

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

TTAB

Serial No. 76/613881

mine design, a d.b.a. of Amal Flores
v.
Votivo, Ltd. And Votivo, LLC

Opposition No. 91178747

Notice



01-21-2010

On December 10, 2009, the Board issued an Order ("Dec. 10, 2009, Order"), ordering Votivo to file with the Board certain documents. Dec. 10, 2009, Order at 5-6. The Board further informed the parties that the parties should keep the Board informed of developments in the federal court litigation. Dec. 10, 2009, Order, n. 3. On or about December 17, 2009, Votivo filed and served certain documents in response to the Dec. 10, 2009, Order.

Mine Design hereby respectfully notifies the Board (see Dec. 10, 2009, Order n. 3), that the Court of Appeals for the Ninth Circuit has selected the case for mediation. The mediation is scheduled to take place on February 24, 2010. Exhibit 1 hereto is a true and correct copy of said 9th Cir. Order.

Mine Design hereby further respectfully notifies the Board and Votivo that when one compares the list of documents included in the Dec. 17, 2009, Declaration of Heather M. Morado¹ with the Civil Docket² for case No. 2:03-cv-06017-DDP-E, it becomes evident that Votivo omitted, or failed to submit, a number of documents³ encompassed by the Dec. 10, 2009, Order.⁴ Corrective action is respectfully requested.

Dated: January 21, 2010

Respectfully submitted,


Carlos Candeloro
Reg. No. 52,691
Cal. Bar No. 194716

Attorney For Plaintiff
mine design

Correspondence Address:

Carlos Candeloro
1601 N. Sepulveda Blvd. 239
Manhattan Beach, CA 90266
Phone: (310) 994-4259
carlos@candeloro.net

¹ Dec. 17, 2009, Declaration of Heather M. Morado in Support of Motion for Leave to Supplement Record In Support of Motion for Reconsideration.

² Exhibit 2 hereto is a true and correct copy of the Civil Docket for case No. 2:03-cv-06017-DDP-E obtained through PACER on Jan. 20, 2010.

³ Mine Design specifically notes the absence of the following documents: Docket Nos. 84, 85, 86, 92, 93, the transcript of the hearing conducted on 12/15/2008 (document No. 96) and the Declaration of Carlos Candeloro (submitted on 01/26/09, part of Docket No. 98).

⁴ Mine Design hereby reserves all rights pertaining to the Board's Dec. 10, 2009 Order.

Exhibit 1

FILED

UNITED STATES COURT OF APPEALS

JAN 04 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VOTIVO, LLC, a South Carolina limited liability company,

Plaintiff - Appellant,

v.

MINE DESIGN, a business entity of unknown form, DBA Amal Flores,

Defendant - Appellee.

No. 09-55542

D.C. No. 2:03-cv-06017-DDP-E
Central District of California,
Los Angeles

ORDER

The mediation previously scheduled for October 26, 2009 in San Francisco is rescheduled for February 24, 2010 at 10:00 a.m. at the U.S. Court of Appeals, 125 South Grand Avenue, Pasadena, California [626-229-7263 - for direction inquiry only]. Participants should gather in the Attorney Lounge.

Mediation statements of no more than 15 pages shall be submitted to the undersigned (email: Claudia_Bernard@ca9.uscourts.gov or fax (415-355-8566) by February 17, 2010.

The mediation statements shall contain brief answers to the following questions, and shall not be filed with the court or served on the opposing party:

- a) Please provide a brief description of the factual and procedural history

of the case.

b) What would you and your clients like to accomplish at this mediation?

c) What does the Mediator need to understand to help you reach these goals?

d) What needs of your clients must be met in order for a resolution to be reached?

e) What do you believe are the needs of the opposing party that must be met in order for a resolution to be reached?

f) What do you see as the obstacles to a negotiated resolution, and what ideas do you have to overcome them?

g) What are the consequences for each side if no settlement is reached?

h) Is there anything else that would be helpful for the undersigned to know?

FOR THE COURT

By: Claudia L. Bernard
Chief Circuit Mediator

Exhibit 2

(Ex), CLOSED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:03-cv-06017-DDP-E**

Votivo Ltd v. Mine Design
Assigned to: Judge Dean D. Pregerson
Referred to: Discovery Charles F. Eick
Demand: \$0
Related Case: 2:05-cv-02942-DDP-E
Case in other court: 9th CCA, 06-55147
9th CCA, 09-55542
Cause: 15:1127 Trademark Infringement

Date Filed: 08/22/2003
Date Terminated: 03/10/2009
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Votivo Ltd
a Washington corporation

represented by **Gregory P Goonan**
Affinity Law Group APC
600 W Broadway
Suite 400
San Diego , CA 92101
619-702-4335
Email: ggoonan@affinity-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark D Baute
Baute and Tidus LLP
777 South Figueroa Street Suite 4900
Los Angeles , CA 90017
213-630-5000
Email: mbaute@bautelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Votivo, LLC

represented by **Mark D Baute**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Mine Design

