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Filing date: **07/03/2008**

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

Proceeding	91180460
Party	Plaintiff E. I. du Pont de Nemours and Company
Correspondence Address	Dickerson M. Downing Crowell & Moring, LLP 153 East 53rd Street, 31st Floor New York, NY 10022 UNITED STATES edocket@crowell.com, ddowning@crowell.com, jksmith@crowell.com, ckornett@crowell.com
Submission	Motion to Strike
Filer's Name	Dickerson M. Downing
Filer's e-mail	edocket@crowell.com, ddowning@crowell.com, jksmith@crowell.com, ckornett@crowell.com
Signature	/dmd/
Date	07/03/2008
Attachments	Opposer's Motion to Strike.pdf (8 pages)(341097 bytes) Exhibit 1 - Motion to Strike.pdf (9 pages)(378709 bytes) Exhibit 2 - Motion to Strike.pdf (7 pages)(195491 bytes) Exhibit 3 - Motion to Strike.pdf (2 pages)(29814 bytes) Exhibit 4 - Motion to Strike.pdf (5 pages)(139769 bytes) Exhibit 5 - Motion to Strike.pdf (3 pages)(89886 bytes)

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

In the Matter of Application Serial No. 78/922,352
Published in the Official Gazette of July 17, 2007

E.I. DU PONT DE NEMOURS AND COMPANY,

Opposer,

v.

MELISSA J. TERZIS,

Applicant.

Opposition No. 91/180,460

Mark: **VELVET IN DUPONT**

OPPOSER'S MOTION TO STRIKE UNDER TBMP § 517

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Opposer, E.I. duPont de Nemours and Company ("Opposer") hereby moves the Trademark Trial and Appeal Board to strike the false allegations recently made by Applicant, Melissa J Terzis ("Applicant") in a Reply document dated June 18, 2008, that Opposer's counsel has falsified four separate Certificates of Services used in documents served in this proceeding.

In a recent submission, Applicant, without any substantive proof, accuses Opposer of falsifying the Certificates of Service on three discovery requests served by mail by Opposer in New York City on May 19, 2008. The total lack of foundation for this claim is manifested by the fact that Applicant and its counsel admit they received copies of these discovery requests by mail in Washington, DC and

Connecticut on May 21, 2008, *only two days later*. In short, Applicant is basing a very serious claim of fraud on nothing more than the extraordinary claim that mail from New York to the District of Columbia and Connecticut should not have taken more than 24 hours to deliver.

Applicant makes the same baseless allegation regarding the Certificate of Service attached to a document dated and served by Opposer on June 10, 2008 notwithstanding the fact: a) Applicant's counsel has admitted that the mailing envelope containing the document bears a postmark date of June 10, 2008; and b) it is a matter of public record that Opposer filed the document electronically with the United States Patent and Trademark Office on June 10, 2008. Moreover, the fact that Applicant claims, without proof, that this mail was not delivered until four and six days (counting Sunday) after the date on the Certificate in the District of Columbia and Connecticut is not sufficient grounds upon which to make the very serious claim of fraud.

Not surprisingly, neither Applicant nor its attorney has submitted any sworn Affidavits or Declarations in support of these claims.

These outrageous and false personal attacks are part of an overall effort by Applicant to frustrate Opposer's efforts to conduct discovery and flaunt the applicable rules of discovery and motion practice. This effort has included refusals by Applicant to respond: a) to Opposer's requests for Admission on the grounds that the requests had been sufficiently addressed, to Applicants satisfaction, in

Applicant's Answer to the Notice of Opposition filed six months previously¹ and b) to Opposer's Request for Production of Documents on the ground that the documents sought could somehow be located through Opposer's "own computers and computer software programs" and through various governmental agencies including "the District of Columbia Registered Organizations, the Department of Consumer, the Department of Regulatory Affairs and other agencies." ²

Accordingly, pursuant to TBMP § 517, Opposer moves to strike all portions of "Applicant's Reply To Opposer's Response Presumably Dated June 10, 2008 to Applicant's Objections To First Requests for Admissions, Interrogatories and Production" dated June 18, 2008 ("Reply"), in which Applicant claims that Opposer falsified these Certificates of Service (Page 4, line 7 to page 5, line 18) and from all other future submissions in which Applicant may make that claim. A copy of the Reply is attached as Exhibit 1.

