

10 Q. Do non-members attend?

11 A. Yes.

12 Q. How do members and non-members
13 find out about the events?

14 A. Primarily via e-mail. Also
15 they may visit our Web site and occasionally we
16 may send out a mailing via post mail.

17 Q. What name is used when you send
18 out mailings about events, the organization?

19 A. What's the name of the
20 organization we use?

21 Q. That you put on the papers that
22 you mail to solicit people to come to the
23 events?

24 A. The Spain-U.S. Chamber of
25 Commerce.

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1 Melissa Brown

2 Q. The e-mail that is sent out to
3 promote the events, what would the e-mail
4 address be?

5 A. EVENTS@SPAINUSCC.ORG.

6 Q. At these events, are there any
7 materials distributed to attendees?

8 A. Occasionally.

9 Q. What name would be used on
10 those printed materials?

11 A. It depends on the event.

12 Q. For the conferences what name
13 would be used?

14 A. The sponsor.

15 Q. Who sponsors your events?

16 A. It depends on the events. You
17 might want to look at a specific event.

18 Q. For the networking receptions,
19 what name is used?

20 A. No materials are distributed
21 during networking receptions.

22 Q. Are there any displays or
23 banners during the event?

24 A. Yes.

25 Q. What is printed on those

1 Melissa Brown

2 displays or banners?

3 A. We include the names of the
4 organizations who have put on the event, who
5 organized the event, and sponsors.

6 Q. Is the name of the Chamber on
7 any of these materials?

8 A. Yes.

9 Q. What name would be used?

10 A. Spain-U.S. Chamber of Commerce.

11 Q. The next grouping is titled
12 News and Events, page 1 of 3 in the top right
13 corner. It says "The Spain-U.S. Chamber of
14 Commerce continue to post news about the Chamber
15 and its members."

16 A. Uh-huh.

17 Q. It notes Media Gallery on the
18 right-hand side?

19 A. Yes.

20 Q. What is that media gallery used
21 for?

22 A. That is where photos and video
23 are posted for actually anything we want, but
24 primarily events.

25 Q. Who would use the media

1 Melissa Brown

2 gallery, who would access the media gallery?

3 A. Anyone who accesses the Web
4 site.

5 Q. Are your events covered by the
6 media?

7 A. Sometimes.

8 Q. What media would cover your
9 events?

10 A. Newspapers.

11 Q. In the United States?

12 A. Occasionally.

13 Q. Can you give you me an example
14 of a United States newspaper that covered an
15 event?

16 THE WITNESS: Some help?

17 MR. DUNNING: I can give you
18 legal advice. I can't give you any
19 information. If you know the answer,
20 if you can answer it, you can provide
21 an example. If you don't remember
22 any names, just --

23 Q. You remember that a U.S.
24 newspaper or magazine did cover?

25 A. Yes, I just don't remember the

1 Melissa Brown

2 name.

3 Q. Can you turn in this document
4 to the clippings titled Membership?

5 A. Yes.

6 Q. It says a list of -- a small
7 selection of The Spain-U.S. Chambers?

8 A. Yes. These -- yes.

9 Q. How does a company or an
10 individual become a member of The Spain-U.S.
11 Chamber of Commerce?

12 A. By submitting an application
13 and paying their yearly dues.

14 Q. Does The Spain-U.S. Chamber
15 advertise for new members?

16 A. In our own publications.

17 Q. In any outside publications?

18 A. I'm not sure.

19 Q. In addition to the two we
20 looked at, The Business Link and the electronic
21 newsletter, are there any other publications
22 that The Spain-U.S. Chamber puts out?

23 A. Can you define "publications"?

24 Q. Any newsletters, mailings,
25 magazines?

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1 Melissa Brown

2 A. No.

3 MS. SHEEHAN: We'll identify
4 this as the next exhibit.

5 (Web Site Printout marked
6 Exhibit 7 for identification.)