*a business entity of unknown form
doing business as
Amal Flores*

represented by **Carlos M Candeloro**

Carlos M Candeloro Law Offices
1601 N. Sepulveda Blvd. 239
Manhattan Beach , CA 90266
(310) 994-4259
Email: carlos@candeloro.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/22/2003	1	COMPLAINT filed Summons(es) issued referred to Discovery Charles F. Eick (jag) (Entered: 08/27/2003)
08/22/2003	2	CERTIFICATION OF INTERESTED PARTIES filed by plaintiff Votivo Ltd (jag) (Entered: 08/27/2003)
08/22/2003		REPORT ON THE FILING OF AN ACTION REGARDING TRADEMARK (cc: form mailed to Washington, D.C.)(Opening) (jp) (Entered: 08/28/2003)
08/25/2003	3	STNDING ORDER WITH REGARD TO NEWLY ASSIGNED CASES by Judge Dickran Tevrizian (see document for further details). (jp) (Entered: 08/28/2003)
01/29/2004	4	MINUTES: ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION: The Court on its own motion hereby ORDERS plaintiff(s) to show cause in writing why this action should not be dismissed for lack of prosecution. Response to Order to Show Cause due by 2/12/2004. As an alternative to a written response by plaintiff(s) the Court will consider the filing of one of the following as an appropriate response to this Order to Show Cause on or before the above date: Answer by the defendant(s) or plaintiff's request for entry of Default (see document for further details) by Judge Dickran Tevrizian (mch,) (Entered: 02/02/2004)
02/12/2004	5	DECLARATION of GREGORY P GOONAN in response to Order to Show Cause re dismissal for lack of prosecution 4 filed by Plaintiff Votivo Ltd. (jp,) (Entered: 02/17/2004)
02/19/2004	6	MINUTES (In Chambers) before Judge Dickran Tevrizian: ORDER CONTINUING THE ORDER TO SHOW CAUSE RE DISMISSAL; The Court, having read and considered plaintiff's response to the Court's Order to Show Cause issued 1/29/2004 hereby orders the Order to Show Cause CONTINUED to 3/5/2004. No further response to this Order is necessary if plaintiff files its notices of dismissal, request for default, request for default judgment, or responsive filing are submitted on behalf of defendants by such date. Court Reporter: Not present. (jp,) (Entered: 02/20/2004)
02/19/2004	7	PROOF OF SERVICE Executed filed by plaintiff Votivo Ltd, upon defendants Mine Design served on 2/7/2004, answer due 2/27/2004. The Summons and Complaint were served by Substituted service, statute not cited, upon Dennis Warsen, Person In Charge. Due Dilligence declaration not attached. Original Summons not returned. (jp,) (Entered: 02/23/2004)

03/05/2004	8	RESPONSE filed by Plaintiff Votivo Ltd to continued Order to Show Cause re dismissal for lack of prosecution and ex parte application for order continuing Order to Show Cause date 6 . (jp,) (Entered: 03/10/2004)
03/12/2004	10	FIRST STIPULATION Extending Time to Answer the complaint. defendant Mine Design answer due 4/12/2004 filed by plaintiff Votivo Ltd. (jp,) (Entered: 03/15/2004)
03/15/2004	9	MINUTES (In Chambers) before Judge Dickran Tevrizian: ORDER WITHDRAWING ORDER TO SHOW CAUSE; The Order to Show Cause re dismissal for lack of prosecution filed on 1/29/2004 is ORDERED WITHDRAWN. Court Reporter: None. (jp,) (Entered: 03/15/2004)
04/12/2004	11	ORDER AND STIPULATION to extend the time within which defendant Minedesign must answer or otherwise respond to the complaint by Judge Dickran Tevrizian that Defendant Mine Design must answer or otherwise respond to the initial complaint in this action shall be extended by thirty (30) days through and including 5/12/2004. (jp,) (Entered: 04/16/2004)
04/12/2004		Update Answer Due Deadline as to defendant Mine Design. (jp,) (Entered: 04/16/2004)
05/14/2004	12	ORDER AND STIPULATION that Defendant Mine Design must answer or otherwise respond to the initial complaint in this action shall be EXTENDED by third (30) days through and including 6/14/2004. (jp,) (Entered: 05/21/2004)
06/17/2004	13	ORDER AND STIPULATION to Extend the Time within which Defendant Mine Design answer or otherwise respond to the complaint shall be extended by thirty (30) days through and including 7/14/2004. IT IS SO ORDERED by Judge Dickran Tevrizian. (jp,) (Entered: 06/18/2004)
07/14/2004	14	Certification and Notice of Interested Parties filed by Defendant Mine Design. (shb,) (Entered: 07/22/2004)
07/14/2004	15	ANSWER to Complaint - (Discovery) 1 filed by Defendant Amal Flores doing business as Mine Design.(yl,) (Entered: 07/23/2004)
09/13/2004	16	ORDER SETTING SCHEDULING CONFERENCE by Judge Dickran Tevrizian: Scheduling Conference set for 11/22/2004 10:00 AM before Honorable Dickran Tevrizian (see document for further details).(mch,) (Entered: 09/15/2004)
11/12/2004	17	Rule 26(f) Statement Discovery Plan filed; estimated length of trial 3 days. (bg,) (Entered: 11/18/2004)
11/22/2004	18	MINUTES held before Judge Dickran Tevrizian : Case called. Counsel for Plaintiff makes appearance. No appearance made on behalf of Defendant. The Scheduling Conference is not held. Court strikes Defendant's answer and enters default for failure to appear at a regularly scheduled hearing.Court Reporter: Lori Muraoka. (rl,) (Entered: 12/06/2004)
04/11/2005	19	NOTICE OF DISCREPANCY AND ORDER: by Judge Dickran Tevrizian, ORDERING Plaintiff's Application for Entry of Default Judgment submitted