ARGUMENT

Opposer served its First Set of Interrogatories, First Request for Production of Documents and Things and First Requests for Admissions ("Discovery Requests") on Applicant on May 19, 2008. Certificates of Service were attached to each individual Discovery Request and were dated May 19, 2008. Copies of these Certificates of Service are attached as Exhibit 2. Applicant admits, in the Reply, that both it and its counsel received copies of the Discovery Requests in

¹ See generally, "Applicant's Supplemental Objection To Opposer's First Request for Admissions" dated June 10, 2008.

² See generally, "Applicant's Supplemental Objection To Opposer's First Request For Production of Documents and Things" dated June 13, 2008 and at p. 5.

Washington, DC and Connecticut only two days later, namely, on May 21, 2008.

This two day difference between the date on the Certificate, as signed in New York, and the date Applicant and her attorney claim to have received the material by mail in Washington, DC and Connecticut, is the sole basis for Applicant's claim that Opposer falsified these Certificates of Service. To repeat, Applicant is accusing Opposer of fraud based solely and entirely on the claim that it seems to have taken more than one day for the post office to deliver the mail from New York to Washington and Connecticut.

Following receipt of Opposer's discovery requests, Applicant filed a series of so called "Objections"³ which, in fact, are nothing more than blanket refusals to comply with discovery.

Opposer served its "Response To Applicant's Objections To Opposer's First Set Of Interrogatories, First Request For Production And First Request For Admissions" ("Opposer's Response") by mail on Applicant on June 10, 2008. A Certificate of Service was attached to Opposer's Response dated June 10, 2008. A copy of this Certificate of Service is attached as Exhibit 3. The deadline for filing this Response was June 12, 2008.

As discussed in more detail below, the post mark mailing date on the envelope received by Applicant's attorney which contained the document also was June 10, 2008.

³ Applicant's Objections to Opposer's First Request for Admissions dated May 23, 2008; Applicant's Objection to Opposer's First Set of Interrogatories dated May 23, 2008; and Applicant's Objection to Opposer's First Request for Production of Documents and Things dated May 23, 2008.

As the records of the TTAB indicate, Opposer also electronically filed the document on June 10, 2008.

As noted, Opposer requested that Applicant provide copies of all the post marked mailing envelopes containing the documents in question so that the post marks could be reviewed. (See Exhibit 4). Applicant has failed or refused to produce the mailing envelopes for the May 19, 2008 documents. However, Applicant has produced a copy of one of the mailing envelopes containing the June 10, 2008 document *which bears a post mark date of June 10, 2008*. A copy of Applicant's letter enclosing this envelope is attached as Exhibit 5 ("Letter").

Applicant claims that she received a copy of Opposer's Response in Washington, DC on Saturday, June 14, 2008 and that her attorney received a copy of the document at his Connecticut office on Monday, June 16, 2008 -- four days and six (counting Sunday) days after the date on the Certificate of Service. Although Applicant's attorney argues in the Letter (Exhibit 5) that unidentified Post Office representative[s] in the Riverside, Connecticut Post Office told him that it should not have taken four days for the document to reach Washington or six days (counting Sunday) for the document to reach Connecticut, he does not identify the Post Office representative[s] nor has anyone submitted a sworn Declaration or Affidavit supporting any of these claims.

Indeed, this unidentified Post Office representative, according to Applicant's attorney, is quite explicit in that he or she is said to have concluded "either the envelope and its contents were held until June 13, 2008 [the day before the

document was claimed to have been received in Washington, D.C.] or the postal meter was predated to June 10, 2008, or the postal meter was never correctly changed to reflect the accurate date.” In short, according to Applicant’s attorney, the Post Office representative, like Applicant, seems to believe that fraud must have occurred because it should not take more than 24-hours for mail to go from New York City to Washington, D.C.

Finally, Applicant makes no attempt to explain why Opposer would deliberately delay serving a document it already had electronically filed on June 10, 2008.