7 Q. Have you seen this document
8 before?

9 A. No.

10 Q. Can you identify this document?

11 A. No.

12 MS. SHEEHAN: The exhibit is
13 withdrawn. Mark that, please.

14 (Tristate Edition, Spanish
15 Companies Doing Business in
16 New York, New Jersey and Connecticut
17 marked Exhibit 8 for
18 identification.)

19 Q. Have you seen this document?

20 A. Yes.

21 Q. Can you identify it?

22 A. Yes.

23 Q. What is it?

24 A. A directory of Spanish

25 companies doing business in New York, New Jersey

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Melissa Brown

and Connecticut compiled by the Spanish Chamber of Commerce.

Q. How is the directory used?

A. It's sold on our Web site.

Q. Can anyone purchase it off the Web site?

A. Yes.

Q. What other products does The Spain-U.S. Chamber of Commerce sell or provide?

A. There are several products related to this one. This one is in New York, New Jersey and Connecticut. We also have one that's more general for the United States, U.S. companies doing business in Spain. We also have a book that's called The Visa Guide, which explains the several different types of visas available to enter the United States. We have a guide to importing food to the United States.

Q. On all of these products and publications, is the name The Spain-U.S. Chamber of Commerce used?

A. Yes.

(Spanish Companies Doing

Business in the United States marked

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1 Melissa Brown

2 Exhibit 9 for identification.)

3 Q. Have you seen this document?

4 A. Yes.

5 Q. Can you identify it?

6 A. This is a few pages from the
7 directory of Spanish companies doing business in
8 the United States.

9 Q. And this is published and
10 directed by The Spain-U.S. Chamber of Commerce?

11 A. Yes.

12 Q. It always uses the name The
13 Spain-U.S. Chamber of Commerce on this
14 publication?

15 A. Yes.

16 (U.S. Companies Doing
17 Business in Spain marked Exhibit 10
18 for identification.)

19 Q. Have you seen this document
20 before?

21 A. Yes.

22 Q. Can you identify it?

23 A. Yes.

24 Q. What is it?

25 A. U.S. Companies Doing Business

1 Melissa Brown

2 in Spain, a printout from the directory.

3 Q. Is it published and distributed
4 by The Spain-U.S. Chamber of Commerce?

5 A. Yes.

6 Q. Is it sold on the Web site?

7 A. Yes.

8 MR. DUNNING: Just to be -- I
9 can voir dire the witness, but I just
10 want to point out, Counsel, I think
11 this isn't actually what you think it
12 is. It's U.S. Companies Doing
13 Business In Spain, but the next few
14 pages are Spanish companies doing
15 business in the United States.

16 THE WITNESS: Excuse me for
17 not catching that.

18 Q. The first page has on the --
19 you're right. Limiting it to the first page of
20 this document, does this represent the
21 publication U.S. companies doing business in
22 Spain?

23 A. Yes.

24 MR. KANE: I'm not quite sure
25 what the last page is, Counselor. I

1 Melissa Brown

2 don't know if it's the same on all
3 companies.

4 MS. SHEEHAN: I think that's
5 just on your company. You can take
6 that off.

7 Q. How are these and other
8 products of The Spain-U.S. Chamber of Commerce
9 advertised or promoted?

10 A. On our Web site.

11 Q. Who purchases these products?

12 A. Companies interested in selling
13 their product or doing business in one of these
14 two countries.

15 Q. Where are they located, the
16 purchasers?

17 A. Anywhere in the world.

18 Q. Does The Spain-U.S. Chamber
19 issue press releases?

20 A. Yes.

21 Q. Where does it distribute its
22 press releases?

23 A. Media and newspapers.

24 Q. In the United States?

25 A. Primarily Spain.

1 Melissa Brown

2 Q. How does it distribute the
3 press releases?

4 A. Do you mean through which means
5 of communication? E-mail.

6 (Press Release marked
7 Exhibit 11 for identification.)

8 Q. Have you seen this document?

9 A. No.

10 Q. Can you identify this document?

11 A. Can you be more specific? I
12 can read it.

13 Q. Is this a press release -- is
14 this the text of a press release that The
15 Spain-U.S. Chamber of Commerce distributed?