		by Plaintiff Votivo Ltd received on 4/8/2005 is not to be filed but instead rejected. Denial based on: LR 6.1 and Proposed Judgment lacking 2 lines of text before Judge's signature.(yl,) (Entered: 04/19/2005)
05/02/2005	24	NOTICE OF MOTION AND MOTION to Set Aside Default filed by defendant Mine Design. Motion set for hearing on 5/31/2005 at 10:00 AM before Honorable Dickran Tevrizian. (bg,) (Entered: 05/12/2005)
05/09/2005	20	NOTICE OF MOTION AND MOTION for Entry of Default Judgment against defendant Mine Design filed by plaintiff Votivo Ltd. Motion set for hearing on 5/31/2005 at 10:00 AM before Honorable Dickran Tevrizian. Lodged (2) proposed judgment. (bg,) (Entered: 05/10/2005)
05/09/2005	21	MEMORANDUM of points and authorities in Support of MOTION for Default Judgment against defendant Mine Design 20 filed by plaintiff Votivo Ltd. (bg,) (Entered: 05/10/2005)
05/09/2005	22	DECLARATION of Gregory P Goonan in support re MOTION for Default Judgment against defendant Mine Design 20 filed by plaintiff Votivo Ltd. (bg,) (Entered: 05/10/2005)
05/09/2005	23	PROOF OF SERVICE filed by plaintiff Votivo Ltd. re MOTION for Default Judgment against defendant Mine Design 20 , Memorandum in Support of Motion 21 , Declaration (Motion related) 22 , was served upon Mr Amal Flores. Mine Design by mail on 5/6/05. (bg,) (Entered: 05/10/2005)
05/10/2005	25	NOTICE OF DISCREPANCY AND ORDER: by Judge Dickran Tevrizian, ORDERING proposed permanent injunction submitted by Plaintiff Votivo Ltd received on 5/9/05 is not to be filed but instead rejected. Denial based on: unsigned by the attorney.(ca,) (Entered: 05/23/2005)
05/17/2005	26	MEMORANDUM of points and authorities in Opposition to MOTION to Set Aside Default 24 filed by plaintiff Votivo Ltd. (bg,) (Entered: 05/25/2005)
05/17/2005	27	DECLARATION of Gregory P Goonan in support re MOTION to Set Aside Default 24 filed by plaintiff Votivo Ltd. (bg,) (Entered: 05/25/2005)
05/17/2005	28	PROOF OF SERVICE filed by plaintiff Votivo Ltd. re MEMORANDUM in Opposition to Motion 26 , Declaration (Motion related) 27 , was served upon Amal Flores dba Mine Design by personal service on 5/17/05. (bg,) (Entered: 05/25/2005)
05/31/2005		PLACED IN FILE - NOT USED re proposed order for entry of default judgment (bg,) (Entered: 06/08/2005)
05/31/2005		PLACED IN FILE - NOT USED re proposed judgment by default (bg,) (Entered: 06/08/2005)
05/31/2005	29	MINUTES OF In Chambers Conference held before Judge Dickran Tevrizian :, Denied as to (1) MOTION to Set Aside Default 24 , Denied as to (2) MOTION for Default Judgment against defendant Mine Design 20 without prejudice. No appearance made on behalf of defendant Court Reporter: Lori Muraoka. (bg,) (Entered: 06/08/2005)