Opposer respectfully requests that it is outrageous to base a very serious claim of fraud on such flimsy “evidence.” In that regard, Opposer respectfully submits that there is absolutely no evidence to suggest that it is inconceivable that it can take more than one day to deliver mail from New York to Washington, D.C. or Connecticut. Similarly, the fact that it may have taken four and six days (counting Sunday), as Applicant claims for the mail to be delivered from New York to Washington, D.C. and Connecticut for the second document, that period of delay can be explain by any of a number of logical reasons. In any event, Opposer does not believe it is necessary to speculate as to the cause for the delay in view of the fact that the delay alone clearly does not constitute evidence of fraud.

In short, Opposer stands by its sworn Declarations set forth in the Certificate of Service and Applicant, who has submitted no sworn Declarations to support its claim, has done nothing to suggest that those Declarations have been falsified.

WHEREFORE, based on the foregoing, Opposer respectfully requests the Board to strike all references to Applicant's baseless claims that Opposer falsified its Certificates of Service and/or its claims that Opposer has consistently misrepresented the dates contained in its Certificates of Service on the grounds that Applicant has offered no proof of its claim, its claim is completely baseless and without merit, is extremely prejudicial to Opposer and Opposer's Attorneys and was raised for the first time in Applicant's Reply.

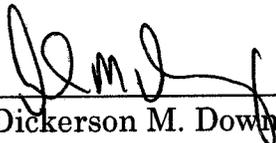
Opposer therefore again reserves the right to seek appropriate sanctions including sanctions based on Rule 11 of the Federal Rules of Civil Procedure.

For the foregoing reasons, Opposer respectfully requests that the Board GRANT Opposer's motion and strike Applicant's statements as requested herein.

Dated: New York, New York
July 3, 2008

Respectfully submitted,

CROWELL & MORING LLP

By: 

Dickerson M. Downing
Julia K. Smith

153 East 53rd Street
31st Floor
New York, New York 10022

Attorneys for
E.I. du Pont de Nemours and Company

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July 2008, a true and correct copy of the foregoing document was served on counsel for the Applicant, by first class mail:

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009



Julia K. Smith

EXHIBIT 1

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

In the Matter of Application Serial No. 78922352 for the mark
VELVET IN DUPONT in International Class 41
Published for Opposition in the Official Gazette of July 17, 2007

E.I. Du PONT DE NEMOURS AND COMPANY,
Opposer,

Proceeding No. 91180460

REPLY TO OPPOSER'S RESPONSE TO APPLICANT'S
OBJECTIONS TO FIRST REQUESTS FOR
ADMISSIONS, INTERROGATORIES AND PRODUCTION

V.

MELISSA J. TERZIS,

Applicant.

JUNE 18, 2008

Commissioner For Trademarks,
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

REPLY TO OPPOSER'S RESPONSE PRESUMABLY DATED JUNE 10, 2008
TO APPLICANT'S OBJECTIONS TO FIRST REQUESTS FOR
ADMISSIONS, INTERROGATORIES AND PRODUCTION

Applicant, Melissa J. Terzis, an individual residing at the Admiral Dupont
Condominium located at 1700 17th Street NW, Washington, D.C. 20009, hereby files a
Reply to Opposer's Response presumably dated and mailed on June 10, 2008 to
Applicant's Objections to Opposer's First Requests for Admissions, Interrogatories and
Production, which Opposer's Response was received by the Applicant in Washington,
D.C. on Friday, June 14, 2008 and by Applicant's attorney in Greenwich, CT on Monday,
June 16, 2008.

APPLICANT'S OBJECTION TO OPPOSER'S FIRST REQUESTS
FOR ADMISSIONS, INTERROGATORIES AND PRODUCTION SHOULD
BE SUSTAINED

As previously enumerated in Applicant's Objection to Opposer's First Requests for Admissions, Interrogatories and Production, each dated May 23, 2008:

- a. the Discovery Order dated and mailed by the United States Patent and Trademark Office, Trademark Trial and Appeal Board, on October 31, 2007, mandated that the "Discovery Period Was to Close on May 18, 2008"(emphasis added);
- b. there was never any Request made by the Opposer for an Extension of Time within which to file its First Requests for Admissions, Interrogatories or Production;
- c. no order was ever issued by the United States Patent and Trademark Office granting any extension of time to Opposer for the filing of its First Requests for Admissions, Interrogatories or Production from May 18, 2008 to any later date;
- d. during the period from October 31, 2007 until May 18 , 2008, a period of more than Six and Two/Thirds (6 2/3) months and over Two Hundred (200) Days, the Opposer never conducted any Discovery of any type or kind whatsoever in this matter even though Opposer was ordered to do so by the Discovery Order of October 31, 2007;
- e. during the period from October 31, 2007 until May 18, 2008, a period of more than Six and Two/Thirds (6 2/3) months and over Two Hundred (200) Days, the Opposer never contacted the attorney for the Applicant either in writing or by telephone to request a continuance or extension of time for any Discovery of any type or kind whatsoever in this matter;
- f. thus, it is patently clear that the Opposer did ABSOLUTELY NOTHING with respect to any Discovery in this matter during the period from October 31, 2007