16 A. No.

17 Q. Has The Spain-U.S. Chamber of
18 Commerce opened an office in Atlanta?

19 A. No.

20 Q. Has it opened a chapter in
21 Atlanta?

22 A. No.

23 Q. Are there other organizations
24 that use the name The Spain-U.S. Chamber of
25 Commerce?

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Melissa Brown

A. Not to my knowledge. Can I step outside with counsel for a moment?

MS. SHEEHAN: We can take a break.

(A recess was taken.)

MR. DUNNING: Counsel, the witness has some information that might clarify this press release, so with your permission, I'll have her tell you what's on her mind. Why don't you explain for counsel what you just told me in the hallway about the Atlanta situation?

THE WITNESS: In Atlanta we have what could be considered a representative who issued this press release, I believe. I don't know who issued this press release, but he's a representative.

BY MS. SHEEHAN:

Q. Representative of The Spain-U.S. Chamber of Commerce?

A. Right.

Q. And what is his role? Does he

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1 Melissa Brown

2 promote The Spain-U.S. Chamber of Commerce?

3 A. Yes. If we have any events in
4 the area, they will let us use their space and
5 resources.

6 Q. So you do host events in
7 Atlanta, Georgia?

8 A. We haven't yet.

9 Q. Does The Spain-U.S. Chamber
10 organize conferences?

11 A. Can you define a "conference"?

12 Q. Organize events around a
13 specific topic of interest?

14 A. Yes.

15 Q. What kind of events or
16 conferences does The Spain-U.S. Chamber
17 organize?

18 A. Relating -- they are usually
19 pertinent to current events or current issues or
20 current topics that would be interesting to our
21 members.

22 Q. Where are they held?

23 A. Throughout New York City.

24 Q. Are they held outside of
25 New York City?

1 Melissa Brown

2 A. Not that I'm aware of.

3 Q. Does The Spain-U.S. Chamber
4 organize other events outside of New York City?

5 A. Not that I'm aware of.

6 Q. Who attends the events for The
7 Spain-U.S. Chamber of Commerce?

8 A. Members and non-members with an
9 interest in Spain-U.S. business.

10 Q. How many participants come to a
11 typical event of the Spain-U.S. Chamber?

12 A. It depends on the event. Is
13 your question specifically about conferences?

14 Q. Let's start with conferences.
15 How many participants typically attend
16 conferences?

17 A. I would say around fifty.

18 Q. What other kind of events does
19 the Spain-U.S. Chamber organize?

20 A. Networking events.

21 Q. How many people typically
22 attend the networking events?

23 A. Depending on the event, I would
24 say closer to eighty.

25 Q. How often does The Spain-U.S.

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Melissa Brown

Chamber host networking events?

A. Around six times per year.

Q. How often does The Spain-U.S. Chamber organize conferences?

A. It depends on the year, so around six times per year.

Q. Are there other seminars or workshops that the Spain-U.S. Chamber organizes?

A. Occasionally.

Q. What type of event would that be?

A. A workshop.

Q. What type of workshop has The Spain-U.S. Chamber organized in the past?

A. Specifically a communications workshop helping members to better communicate.

Q. Where would that be held?

A. That was held in the office of The Spain-U.S. Chamber of Commerce.

Q. How many people attended?

A. Seven.

Q. At the conferences and the networking events, do people travel from outside New York to attend?

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1 Melissa Brown

2 A. From outside New York City?

3 Q. Yes.

4 A. Yes.

5 Q. In addition to the Web site and
6 e-mails and mailings you mentioned before, how
7 does The Spain-U.S. Chamber promote or advertise
8 these events?

9 A. We occasionally partner with
10 other similar organizations. We post the events
11 on the marketplace for the New York Chamber of
12 Commerce -- the Manhattan Chamber of Commerce,
13 excuse me, and other Chambers of Commerce may
14 also distribute the invitation.