06/20/2005	30	NOTICE of Continued Motion for Entry of Default Judgment 20 filed by plaintiff Votivo Ltd. (ca,) (Entered: 06/29/2005)
06/20/2005	31	MEMORANDUM of Points and Authorities in Support of continued MOTION for Entry of Default Judgment 20 filed by plaintiff Votivo Ltd. (ca,) (Entered: 06/29/2005)
06/20/2005	32	DECLARATION of Gregory P. Goonan in support of MOTION for Entry of Default Judgment 20 filed by plaintiff Votivo Ltd. (ca,) (Entered: 06/29/2005)
06/20/2005	41	PROOF OF SERVICE of Continued motion for default judgment and supporting papers 30 filed by plaintiff Votivo Ltd., was served on 6/17/05. (shb,) (Entered: 07/11/2005)
06/29/2005	34	CORRECTED MEMORANDUM of Points and Authorities in Support of Continued MOTION for Default Judgment against defendant Mine Design 20 filed by Plaintiff Votivo Ltd. (shb,) (Entered: 07/06/2005)
06/29/2005	35	PROOF OF SERVICE filed by Plaintiff Votivo Ltd. re Corrected Memorandum of points and authorities in Support of Plaintiff's Continued Motion for Default Judgment 34 , was served on 6/28/05. (shb,) (Entered: 07/06/2005)
06/30/2005	33	MINUTES OF (IN CHAMBERS) ORDER by Judge Dickran Tevrizian : RE: MOTION for Default Judgment against defendant Mine Design 20 On the Courts own motion, the motion has been taken under submission. the hearing date of 7/11/05 has been taken off calendar; no appearance by counsel/parties is necessary.Court Reporter: None Present. (bg,) (Entered: 07/01/2005)
07/07/2005	36	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 5/31/05 Court Reporter: Lori Muraoka (mo,) (Entered: 07/08/2005)
07/07/2005	37	TRANSCRIPT filed for proceedings held on 5/31/05. Court Reporter: Lori Muraoka. (mo,) (Entered: 07/08/2005)
07/07/2005		MINE DESIGN'S COMBINED OPPOSITION to Plaintiff's Application for Entry of Default Judgment against defendant Mine Design 20 and its NOTICE OF CROSS-MOTION TO SET ASIDE DEFAULT and MEMORANDUM OF POINTS AND AUTHORITIES filed by Defendant Mine Design. (shb,) (Entered: 07/11/2005)
07/07/2005		DECLARATION of Amal Flores in support of Defendant Mine Designs Cross Motion ti set aside Default and its OPPOSITION to Plaintiff's APPLICATION for Default Judgment against defendant Mine Design 20 filed by Defendant Mine Design. (shb,) (Entered: 07/11/2005)
07/07/2005	39	Mine Design's Combined OPPISITION to Plaintiff's Application for Entry of Default Judgment and it's NOTICE OF CROSS-MOTION AND CROSS-MOTION to Set Aside Default and Memorandum of Points and Authorities in support thereof filed by Defendant Mine Design. Motion set for hearing on 7/11/2005 at 10:00 AM before Honorable Dickran Tevrizian. (shb,) (Entered: 07/11/2005)
07/07/2005	40	DECLARATION of Amal Flores in support of Defendant Mine Design's

		CROSS-MOTION to Set Aside Default 39 , and its OPPOSITION to Plaintiff's APPLICATION for Default Judgment against defendant Mine Design 20 filed by Defendant Mine Design. (shb,) (Entered: 07/11/2005)
07/07/2005	42	NOTICE of Appearance filed by attorney Carlos M Candeloro on behalf of Defendant Mine Design. (ca,) (Entered: 07/15/2005)
07/07/2005	43	PROOF OF SERVICE filed by defendant Mine Design re CROSS-MOTION to Set Aside Default and its opposition to plaintiffs application for entry of default 39 , and Declaration of Amal Flores in support of defendant Mine Design's cross-motin to set aside default and its opposition to plaintiffs application for entry of default 40 , was served on 7/7/05 to Gregory P. Goonan, The Affinity Law Group APC. (ca,) (Entered: 07/15/2005)
07/08/2005	38	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Dickran Tevrizian ORDERING Opposition to application fo rdefault with combined cross motion to set aside fedault; declaration, order; notice of appearance submitted by Defendant Mine Design received on 7/7/05 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(shb,) (Entered: 07/08/2005)
07/15/2005	44	ORDER AND OPINION by Judge Dickran Tevrizian granting 30 Plaintiffs Continued Motion for Entry of Default Judgment as follows (1)Defendants, its respective agents, etc are permanently enjoined from infringing Votivos Red Currant and Soku Lime trademarks and any and all other trademarks owned by Votivo (2)Defendant is to pay plaintiff attorneys fees in the amount of \$19,800 and (3)Plaintiff is awarded costs. Plaintiff is to prepare and resubmit a proposed judgment and proposed findings of fact and conclusions of law in accordance with this Order: ORDER AND OPINIONdenying 39 Defendants Cross-Motion to Set Aside Default 39 , (Made JS-6. Case Terminated.)(bg,) (Entered: 07/21/2005)
07/15/2005		PLACED IN FILE - NOT USED re proposed order granting Mine Design Motion to Set Aside Mine Designs Default and Reinstating Mine Designs Original Answer submitted by defendant Mine Design. (bg,) (Entered: 07/21/2005)
07/15/2005		PLACED IN FILE - NOT USED re proposed Judgment by Default (bg,) (Entered: 07/21/2005)
07/15/2005		PLACED IN FILE - NOT USED re proposed order for entry of Default Judgment (bg,) (Entered: 07/21/2005)
07/15/2005		REPORT ON THE DETERMINATION OF AN ACTION REGARDING patent or trademark (cc: form mailed to Washington, D.C.) (Closing) (bg,) (Entered: 11/17/2005)
11/07/2005	45	PERMANENT INJUNCITON by Judge Dickran Tevrizian. It is ORDERED Defendants, and its owners, are hereby permanently enjoined and restrained from using the term "Red Currant" or any other term, symbol name that is confusingly similar to the term "Red Currant". This Court shall retain jurisdiction over the parties hereto for the purpose of any proceeding to enforce this Permanent Injunction. This Permanent Injunction, along with the

