

Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
(610) 227-5600

TTAB

United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
PO Box 1451
Arlington, Va. 22313-1451

May 31, 2005

Attn: Clara Vela, Paralegal Specialist

In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

Dear Ms. Vela:

I am writing to you today with respect to your Suspension Order of May 13, 2005 (copy enclosed). I would respectfully suggest that an easy solution exists to solve the discovery dispute. If I could have an in-person audience with you and your office in a confidential environment, I will offer the information requested and I am certain that all will agree that this information is not relevant to the parties dispute.

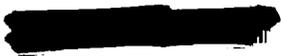
In addition your Suspension Order states that no other papers should be filed at this time. I have just received transcripts from two depositions taken in this case. The two individuals were named by Opposer's council as originators of the Mark. Evidence obtained clearly shows that Opposer is withholding information that is relevant to the parties dispute. I would therefore respectfully request an exception so that I may file a Motion to Compel discovery on Opposer. Perhaps both discovery issues could be dealt with together.

Respectfully submitted,



Cary Berman

CC: Carole E. Klinger, Esquire



06-03-2005

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

cv

Mailed: May 13, 2005

Opposition No. 91162330

L.C. LICENSING, INC

v.

BERMAN, CARY

Clara Vela, Paralegal Specialist

Proceedings herein are suspended pending disposition of the motion to compel, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2), as amended effective October 9, 1998.¹

This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to

¹ See Notice of Final Rulemaking published in the *Federal Register* on September 9, 1998 at 63 FR 48081 and in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

compel. See Id. The motion to compel will be decided in due course.