15 Q. In these promotions you always
16 use the name The Spain-U.S. Chamber of Commerce?

17 A. Yes.

18 Q. Does The Spain-U.S. Chamber
19 attend trade shows?

20 A. Yes.

21 Q. What trade shows?

22 A. There are a lot, and I, myself,
23 don't attend, so I can name a few, the Fancy
24 Food Trade Show being one of them. Several in
25 Spain. I don't recall any other particular

1 Melissa Brown

2 names.

3 Q. Does The Spain-U.S. Chamber
4 attend conventions?

5 A. Not that I'm aware of.

6 Q. When someone from the
7 Spain-U.S. Chamber attends a trade show, are
8 they representing The Spain-U.S. Chamber and use
9 the name The Spain-U.S. Chamber of Commerce in
10 representing themselves?

11 A. Yes.

12 Q. Has The Spain-U.S. Chamber
13 received any awards or recognition?

14 A. Not that I'm aware of.

15 Q. Are you aware of the existence
16 of the U.S. Chamber of Commerce?

17 A. Yes.

18 Q. Is the Spain-U.S. Chamber a
19 member of the U.S. Chamber of Commerce?

20 A. I don't know.

21 Q. Does The Spain-U.S. Chamber
22 have any other interaction with the U.S. Chamber
23 of Commerce?

24 MR. KANE: I'm going to
25 object to this line of questioning in

1 Melissa Brown

2 that it's going outside the scope of
3 the subpoena.

4 MR. DUNNING: You can answer
5 the question, anyway, over the
6 objection. The objection is on the
7 record. You can answer the question
8 if you know the answer.

9 A. I would have to ask you to be
10 more specific.

11 Q. Are there any agreements
12 between The Spain-U.S. Chamber and the U.S.
13 Chamber of Commerce?

14 MR. KANE: Same objection.

15 A. No.

16 Q. Are you aware of any other
17 collaboration between The Spain-U.S. Chamber and
18 the U.S. Chamber of Commerce?

19 MR. KANE: Same objection and
20 vague.

21 MR. DUNNING: I join it.

22 MS. SHEEHAN: Withdrawn.

23 Q. Are there events that both The
24 Spain-U.S. Chamber and the U.S. Chamber of
25 Commerce co-host?

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Melissa Brown

A. No.

Q. Are there meetings between The Spain-U.S. Chamber and the U.S. Chamber of Commerce?

MR. KANE: I'm going to make a standing objection, continuing objection to questions, outside the scope of the subpoena.

MR. DUNNING: I join.

Q. You can answer.

MR. DUNNING: If you know the answer, I'm sorry.

A. I don't know the answer to that.

Q. Has The Spain-U.S. Chamber at any time received a request from the U.S. Chamber of Commerce that it must change its name?

A. No.

Q. Has it ever received a request from the U.S. Chamber of Commerce that it must change its logo?

A. No.

Q. Has The Spain-U.S. Chamber of

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Melissa Brown

Commerce, as far as you know, ever received notice that the U.S. Chamber of Commerce was challenging the registration of The Spain-U.S. Chamber's name as a trademark?

A. I don't know.

Q. Does The Spain-U.S. Chamber receive mail?

A. Yes.

Q. Does it receive e-mail?

A. Yes.

Q. Does it receive phone calls?

A. Yes.

Q. Does it receive voice mails?

A. Yes.

Q. Does it receive membership applications?

A. Yes.

Q. Does it receive checks?

A. Yes.

Q. Does it receive donations?

A. Yes.

Q. Has The Spain-U.S. Chamber ever been mistaken, as far as you know, for the U.S. Chamber of Commerce?

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Melissa Brown

MR. DUNNING: Sorry, could you read the question back?

(The last question was read back by the court reporter.)

MR. DUNNING: I'm going to object to the form, but you can go ahead and answer the question.

