

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

Applicant: OurPet's Company
1300 East Street
Fairport Harbor, OH 44077-5573

TTAB

Serial No.: 76/435630

Filed: 7/29/02

Published: 9/16/03

Mark: OURCAT'S CHOICE LITTER



Opposition No.: 91158622

09-10-2004

Filed: November 28, 2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

AFFIDAVIT OF ATTORNEY ROBERT A. MOAKLEY

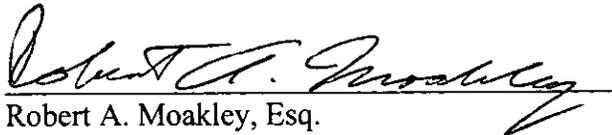
I, Robert A. Moakley, being first duly sworn on oath, state as follows:

1. I am an attorney licensed to practice law in the State of Wisconsin and have been so licensed since 1999.
2. I am currently employed as an associate with the law firm of Beck, Chaet & Bamberger, S.C., in the City of Milwaukee, Wisconsin.
3. This firm represents General Pet Supply, Inc. ("General Pet").
4. I am primarily responsible for prosecuting Opposition No. 91158622 on behalf of General Pet and am directly aware of all matters contained in this Affidavit.
5. On June 11, 2004, I served upon Attorney John Gugliotta, who represents the Applicant in the above captioned Opposition, a First Set of Requests for Admissions (the "Requests").
6. The Requests were received by Attorney Gugliotta on June 14, 2004, prior to the expiration of the discovery deadline as dictated by the Notice of Opposition dated November 28, 2003. Attached hereto as Exhibit A is a true and correct copy of the UPS delivery confirmation showing Attorney Gugliotta received the Requests.
7. As of the date indicated below, Applicant has failed to answer the Requests.
8. My attempts to contact Attorney Gugliotta have gone unanswered.

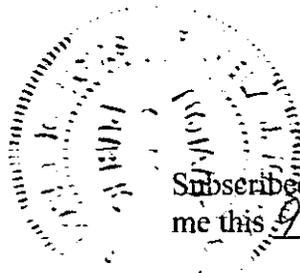
9. Applicant's opportunity to answer the Requests has expired under the rules of the Trademark Trial and Appeal Board and the Federal Rules of Civil Procedure.

Dated this 9 day of September, 2004.

Respectfully submitted,



Robert A. Moakley, Esq.
Attorney for Opposer



Subscribed and sworn to before
me this 9th day of September, 2004.

Pamela J. Mitchell
Notary Public, State of Wisconsin
My Commission Expires: 2-4-07



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Tracking Number	Status	Delivery Information	
1. 1Z F50 56X 22 1002 261 1 Detail	Delivered	Delivered on:	Jun 14, 2004 9:39 A.M.
		Delivered to:	US
		Signed by:	J YOST
		Service Type:	NEXT DAY AIR

Tracking results provided by UPS: Jun 14, 2004 12:37 P.M. Eastern Time (USA)

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Signed by: J YOST
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Delivered to: US

Tracking Number: 1Z F50 56X 22 1002 261 1
Service Type: NEXT DAY AIR

Package Progress:

Date	Time	Location	Activity
Jun 14, 2004	9:39 A.M.	AKRON, OH, US	DELIVERY
Jun 13, 2004	7:52 P.M.	MIDDLEBURG HEIGHTS, OH, US	ARRIVAL SCAN
Jun 12, 2004	11:12 P.M.	ROCKFORD, IL, US	DEPARTURE SCAN
	12:05 A.M.	ROCKFORD, IL, US	ARRIVAL SCAN
Jun 11, 2004	10:10 P.M.	MILWAUKEE, WI, US	DEPARTURE SCAN
	8:59 P.M.	MILWAUKEE, WI, US	ORIGIN SCAN
	7:17 P.M.	OAK CREEK, WI, US	PICKUP SCAN

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