		Final Judgment entered contemporaneously herewith together constitute a final judgment in this action and suitable for entry by the Clerk pursuant to FRCP 58 and 79(a).(bg,) (Entered: 11/08/2005)
11/07/2005	46	FINDINGS OF FACT AND CONCLUSIONS OF LAW signed by Dickran Tevrizian.(bg,) (Entered: 11/08/2005)
11/07/2005	47	FINAL JUDGMENT by Judge Dickran Tevrizian. It is ORDERED A permanent injunction is entered against Defendant and in favor of Votivo. Attorneys fees in the amount of \$19,800.00 are awarded against Defendant and in favor of Votivo. Votivo shall recover costs in the amount of \$_____from and against Defendant. Related to: Order, 45 , Findings of Fact & Conclusions of Law 46 (bg,) (Entered: 11/08/2005)
11/22/2005	49	NOTICE OF LODGING Non-Papger Physical Exhibit filed by defendant Mine Design. Lodged Exhibit and to original request for judicial notice (1 bottle candle.) (jp,) (Entered: 11/30/2005)
11/22/2005	50	FRCP 59(e) MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF to Modify or amend the Judgment entered on November 8, 2005 on this case filed by defendant Mine Design. Motion set for hearing on 12/19/2005 at 10:00 AM before Honorable Dickran Tevrizian. (jp,) (Entered: 11/30/2005)
11/22/2005	51	REQUEST FOR JUDICIAL NOTICE re 50 filed by defendant Mine Design. (jp,) (Entered: 11/30/2005)
11/22/2005	52	DECLARATION of CARLOS CANDELORO in support of defendant FRCP 59(e) MOTION 50 filed by defendant Mine Design. (jp,) (Entered: 11/30/2005)
11/22/2005	53	PROOF OF SERVICE of NOTICE OF LODGING Non-Papger Physical Exhibit 49 , FRCP 59(e) MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF to Modify or amend the Judgment entered on November 8, 2005 on this case 50 , Request for Judicial Notice 51 , Declaration of CARLOS CANDELORO in support of defendant FRCP 59(e) MOTION 52 , was served on 11/22/2005 filed by defendant Mine Design. (jp,) (Entered: 11/30/2005)
11/23/2005	48	NOTICE OF APPLICATION to the Clerk to Tax Costs Mine Design regarding 45 , filed by plaintiff Votivo Ltd. Application set for hearing on 12/15/2005 at 10:00 AM. (jp,) (Entered: 11/29/2005)
12/05/2005	54	MEMORANDUM of Points and Authorities in Opposition to motion to alter or amend the default judgment entered against MINE on November 8, 2005 filed by plaintiff Votivo Ltd. (ca,) (Entered: 12/13/2005)
12/06/2005	55	PROOF OF SERVICE filed by Plaintiff Votivo Ltd, re MEMORANDUM of points and authorities in Opposition to Defendants "FRCP 59(e) Motion" 54 , was served on 12/5/05. (shb,) (Entered: 12/13/2005)
12/06/2005	56	Plaintiff's AMENDED NOTICE OF APPLICATION to the Clerk to Tax Costs Mine Design re: Order., 45 , 48 filed by Plaintiff Votivo Ltd. (shb,) (Entered: 12/14/2005)

12/12/2005	59	MEMORANDUM of points and authorities in Reply to Votivo Opposition to MOTION for Order for to Modify or amend the Judgment entered on November 8, 2005 on this case 50 filed by defendant Mine Design. (bg,) (Entered: 12/16/2005)
12/15/2005	57	MINUTES OF IN CHAMBERS ORDER by Judge Dickran Tevrizian : The Court orders the MOTION for Order to Modify or amend the Judgment entered on November 8, 2005 on this case 50 TAKEN UNDER SUBMISSION upon the expiration of time for filing briefs. No appearances by counsel/parties will be necessary. Counsel shall be notified of the Courts ruling by facsimile, mail or email when the matter is decided.Court Reporter: Not reported. (bg,) (Entered: 12/15/2005)
12/15/2005	58	BILL OF COSTS. Costs Taxed in amount of \$664.00 in favor of Plaintiff, Votivo Ltd. and against Defendant, Mine Design. RE: Judgment, 47 (jma,) (Entered: 12/16/2005)
12/27/2005	60	ORDER AND OPINION by Judge Dickran Tevrizian this Court DENIES Defendants FRCP 59(e) MOTION to Alter or amend the Final Judgment 50 in this matter.(bg,) (Entered: 12/27/2005)
01/26/2006	61	NOTICE OF APPEAL to 9th CCA filed by defendant Mine Design. Appeal of Judgment, 47 Filed On: 11/7/05; Entered On: 11/8/05; Filing fee \$255, Paid receipt number 81989. cc: Carlos Candeloro; Gregory P. Goonan. (ghap,) (Entered: 01/30/2006)
01/26/2006	62	REPRESENTATION STATEMENT re Appeal to Circuit Court 61 . (ghap,) (Entered: 01/30/2006)
01/26/2006		Civil Appeals Docketing Statement received from defendant Mine Design forwarded to 9th CCA. RE: Appeal to Circuit Court 61 . (ghap,) (Entered: 01/30/2006)
01/30/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit Court 61 . (ghap,) (Entered: 01/30/2006)
02/03/2006	63	NOTIFICATION by Circuit Court of Appellate Docket Number 06-55147, 9th CCA regarding Appeal to Circuit Court 61 filed by Mine Design. (ghap,) (Entered: 02/03/2006)
02/14/2006	64	NOTICE OF MOTION AND MOTION for Attorney Fees, or in the alternative MOTION for Sanctions filed by plaintiff Votivo Ltd. Motion set for hearing on 3/6/2006 at 10:00 AM before Judge Dickran Tevrizian. (bg,) (Entered: 02/15/2006)
02/14/2006	65	MEMORANDUM of points and authorities in Support of MOTION for Attorney Fees MOTION for Sanctions 64 filed by plaintiff Votivo Ltd. (bg,) (Entered: 02/15/2006)
02/14/2006	66	DECLARATION of Gregory P Goonan in support re MOTION for Attorney Fees or in the alternative MOTION for Sanctions 64 filed by plaintiff Votivo Ltd. (bg,) (Entered: 02/15/2006)
02/14/2006	67	PROOF OF SERVICE filed by plaintiff Votivo Ltd, re MOTION for Attorney