through May 18, 2008, a period of more than Six and Two/Thirds (6 2/3) months and over Two Hundred (200) Days; and

g. therefore, there can be no doubt that the Opposer willfully failed to comply with the Discovery Order made by the United States Patent and Trademark Office, Trademark Trial and Appeal Board, on October 31, 2007.

Opposer's reliance upon 37 CFR sec. 2.120(a) and sec. 2.196, together with TBMP sec. 403.02 and sec. 112 is misplaced.

As stated in the Discovery Order entered by the United States Patent and Trademark Office on October 31, 2007, "the Answer was due Forty Days after the transmission date hereof (October 31, 2007). (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday)".

The Discovery Order further specifically provided: "Discovery and testimony periods are set as follows: . . . Discovery period to close on May 18, 2008". (Emphasis added).

The purpose of the Discovery Order was to set forth in writing of the expedited schedule for moving the case forward as quickly as possible and to allow the parties to conduct and complete their Discovery and testimony periods. The Discovery Order was not entered for the purpose of allowing a party to the litigation, such as the Opposer herein, to prolong and delay the litigation. It is indeed interesting to review the prolix Opposer's Response which fails to state why the Opposer, who is in effect the Plaintiff, did ABSOLUTELY NOTHING with respect to any Discovery in this matter during the period from October 31, 2007 through May 18, 2008, a period of more than Six and Two/Thirds (6 2/3) months and over Two Hundred (200) Days.

Therefore, the only fair and reasonable method to prevent any further occurrence of this type or kind by the Opposer – Plaintiff, and/or its attorneys, is to Sustain Applicant's Objections to the First Set of Admissions, Interrogatories and Production.

Moreover, no useful purpose would be served in allowing the Opposer – Plaintiff to ignore the Court Ordered Discovery Order and to continue its tactics of delay in this matter.

OPPOSER – PLAINTIFF HAS CONSISTENTLY MISREPRESENTED THE DATES CONTAINED IN ITS CERTIFICATE OF SERVICE AS TO SERVICE OF THE OPPOSER'S RESPONSE AND DISCOVERY HEREIN

The Opposer's Response to Applicant's Objections to Opposer's First Set of Interrogatories, First Request for Production and First Requests for Admissions bears a Certificate of Service as of June 10, 2008 certified by Attorney Julia K. Smith.

Although the Opposer's Response claims to have been dated and mailed on June 10, 2008, the Opposer's Response to the Applicant's Objections to Opposer's First Requests for Admissions, Interrogatories and Production, was in fact actually received by the Applicant, Melissa J. Terzis, at 1700 17th Street NW, Apt 404, Washington, D.C. 20009 on Friday, June 14, 2008 and received by the Applicant's attorney, John E. Terzis, at 15 Revere Road, Riverside, Greenwich, CT on Monday, June 16, 2008.

Since the world's largest United States Postal Service (USPS) Distribution Center is located near 153 East 53rd Street, 31st Floor, New York, N.Y. 10022, on Eighth-Ninth Avenues, and the CT USPS distribution center is in the 06901 area of Stamford, CT near Applicant's attorney's office and the Washington, D.C. USPS distribution center is near the 20009 zip code, it is inconceivable that it would took Six (6) full days for an envelope

to go from 53rd Street in New York City to Greenwich, CT and 5 days to go from 53rd Street in New York City to Washington, D.C. unless it was in fact mailed on June 13, 2008, and not on June 10, 2008.

Thus, it is clear that the Opposer – Plaintiff has willfully misrepresented the dates in their Certificate of Service for the sole purpose of delaying the Court's determination that the Opposer's First Requests for Admission, Interrogatories or Production were filed and served late in violation of the Court Ordered Discovery Order dated October 31, 2007.

