

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

TROY LADD,

Opposer,

v.

GORDON DEXTER,

Applicant.

) Opposition No.: 91173879

) NOTICE OF RELIANCE

78/807, 659

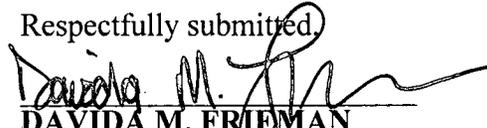
NOTICE OF RELIANCE

NOTICE is hereby given that pursuant to 37 c.f.r. 2.122(d), Opposer, Troy Ladd ("Opposer"), hereby offers into evidence, and will rely upon Applicant's resultant admissions due to his failure to respond to Opposer's First Request Request for Admission to Applicant. The Request for Admissions are relevant to this proceeding in that they establish Opposer's prior right in the mark Respect Tradition for use in connection with men's, women's children's wearing apparel. They also establish Applicant committed fraud in the filing of his application and thus should not be entitled to registration.

Dated: August 24, 2007

Respectfully submitted,

By:



DAVIDA M. FRIEMAN
Attorney for *Troy Ladd*
8635 Cashio St. Suite 1
Los Angeles, CA 90035
Tel. (310) 402 - 3297



08-29-2007

DECLARATION OF DAVIDA M. FRIEMAN

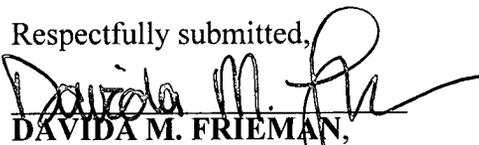
I, Davida M. Friema, declare as follows:

1. I am an attorney at law, duly licensed to practice before all of the Courts in the State of California and am the attorney for Opposer, Troy Ladd ("Opposer"), in the above-captioned matter. I have personal knowledge of the facts contained herein and if called as a witness, I could and would testify under oath competently hereto.
2. On May 29, 2007, I served Opposer's First Request for Admissions to Applicant to Applicant on Applicant.
3. Responses to the Requests for Admission were due on July 3, 2007. To date, Opposer has not received responses to the Request for Admission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 24, 2007

By:

Respectfully submitted,

DAVIDA M. FRIEMAN,
Attorney for *Troy Ladd*

REQUESTS FOR ADMISSIONS

- 1) Applicant, prior to filing for registration of Applicant's alleged mark, was aware of Opposer's company.
- 2) Applicant, has never used Applicant's alleged mark in commerce prior to filing for the registration of Applicants alleged mark.
- 3) Applicant is aware that prior to the filing date of the subject application Serial No. 73807659, Opposer had adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for International Class 025.
- 4) Applicant is aware that Opposer's products bearing the "Respect Tradition" goods and services mark has been extensively and continuously offered to the public through various channels of trade.
- 5) Applicant has not adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for IC 025.
- 6) Applicant does not have products bearing the "Respect Tradition" goods and services mark.
- 7) Applicant has never advertised its goods and services under the "Respect Tradition" goods and services mark.
- 8) The Applicant has not build up goodwill in connection with the sale of its products under Applicants alleged services mark "Respect Tradition."
- 9) Applicant's pending trademark application for registration of "Respect Tradition" has a 1(b) filing status for use in IC 025, men's, women's, children's wearing apparel.

- 10) Applicant has never served an answer on Opposer in response to the Opposer's Opposition No. 91173879.
- 11) Applicant has never mailed any documents to Opposer in reference to Opposition No. 91173879.
- 12) Applicant has not advertised its goods and services under Applicant's alleged services mark throughout the United States.
- 13) Applicant has never offered any products bearing the "Respect Tradition" goods and services mark to the public.

Dated: May 28, 2007

By:



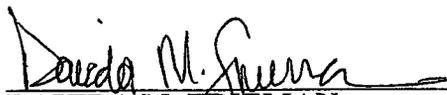
DAVIDA M. FRIEMAN,
Attorney for Opposer, Troy Ladd

Davida M. Frieman, Attorney at Law
8635 Cashio St. Suite 1
Los Angeles, California 90035
Telephone: (310) 402 - 3297

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS**, was served upon Defendant by depositing one copy thereof in the United States Mail, first class postage prepaid on May 29, 2007, addressed as follows:

Mr. Dexter Gordon
Chris Rucker
19 W 21st Rm 1004
New York, NY 10010-6844

By: 
DAVIDA M. FRIEMAN,
Attorney for Opposer, Troy Ladd

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF RELIANCE and DECLARATION OF DAVIDA M. FRIEMAN** was served upon Applicant by depositing one copy there of in the United States Mail, first class postage prepaid, on **August 27, 2007**, addressed as follows:

**Gordon Dexter
C/O Chris Rucker
19 W. 21st Rm. 1004
New York, Ny 10010-6844**

**Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451**

DATED this 27th day of August 2007

By:


DAVIDA M. FRIEMAN,
Attorney for *Troy Ladd*