A. Not to my knowledge.

Q. Has The Spain-U.S. Chamber ever received e-mails intended for the U.S. Chamber of Commerce?

A. Not to my knowledge.

Q. Has The Spain-U.S. Chamber ever received mail directed to or intended for the U.S. Chamber of Commerce?

A. I don't know.

Q. Has The Spain-U.S. Chamber ever received phone calls intended for the U.S. Chamber of Commerce?

A. Not to my knowledge.

Q. Has The Spain-U.S. Chamber ever received voice mails intended for the U.S. Chamber of Commerce?

A. Not that I'm aware of.

1 Melissa Brown

2 Q. Has The Spain-U.S. Chamber ever
3 received membership applications intended for
4 the U.S. Chamber of Commerce?

5 A. No.

6 Q. Has The Spain-U.S. Chamber ever
7 received checks or donations intended for the
8 U.S. Chamber of Commerce?

9 A. No.

10 Q. Were you contacted by the U.S.
11 Chamber of Commerce attorneys or by the U.S.
12 Chamber of Commerce about the subpoena that you
13 received or about testifying today?

14 MR. DUNNING: Well, I'm going
15 to object to the form of the question
16 because when you say "you," I don't
17 know if you mean Melissa or you mean
18 the Chamber of Commerce or something
19 else.

20 Q. We'll start with you.

21 MR. DUNNING: "You," Melissa,
22 so you can answer.

23 A. No.

24 Q. Was The Spain-U.S. Chamber of
25 Commerce contacted by the U.S. Chamber of

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Melissa Brown

Commerce's attorneys or by the U.S. Chamber of
Commerce about the subpoena or about testifying
today?

MR. DUNNING: Why don't we
break it up. You asked a few
different things.

Q. Was The Spain-U.S. Chamber of
Commerce contacted by the U.S. Chamber of
Commerce's attorneys about the subpoena?

MR. DUNNING: Do you follow?

THE WITNESS: Yes, I follow.

MR. DUNNING: Okay. You can
answer the question.

A. Yes.

Q. When?

A. February 2008.

Q. Sometime between --

A. Between the 1st and the 22nd,
prior to the 22nd.

Q. By whom, if you know?

A. It was delivered by a
representative of Manatt, Phelps & Phillips.

Q. Was The Spain-U.S. Chamber
contacted by the U.S. Chamber of Commerce?

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Melissa Brown

A. No, I'm sorry, no, no, no, thank you for clarifying, no.

Q. By not -- not by the United States Chamber of Commerce's attorneys or by the United States Chamber, itself? Either the United States Chamber of Commerce or its lawyers contacted The Spain-U.S. Chamber about the subpoena?

MR. DUNNING: Can I lend a hand here?

MS. SHEEHAN: Yes.

MR. DUNNING: What she wants to know is is your testimony that our chamber was not contacted by the U.S. Chamber, itself, and was it not contacted by the lawyers for the U.S. Chamber, two different things. When you answer your question, are you saying they weren't contacted by either or by one and not the other?

THE WITNESS: Right. The Spain-U.S. Chamber of Commerce was not contacted by the U.S. Chamber of Commerce.

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Melissa Brown

MR. DUNNING: What about by
its lawyers? As far as you know.

THE WITNESS: As far as I
know, we were.

MR. DUNNING: These are the
lawyers for the Hispanic Chamber.
(Indicating.)

THE WITNESS: You know what,
I don't know, I'm not sure what came
in.

Q. Okay. You didn't speak to
anybody representing the United States Chamber
of Commerce about testifying today?

A. Exactly.

MS. SHEEHAN: I'm just going
to take a minute.

(An off the record
discussion took place.)

BY MS. SHEEHAN:

Q. Is your testimony that for as
long as you know, The Spain-U.S. Chamber has
used the name The Spain-U.S. Chamber of Commerce
in the United States or The Spain-U.S. Chamber
of Commerce consistently?

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1 Melissa Brown

2 MR. KANE: Objection, vague.

3 MR. DUNNING: I join. Do you
4 understand the question?

5 THE WITNESS: Yeah, I believe
6 I do.

7 Q. For as long as you know, The
8 Spain-U.S. Chamber has used the names The
9 Spain-U.S. Chamber of Commerce in the United
10 States and/or The Spain-U.S. Chamber of Commerce
11 on its mailings, Web site, letterhead, business
12 cards, promotional materials and publications?