		Fees MOTION for Sanctions 64 , Memorandum in Support of Motion 65 , Declaration (Motion related) 66 , was served upon Carlos Candeloro, Esq by personal service on 2/13/06. (bg,) (Entered: 02/15/2006)
02/17/2006	68	MEMORANDUM OF POINTS AND AUTHORITIES in Opposition to MOTION for Attorney Fees or in the alternative FRCP 11 Sanctions 64 filed by defendant Mine Design. (jp,) (Entered: 02/24/2006)
02/17/2006	69	DECLARATION of CARLOS CANDELORO in support of Opposition to MOTION for Attorney Fees or in the alternative FRCP 11 Sanctions 64 filed by defendants Mine Design. (jp,) (Entered: 02/24/2006)
02/27/2006	71	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 5/31/05, 11/22/04; Court Reporter: Lori Muraoka; Court of Appeals Case Number: 06-55147; Re: Appeal to Circuit Court 61 . (ghap,) (Entered: 03/01/2006)
02/27/2006	72	REPLY memorandum in support of MOTION for Attorney Fees, or in the alternative MOTION for Sanctions 64 filed by plaintiff Votivo Ltd. (lc,) (Entered: 03/03/2006)
02/28/2006	70	MINUTES IN CHAMBERS by Judge Dickran Tevrizian : The Court orders Plaintiff's Motion for Attorney Fees or, in the Alternative, for Sanctions 64 be TAKEN UNDER SUBMISSION upon the expiration of time for filing briefs. No appearance by counsel/parties will be necessary. Counsel shall be notified of the Court's ruling by facsimile, mail, or email when the matter is decided. The briefing schedule shall remain the same.Court Reporter: Not Reported. (wm,) (Entered: 02/28/2006)
03/06/2006	73	ORDER AND OPINION by Judge Dickran Tevrizian DENYING Plaintiff MOTION for Attorney Fees or in the alternative FRCP 11 Sanctions 64 . (jp,) (Entered: 03/07/2006)
04/25/2006	74	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 11/22/04 Court Reporter: Exceptional Reporting. (ghap,) (Entered: 04/27/2006)
04/25/2006	75	TRANSCRIPT filed for proceedings held on 11/22/04. Court Reporter: Exceptional Reporting. (ghap,) (Entered: 04/27/2006)
05/05/2006	76	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to Circuit Court 61 filed by Mine Design, ; Court of Appeals Case Number: 06-55147. (ghap,) (Entered: 05/05/2006)
06/08/2006	77	MANDATE of 9th CCA filed as to Appeal to Circuit Court 61 , CCA # 06-55147. The appeal is dismissed,. Mandate received in this district on 6/12/06. (dmap,) Modified on 6/16/2006 (dmap,). (Entered: 06/16/2006)
08/20/2008	78	APPLICATION for Order to Show Cause re: Why defendant should not be held in contempt <i>With proof of service</i> filed by plaintiff Votivo Ltd. (Attachments: # 1 Declaration Steve Edmiston in Support of Application for an Order to Show Cause Why Defendant Should not Be Held in Contempt, # 2 Exhibit Table of Exhibits to Declaration of Steve Edmiston in Support of Application for An Order to Show Cause why Defendant should not be held in