While this willful misrepresentation by the Opposer – Plaintiff isn't the only time that Opposer – Plaintiff filed a Certificate of Service wherein the dates of service were also misrepresented.

The three Certificates of Service in connection with the Opposer – Plaintiff First Set of Admissions, First Set of Interrogatories and First Set of Production of Documents and Things, all certified that a copy of the documents were sent to the Applicant and to the Applicant's attorney on May 19, 2008. Neither the Applicant nor the Applicant's attorney received the documents until May 21, 2008.

In addition, the Service of the Documents were late and in violation of the Court Ordered Discovery Order requiring Opposer to complete its Discovery by May 18, 2008.

WHEREFORE, the Applicant, Melissa J. Terzis, hereby moves the United States Patent and Trademark Office, Trademark Trial and Appeal Board, as follows:

1. that the Objection by the Applicant to the Opposer's First Requests for Admissions, First Requests for Interrogatories and First Request for Production of Documents and things should be SUSTAINED particularly since the Opposer failed to

comply with the Court's Discovery Order of October 31, 2007;

2. since the party failing to comply with the Discovery Order rendered by the United States Patent and Trademark Office, Trademark Trial and Appeal Board was the Plaintiff - Opposer, E.I. Du PONT DE NEMOURS AND COMPANY, the Applicant, Melissa J. Terzis, moves the Court for the entry of a Judgment of Dismissal of Opposer's Notice of Opposition dated October 31, 2007 for the Plaintiff - Opposer's for failure to comply with the Court Discovery Order;

3. the Applicant, Melissa J. Terzis, further moves the Trademark Trial and Appeal Board for an Order sanctioning the attorneys for the Opposer, Crowell & Moring LLP, Attorney Dickerson M. Downing, Attorney Julia K. Smith and Attorney Christine Kornett for their frivolous and untimely First Requests for Admissions, Interrogatories and Production and their failure to comply with the Discovery Order, together with the imposition of reasonable attorney's fees and costs;

4. the Applicant hereby requests that the Notice of Opposition filed by Opposer, E. I. DuPont de Nemours and Company, on October 31, 2007 be DENIED, and that the the registration of the trademark VELVET IN DUPONT (Serial Number 78/922,352) be GRANTED; and

5. that the Supplemental Objection by the Applicant to the Opposer's First Requests dated June 10, 2008 for Admissions, Interrogatories and/or Production of Documents should be SUSTAINED particularly since the Opposer failed to comply with the Court's Discovery Order of October 31, 2007.

APPLICANT, MELISSA J. TERZIS

APPLICANT, MELISSA J. TERZIS

By Melissa J. Terzis
Melissa J. Terzis, pro se
1700 17th Street NW, Apt. 404
Washington, D.C. 20009
Tel. 202-253-9105
Email: mterzis@yahoo.com

By John E. Terzis
John E. Terzis, her Attorney
15 Revere Road, Riverside
Greenwich, CT 06878-1014
Tel and Fax 203-637-1216
Email: jterzis@excite.com

Dated: Washington, D.C. 20009
On June 18, 2008

ORDER

The Objection to Opposer's First Requests for Admissions, Interrogatories and Production having been heard is hereby SUSTAINED. OVERRULED.

Since the Plaintiff – Opposer failed to comply with the Court ordered Discovery Order of October 31, 2007, the Court hereby Orders that a Judgment of Dismissal be entered as to the Notice of Opposition filed by the Plaintiff – Opposer on October 31, 2007. GRANTED. DENIED.

The Motion for the sanctioning of the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Requests for Admissions, Interrogatories and/or Production, and their failure to comply with the Discovery Order having been heard is hereby GRANTED. DENIED.

and the Court imposes reasonable attorneys fees and costs against Plaintiff – Opposer and its attorneys Crowell & Moring LLP, Attorney Dickerson M. Downing, Attorney Julia K. Smith and Attorney Christine Kornett in the amount of \$ _____ jointly and severally.

By the Court

Dated:

Judge/Clerk

Certificate of Mailing

I hereby certify that the original Reply to Opposer's Response to Applicant's Objection to Opposer's First Set of Admissions, Interrogatories and Production is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner of Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on June 18, 2008.



