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Filing date: **01/19/2007**

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

Proceeding	91168862
Party	Defendant Bunte, Brady Bunte, Brady 108 Pacifica #300 Irvine, CA 92618
Correspondence Address	Bruce B. Brunda STETINA BRUNDA GARRED & BRUCKER 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES opposition@stetinalaw.com
Submission	Reply in Support of Motion
Filer's Name	Bruce B. Brunda
Filer's e-mail	opposition@stetinalaw.com
Signature	/bbb/
Date	01/19/2007
Attachments	REPLYMotionToCompelSHagarDepo.pdf (9 pages)(127774 bytes)

Case: BUNTE-008M and BUNTE-010M
Mark: CABO AZUL and CABO NUTS
Trademark Applications

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

In the Matter of Application Serial No. 78/468,593 and 78/551,176

Red Head Inc. dba Cabo Wabo) Opposition Nos. 91168862 and 91168968
Enterprises, Inc.,)
)
Opposer,)
)
vs.)
)
Brady Bunte,)
)
Applicant.)

**DECLARATION OF BRUCE B. BRUNDA IN SUPPORT OF OPPOSER'S
REPLY IN SUPPORT OF ITS MOTION TO COMPEL THE DEPOSITION OF
SAMMY HAGAR AND TO EXTEND THE DISCOVERY PERIOD**

BOX TTAB – NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

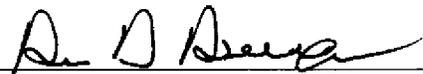
I, Bruce B. Brunda, declare as follows:

1. I am one of the attorneys of record for Applicant, Brady Bunte (“Applicant”) in the above-referenced action. As such, I have personal knowledge of the facts stated herein and if called upon as a witness, I could and would competently testify to the below facts which are personally known to me.

2. Attached hereto as **Exhibit 1** is a true and correct copy of my correspondence to Janet Shih Hajek dated June 29, 2006.

3. Attached hereto as **Exhibit 2** is a true and correct copy of my correspondence to Matt Pulliam dated June 30, 2006 (without enclosures).

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration is being executed on January 17, 2007 at Aliso Viejo, California.



Bruce B. Brunda, Declarant

T:\Client Documents\BUNTE\008M\Decl\BBBReplyMTC.doc

Exhibit 1

LAW OFFICES
Stetina Brunda Garred & Brucker
A PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES

75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656

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NATHAN S. SMITH
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bbrunda@stetinalaw.com

June 29, 2006

Janet Shih Hajek
Greenberg Traurig, LLP
1750 Tysons Boulevard, Suite 1200
McLean, VA 22102

By Email and U.S. Mail
hajekj@gtlaw.com

RE: *Red Head Inc. dba Cabo Wabo Enterprises, Inc., v. Brady Bunte*
Application Serial Number 78/551,176
Opposition No. 91168968
Mark: CABO NUTS
Our Ref: BUNTE-010M

and

Red Head, Inc. dba Cabo Wabo Enterprises v. Brady Bunte
Application Serial No. 78/468,593
Opposition No. 91168862
Mark: CABO AZUL
Our Ref: BUNTE-000M

Dear Janet:

We anticipate taking the deposition of Sammy Hagar in one or both of the above referenced matters prior to the close of the discovery period in the above referenced matter, i.e. before August 14, 2006.

June 28, 2006

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Therefore, please let us know when Mr. Hagar will be available to be deposed.

Very truly yours,

STETINA BRUNDA GARRED & BRUCKER



Bruce B. Brunda

BBB/kc

cc: Brady Bunte

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Exhibit 2

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June 30, 2006

Matt Pulliam
GREENBERG TRAUERIG LLP
The Forum
3290 Northside Parkway, Suite 400
Atlanta, GA 30327

Via Email & Courier
pulliamm@gtlaw.com
FedEx Tracking No. 7910 3665 1860

RE: *Red Head Inc. dba Cabo Wabo Enterprises, Inc., v. Brady Bunte*
Application Serial Nos. 78/551,176 and 78/468,593
Opposition Nos. 91168968 and 91168862
Marks: CABO NUTS and CABO AZUL
Our Refs: BUNTE-010M and BUNTE-008M

Dear Matt:

This is a follow-up to your correspondence of June 28, 2006, and earlier.

I am enclosing a partially executed copy of the two Stipulated Protective Orders. Please send me a fully executed copy of the same papers, as I assume they will be filed with the TTAB.

With respect to document production, we are having the documents Bates numbered. In view of the holiday, I expect to have them off to you by Wednesday, July 5, 2006, if not sooner. I apologize for the delay.

We have not yet completed obtaining specimens of the various CABO derivative marks for liquor products, and will update the production once that additional material is obtained.

Insofar as much of the production in the CABO AZUL/CABO NUTS production is redundant, e.g. CABO derivative search reports, please let me know if you would like to consolidate the production in the two cases, or repeat the production separately. Either way is fine with me.

Regarding depositions, I previously sent a letter to Janet Shih Hajek regarding the deposition of Sammy Hagar. Please let me know when he will be available. We may need other depositions as well. Should you have any scheduling limitations affecting depositions in the

June 30, 2006

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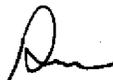
remaining discovery time, please let me know so that we can accommodate those dates as best as possible. We have no objection to extending the discovery period as may be useful to facilitating ordered discovery.

I understand that the parties have previously discussed some efforts to reach a settlement of these matters. However, it is not clear that those discussions are active at this point in time. Should you believe that there is a prospect further useful discussions, it may be advisable to pursue those prospects before we proceed with depositions.

Should you have any questions or comments regarding any of the above, please let me know.

Very truly yours,

STETINA BRUNDA GARRED & BRUCKER



Bruce B. Brunda

BBB/kc

Encl. (via courier only)

cc: Brady Bunte

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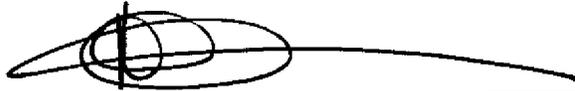
PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **January 17, 2007**, the attached **DECLARATION OF BRUCE B. BRUNDA IN SUPPORT OF OPPOSER'S REPLY IN SUPPORT OF ITS MOTION TO COMPEL THE DEPOSITION OF SAMMY HAGAR AND TO EXTEND THE DISCOVERY PERIOD** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Matt Pulliam
GREENBERG TRAUIG LLP
The Forum
3290 Northside Parkway, Suite 400
Atlanta, GA 30327

Executed on **January 17, 2007** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



Kimberly Carlsen