13 MR. DUNNING: I'm going to
14 object to the form, Counsel. I'll
15 tell you what my concern is. I'm not
16 sure that it's right that we are
17 testifying that we have used
18 Spain-U.S. Chamber of Commerce in the
19 United States. I think your question
20 assumes facts not in evidence.

21 Q. Does The Spain-U.S. Chamber of
22 Commerce ever use the name The Spain-U.S.
23 Chamber of Commerce in the United States?

24 A. No.

25 Q. So for as long as you know, The

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Spain-U.S. Chamber has used the name The
Spain-U.S. Chamber of Commerce on its
letterhead, mailings, publications?

A. Yes.

MS. SHEEHAN: As a
housekeeping matter, I would like to
move Exhibits 1 through 6 and 8
through 11 into the record at this time.

(Exhibits 1 through 6 and 8 through 11
received in evidence.)

MR. KANE: I would like to
object to Exhibits 2, 3, 4, 6, 8, 9
and 10 as documents produced after
the close of discovery that the Opposer
has never received prior to this
testimony today. I would further like
to object to Exhibits 5 and 11 for lack
of foundation and Exhibit 7 was withdrawn.

MR. DUNNING: Sustained. We
obviously have nothing to say on
these. I thought I was missing one,
but I have them all.

MS. SHEEHAN: Would you
stipulate to have the witness sign

1 Melissa Brown
2 the deposition outside the presence
3 of the court reporter?

4 MR. DUNNING: Yes.

5 MS. SHEEHAN: I have no
6 further questions.

7 MR. DUNNING: Counsel?

8 EXAMINATION

9 BY MR. KANE:

10 Q. I am going to ask a quick
11 question. I won't take that long, so I don't
12 think we need to take a break.

13 Have you ever heard of the term
14 "bilateral chamber"?

15 A. Yes.

16 Q. What does that term mean to
17 you?

18 MS. SHEEHAN: I'm going to
19 object to this question.

20 MR. KANE: What's the basis
21 of your objection?

22 MS. SHEEHAN: Outside the
23 scope of the direct.

24 MR. KANE: This relates to
25 testimony about the mission

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Melissa Brown

statements services offered by the Chamber.

MR. DUNNING: I assume it's a foundational question, so I'm going to let the witness answer it.

Q. Do you know what the term "bilateral chamber" means?

A. Yes. It's a Chamber of Commerce that serves two countries and works between the two of them.

Q. Do you believe that the U.S.-Spain Chamber of Commerce is a bilateral chamber?

A. Yes.

MR. KANE: No further questions.

MR. DUNNING: Exhibit 7 that you withdrew, Counsel, is from a different Chamber of Commerce. I don't know if you're aware of that. There is a Chamber of Commerce of sorts in Miami that calls itself -- I believe in English it calls itself the Chamber of Commerce, the Spanish

1 Melissa Brown

2 Chamber of Commerce in the United
3 States or The Spain-United States
4 Chamber of Commerce in the United
5 States. The Spanish name is on the
6 second page of Exhibit 7, which is
7 the -- it's on the second page at the
8 bottom. That appears to be
9 copyrighted or purports to be
10 copyrighted, but that's not our
11 chamber. We have no legal
12 relationship of any kind with that
13 chamber.

14 MS. SHEEHAN: The exhibit has
15 been withdrawn.

16 MR. DUNNING: Just for your
17 information for the case. I didn't
18 want there to be any confusion. I
19 don't want you guys to waste time on
20 it. Having said that, you are free
21 to waste as much time as you want.

22 (Time noted: 2:01 p.m.)

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Melissa Brown
ACKNOWLEDGMENT

I, MELISSA BROWN, hereby
certify that I have read the
transcript of my testimony taken
under oath in my deposition of
February 28, 2008, that the
transcript is a true, complete and
correct record of my testimony, and
that the answers on the record as
given by me are true and correct.