John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of Reply to Opposer's Response to Applicant's Objection has been served on Dickerson M. Downing, Esq., Crowell & Moring LLP, 153 East 53rd Street, 31st Floor, New York, N.Y. 10022, by mailing a copy on June 18, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis

EXHIBIT 2

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

In the Matter of Application Serial No. 78/922,352

E.I. DU PONT DE NEMOURS AND COMPANY,

Opposer,

v.

MELISSA J. TERZIS,

Applicant.

Opposition No. 91/180,460

Mark: **VELVET IN DUPONT**

**OPPOSER'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS**

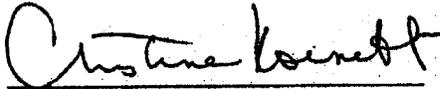
Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Patent and Trademark Office Rules of Practice, Opposer E.I. du Pont de Nemours and Company, hereby requests that Applicant Melissa J. Terzis, produce the documents and things identified below for inspection and copying at the offices of Crowell & Moring, LLP, 153 East 53rd Street, 31st Floor, New York, New York 10022, within thirty (30) days of the date of service hereof or at such other time and place as may be mutually agreed upon by the parties.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May 2008, a true and correct copy of the foregoing document was served on counsel for the Applicant, by first class mail to:

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009


Christine Kornett

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

In the Matter of Application Serial No. 78/922,352

E.I. DU PONT DE NEMOURS AND COMPANY,

Opposer,

v.

MELISSA J. TERZIS,

Applicant.

Opposition No. 91/180,460

Mark: VELVET IN DUPONT

OPPOSER'S FIRST REQUESTS FOR ADMISSIONS

Opposer E.I. du Pont de Nemours and Company ("Opposer"), hereby requests that Applicant Melissa J. Terzis ("Applicant"), admit or deny the truth of each of the statements set forth below within thirty (30) days of service thereof pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure.

DEFINITIONS

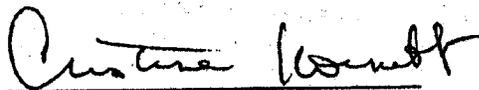
For the purposes of these Requests for Admission, Opposer incorporates by reference the Definitions set forth in "Opposer's First Request for the Production of Documents and Things."

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May 2008, a true and correct copy of the foregoing document was served on counsel for the Applicant, by first class mail to:

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009



Christine Kornett

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

In the Matter of Application Serial No. 78/922,352

E.I. DU PONT DE NEMOURS AND COMPANY,

Opposer,

v.

MELISSA J. TERZIS,

Applicant.

Opposition No. 91/180,460

Mark: VELVET IN DUPONT

OPPOSER'S FIRST SET OF INTERROGATORIES

Opposer E.I. du Pont de Nemours and Company ("Opposer"), hereby requests that Applicant Melissa J. Terzis ("Applicant"), respond in full to the Interrogatories set forth below, pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure.

DEFINITIONS

For the purposes of these Interrogatories, Opposer incorporates by reference the Definitions set forth in "Opposer's First Request for the Production of Documents and Things."

INSTRUCTIONS

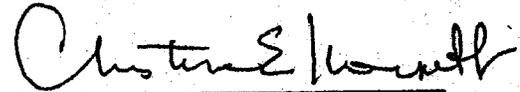
1. In answering these Interrogatories furnish all information, however obtained, that is available to Applicant or subject to Applicant's reasonable inquiry,

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May 2008, a true and correct copy of the foregoing document was served on counsel for the Applicant, by first class mail to:

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009



Christine E. Kornett

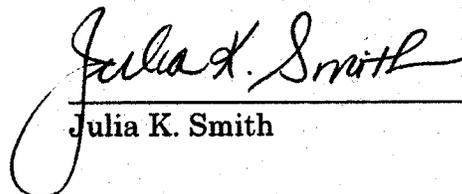
EXHIBIT 3

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June 2008, a true and correct copy of the foregoing document was served on counsel for the Applicant, by first class mail to:

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009



Julia K. Smith

EXHIBIT 4

Smith, Julia

From: Kornett, Christine
Sent: Monday, June 23, 2008 4:15 PM
To: 'jterzis@excite.com'
Cc: Downing, Dickerson
Subject: FW: J.Terzis - Reply re June 10, 2008 Reply
Attachments: VELVET IN DUPONT Opposition.pdf