		contempt, # 3 Exhibit Exhibits 1-5 to Steve Edmiston Declaration, # 4 Exhibit Exhibits 6 - 10 to Steve Edmiston Declaration, # 5 Exhibit Exhibits 11 - 21 to Steve Edmiston Declaration, # 6 Exhibit Exhibits 22 - 26 to Steve Edmiston Declaration, # 7 Exhibit Exhibits 27 - 30 to Steve Edmiston Declaration, # 8 Proposed Order To Show Cause Why Defendant Should not Be Held in Contempt, # 9 Proof of Service)(Baute, Mark) (Entered: 08/20/2008)
08/20/2008	79	NOTICE OF MOTION AND MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd. filed by plaintiff Votivo Ltd. (Attachments: # 1 Declaration Robert Gilchrest Declaration re Local Rule 7-3, # 2 Proposed Order For Substitution of Party, # 3 Proof of Service)(Baute, Mark) (Entered: 08/20/2008)
08/26/2008	80	NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned District Judge is no longer available. Pursuant to directive of the Chief District Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case has been reassigned to Judge Dean D. Pregerson for all further proceedings. Case number will now read CV 03-6017 DDP (Ex). (rn) (Entered: 08/26/2008)
08/28/2008	81	OPPOSITION to MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd. 79 filed by Defendant Mine Design. (Candeloro, Carlos) (Entered: 08/28/2008)
09/17/2008	82	REPLY SUPPORT MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd. 79 w/ <i>Proof of Service</i> filed by Plaintiff Votivo Ltd. (Attachments: # 1 Declaration of Steven W. Edmiston in Support of Motion for Substitution of Party w/Exhibits 1-3 and Proof of Service)(Baute, Mark) (Entered: 09/17/2008)
09/19/2008	83	REPLY SUPPORT APPLICATION for Order to Show Cause re: Why defendant should not be held in contempt <i>With proof of service</i> 78 w/ <i>Proof of Service</i> filed by Plaintiff Votivo Ltd. (Baute, Mark) (Entered: 09/19/2008)
09/29/2008	84	NOTICE of Decision: US Patent and Trademark Office Trademark Trial and Appeal Board filed by defendant Mine Design. (Candeloro, Carlos) (Entered: 09/29/2008)
10/31/2008	85	MINUTES OF IN CHAMBERS ORDER held before Judge Dean D. Pregerson: re: MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd. 79 (FILED ON 08-20-08 / DOCKET NUMBER 79) is hereby VACATED.. (sce) (Entered: 10/31/2008)
11/14/2008	86	MINUTES OF IN CHAMBERS ORDER held before Judge Dean D. Pregerson: re: APPLICATION for Order to Show Cause re: Why defendant should not be held in contempt 78 is hereby VACATED. (sce) (Entered: 11/14/2008)
11/17/2008	87	NOTICE OF MOTION AND MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd w/ <i>Proof of Service</i> filed by Plaintiff Votivo, LLC, Votivo Ltd. Motion set for hearing on 12/8/2008 at 10:00 AM before Judge Dean D. Pregerson. (Baute, Mark) (Entered: 11/17/2008)

11/17/2008	88	MEMORANDUM in Support of MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd <i>w/Proof of Service 87 with Exhibits A-D; Decl. of Mark V. Jordan in Support Thereof and Proof of Service</i> filed by Plaintiffs Votivo Ltd, Votivo, LLC. (Attachments: # 1 Declaration of Steven Edmiston in Support of Motion for Substitution of Party with Exhibits 1-3, # 2 Proposed Order RE Substitution of Party)(Baute, Mark) (Entered: 11/17/2008)
11/17/2008	89	NOTICE OF MOTION AND MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service</i> filed by Plaintiffs Votivo Ltd, Votivo, LLC. Motion set for hearing on 12/8/2008 at 10:00 AM before Judge Dean D. Pregerson. (Baute, Mark) (Entered: 11/17/2008)
11/17/2008	90	MEMORANDUM in Support of MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service 89 w/Proof of Service</i> filed by Plaintiffs Votivo Ltd, Votivo, LLC. (Attachments: # 1 Declaration of Steven Edmiston in Support of Motion for an OSC Re Why Defendant Should Not Be Held in Contempt w/Exhibits 1-30, # 2 Exhibit 1-5 to Declaration of Steven Edmiston, # 3 Exhibit 6-10 to Declaration of Steven Edmiston, # 4 Exhibit 11-15 to Declaration of Steven Edmiston, # 5 Exhibit 16-23 to Declaration of Steven Edmiston, # 6 Exhibit 24-26 to Declaration of Steven Edmiston, # 7 Exhibit 27-30 to Declaration of Steven Edmiston, # 8 Table of Exhibits to Declaration of Steven Edmiston in Support of Motion for an OSC Re Why Defendant Should Not Be Held in Contempt, # 9 Proposed Order to OSC Why Defendant Should Not Be Held in Contempt)(Baute, Mark) (Entered: 11/17/2008)
11/17/2008	91	Declaration of Robert M. Gilchrest RE Local Rule 7-3 Conference of Counsel (with Exhibit A) re MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service 89</i> , MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd <i>w/Proof of Service 87 w/Proof of Service</i> filed by Plaintiffs Votivo Ltd, Votivo, LLC. (Baute, Mark) (Entered: 11/17/2008)
11/24/2008	92	MEMORANDUM in Opposition to MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service 89</i> , MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd <i>w/Proof of Service 87</i> filed by Defendant Mine Design. (Candeloro, Carlos) (Entered: 11/24/2008)
12/01/2008	93	REPLY support MOTION to Substitute Plaintiff VOTIVO LLC for Plaintiff VOTIVO Ltd <i>w/Proof of Service 87 with Proof of Service</i> filed by Plaintiffs Votivo Ltd, Votivo, LLC. (Baute, Mark) (Entered: 12/01/2008)
12/05/2008	94	MINUTES OF IN CHAMBERS ORDER held before Judge Dean D. Pregerson: COUNSEL ARE NOTIFIED that on the Court's own motion the PLAINTIFF'S MOTION FOR SUBSTITUTION OF A PARTY 87 , MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT 89 is hereby continued from December 8, 2008 to December 15,2008 at 10:00 a.m. (lc) (Entered: 12/05/2008)