MELISSA BROWN

Subscribed and sworn to before me
this _____ day of _____, 2008.
_____, Notary Public

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MELISSA BROWN

CERTIFICATE

STATE OF NEW YORK).
) ss.
COUNTY OF NEW YORK)

I, NICOLE CANNISTRACI, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That MELISSA BROWN, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

That I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

That the attorney for Kenyon & Kenyon appeared on behalf of the Opposer, HISPANIC CHAMBER OF COMMERCE FOUNDATION, et al.

I further certify that said deposition was taken at Manatt, Phelps & Phillips, LLP, 7 Times Square, New York, New York on the 28th day of February, 2008 commencing at 12:20 p.m. and ending at 2:01 p.m.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, 2008.

Nicole Cannistraci

NICOLE CANNISTRACI

1 Melissa Brown

2 I N D E X

3	WITNESS	EXAMINATION BY	PAGE
4	MELISSA BROWN	MS. SHEEHAN (Direct)	4
5		MR. KANE (Cross)	52

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6 EXHIBITS

7 Exhibits

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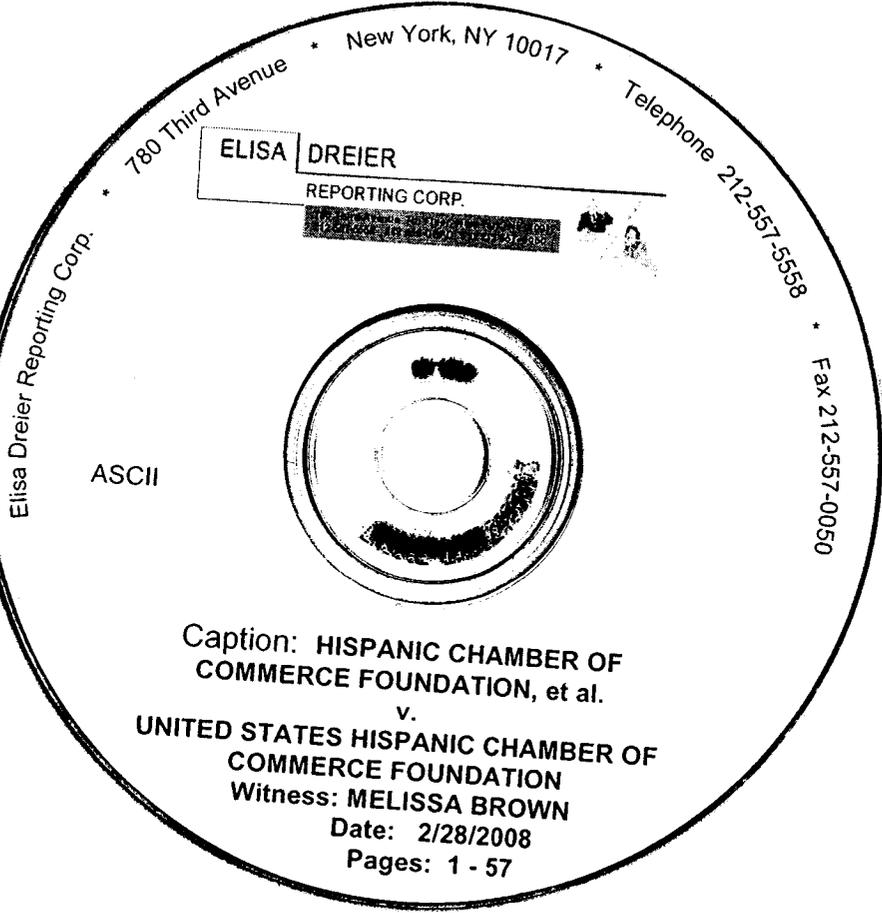
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Caption: HISPANIC CHAMBER OF
COMMERCE FOUNDATION, et al.

v.

UNITED STATES HISPANIC CHAMBER OF
COMMERCE FOUNDATION

Witness: MELISSA BROWN

Date: 2/28/2008

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