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Filing date: **04/11/2006**

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

Proceeding	91167151
Party	Defendant Independent Marketing Alliance LP Independent Marketing Alliance LP 16000 Memorial Drive, Suite 200 Houston, TX 77079
Correspondence Address	Bartt G. Thompson Pagel, Davis & Hill, P.C. 1415 Louisiana, 22nd Floor Houston, TX 77002
Submission	Motion to Quash
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Date	04/11/2006
Attachments	PLD0MTQ20060411.Motion to Quash Depo of Robert Planck.pdf ( 2 pages )

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

FLOWERS BAKERIES	)	
BRANDS, INC.,	)	Opposition No. 91167151
	)	
Opposer	)	
	)	
v.	)	In the Matter of Application
	)	Serial No. 78/432642
	)	Mark: COBBLESTONE MARKET
INDEPENDENT MARKETING	)	
ALLIANCE LP,	)	
	)	
Applicant.	)	Filing Date: December 6, 2005
	)	Published: September 20, 2005

MOTION TO QUASH DEPOSITION OF ROBERT D. PLANCK

Now comes Applicant, Independent Marketing Alliance, L.P., and files this his Motion to Quash the Notice of Deposition of Robert D. Planck, and in support hereof would show:

1. On April 7, 2006, Defendant's counsel received via facsimile a Notice of Deposition of Robert D. Planck, for May 11, 2006, beginning at 1:00 p.m. to be taken at the offices of Applicant's counsel.
2. Opposer unilaterally noticed the depositions, without first requesting dates available for Mr. Planck to attend. Mr. Robert D. Planck and Applicant's counsel have previous commitments scheduled on May 11<sup>th</sup> and as such, that date is not suitable for deposition in this case. Applicant is in the process of securing available dates and times for the depositions, and will provide the same to Opposer's counsel.
3. Based on the above, Applicant moves to quash the Notice of Deposition of Robert D. Planck. This Motion to Quash is being filed within three (3) days of service of the Notice of Deposition.

WHEREFORE, PREMISES CONSIDERED, Applicant, Independent Marketing Alliance, moves the Court for an Order Quashing the Notice of Deposition of Robert D. Planck, and for such other relief to which Applicant may be entitled.

Respectfully submitted,

PAGEL, DAVIS & HILL, P.C.



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**ATTORNEYS FOR APPLICANT  
INDEPENDENT MARKETING  
ALLIANCE, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify on this 11<sup>th</sup> day of April 2006, a copy of this Motion to Quash the Oral Deposition of Robert D. Planck has been served via facsimile upon:

Theodore H. Davis Jr.  
Maria Baratta  
KILPATRICK STOCKTON, LLP  
1100 Peachtree Street  
Atlanta, Georgia 30309  
(404) 815-6555



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MARTYN B. HILL