12/15/2008	96	MINUTES OF Motion Hearing held before Judge Dean D. Pregerson: RE PLAINTIFF'S MOTION FOR SUBSTITUTION OF A PARTY (FILED ON 11-17-08) 87 MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT (FILED ON 11-17-08) 89 .Court hears oral argument and takes the matters under submission.Court Reporter: Maria Bustillos. (lc) (Entered: 12/15/2008)
12/22/2008	97	ORDER granting Voitvo MOTION for Substitution. 87 .Court grants the motion to substitute Votivo Two in place of Votivo One. Votivo, LLC (Votivo Two) may file a response to Mines filing on February 9, 2009. A HEARING RE: ENFORCEMENT OF THE PERMANENT INJUNCTION is hereby set at 10:00 a.m., on February 23, 2009 89 by Judge Dean D. Pregerson (lc) (Entered: 12/22/2008)
01/26/2009	98	SUPPLEMENTAL BRIEFING re MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service</i> 89 filed by Defendant Mine Design. (Attachments: # 1 Affidavit Amal Flores Declaration, # 2 Affidavit Carlos Candeloro Declaration)(Candeloro, Carlos) (Entered: 01/26/2009)
02/09/2009	100	SUPPLEMENT to MOTION for Order to Show Cause re: Why Defendant MINE DESIGN Should Not Be Held In Contempt <i>w/Proof of Service</i> 89 <i>w/PROOF OF SERVICE</i> filed by Plaintiff Votivo, LLC. (Attachments: # 1 Declaration of Steven W. Edmiston In Support, # 2 Exhibit 1-5 to Decl. of Steven W. Edmiston in Support)(Baute, Mark) (Entered: 02/09/2009)
02/17/2009	101	MINUTES OF IN CHAMBERS ORDER held before Judge Dean D. Pregerson: re: Order, Set Motion and R&R Deadlines 97 . HEARING RE:ENFORCEMENT OF THE PERMANENT INJUNCTION continued to 3/2/2009 10:00 AM before Judge Dean D. Pregerson. (tad) (Entered: 02/17/2009)
02/27/2009	102	MINUTES OF IN CHAMBERS ORDER held before Judge Dean D. Pregerson: COUNSEL ARE NOTIFIED that on the Court's own motion: the hearing re Enforcement of the Permanent Injunction (Court Ordered 12/22/08) 97 , set for March 2, 2009 at 10:00 a.m., is hereby taken off calendar, the hearing date vacated and will bedecided without oral argument. (tad) (Entered: 02/27/2009)
03/10/2009	103	ORDER DENYING MOTION TO ENFORCE THE PERMANENT INJUNCTION by Judge Dean D. Pregerson re MOTION for Order to Show Cause 89 . The Court DENIES Votivos Motion for an Order to Show Cause. The Court finds that Votivo has waived any right to enforce the permanent injunction entered in this case. (Made JS-6. Case Terminated.) (sch) (Entered: 03/11/2009)
04/09/2009	109	NOTICE OF APPEAL to the 9th CCA filed by PLAINTIFF Votivo, LLC. (Attachments: # 1 Exhibit A and B to Notice of Appeal)(Baute, Mark) (Entered: 04/09/2009)
04/10/2009	110	FILING FEE LETTER issued as to PLAINTIFF Votivo, LLC, re Notice of Appeal to 9th Circuit Court of Appeals 109 . (dmap) (Entered: 04/10/2009)

04/10/2009	111	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals 109 as to Plaintiff Votivo, LLC; Receipt Number: 117630 in the amount of \$455. (dmap) (Entered: 04/13/2009)
04/10/2009	112	NOTIFICATION by Circuit Court of Appellate Docket Number 09-55542, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals 109 as to Plaintiff Votivo, LLC. (dmap) (Entered: 04/13/2009)

PACER Service Center			
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Billable Pages:	9	Cost:	0.72

Certificate of Mailing

I hereby certify that a true and complete copy of the foregoing "Notice" has been served on Votivo, Ltd. And Votivo LLC by mailing said copy on January 21, 2010, via Express Mail Label No. EB 996423135 US, postage prepaid, to counsel for Votivo, Ltd. and Votivo LLC at:

Mark V. Jordan
Invicta Law Group, PLLC
1000 Second Ave., Suite 3310
Seattle, Washington 98104

The original has been filed on January 21, 2010, by mailing with the United States Postal Service via Express Mail Label No. EB 996423042 US, postage prepaid in an envelope addressed to:

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Carlos Candeloro