Dear Mr. Terzis:

Please find attached a letter from Dickerson Downing regarding VELVET IN DUPONT discovery papers.
Thank you,

Christine Kornett
IP Secretary
Crowell & Moring LLP
153 East 53rd Street
New York, NY 10022
(212) 895-4248

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated recipient is unauthorized. If you are not an intended recipient, please contact the sender at 212/223-4000 and delete this e-mail

From: NYecopy
Sent: Monday, June 23, 2008 4:11 PM
To: Kornett, Christine
Subject: J.Terzis - Reply re June 10, 2008 Reply

7/3/2008

Dickerson Downing
212 895-4212
DDowning@crowell.com

June 23, 2008

CAM: 024941.04226US

VIA E-MAIL jterzis@excite.com
CONFIRMATION FIRST CLASS MAIL VIA FEDERAL EXPRESS

John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014

Melissa J. Terzis
1700 17th Street NW, Apt. 404
Washington, D.C. 20009

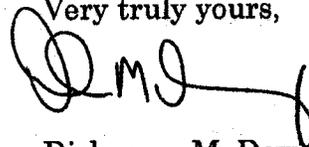
Re: E.I. DU PONT DE NEMOURS AND COMPANY v. MELISSA J. TERZIS
Opposition No. 91/180,460
Mark: VELVET IN DUPONT

Dear Mr. and Ms. Terzis:

I am in receipt of Applicant's document entitled "Reply to Opposer's Response Presumably Dated June 10, 2008 to Applicant's Objections to First Request for Admissions, Interrogatories and Production."

The papers that were mailed to you should have been post-marked. Please provide immediately copies of the envelope with the post-mark visible for all documents with respect to which you contend there is a question regarding the Certificate of Service.

Very truly yours,



Dickerson M. Downing

DMD/ck

NYIWDMS: 10578320_1

Smith, Julia

From: Kornett, Christine
Sent: Thursday, June 26, 2008 3:50 PM
To: 'jterzis@excite.com'
Cc: Downing, Dickerson; Smith, Julia
Attachments: FW: J.Terzis - Reply re June 10, 2008 Reply

Dear Mr. Terzis:

Please find attached a letter from Mr. Downing regarding VELVET IN DUPONT emailed to you on June 23rd. Would you kindly let us know when we can expect a reply? Thank you, Christine Kornett

Christine Kornett
IP Secretary
Crowell & Moring LLP
153 East 53rd Street
New York, NY 10022
(212) 895-4248

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated recipient is unauthorized. If you are not an intended recipient, please contact the sender at 212/223-4000 and delete this e-mail

7/3/2008

Smith, Julia

From: Downing, Dickerson
Sent: Tuesday, July 01, 2008 1:35 PM
To: 'jterzis@excite.com'; 'mterzis@yahoo.com'
Cc: Smith, Julia; Kornett, Christine
Subject: Third Request for Copies of Post Marked Envelopes: Velvet in Dupont Opposition (Opp. No. 91-180,460)
Attachments: FW: J.Terzis - Reply re June 10, 2008 Reply

Please advise if you intend to supply the requested copies of the Crowell & Moring mailing envelopes showing the post mark dates for those communications from this law firm where you claim this firm has falsified the dates of the Certificate of Service.

Dickerson M. Downing
Crowell & Moring, LLP
153 East 53rd Street
31st Floor
New York, New York 10022
(212) 895-4212
(212) 895-4201 (Facsimile)

From: Kornett, Christine
Sent: Thursday, June 26, 2008 3:50 PM
To: 'jterzis@excite.com'
Cc: Downing, Dickerson; Smith, Julia
Subject:

Dear Mr. Terzis:

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7/3/2008

EXHIBIT 5

JOHN E. TERZIS
Attorney and Counselor at Law
15 Revere Road, Riverside
Greenwich, CT 06878-1014
Tel. and Fax 203-637-1216

June 28, 2008

Dickerson M. Downing, Esq.
Crowell & Moring LLP
153 East 53rd Street, 31st Floor
New York, N.Y. 10022

Re: E.I. du Pont de Nemours and Company v. Melissa J. Terzis
Trademark Trial and Appeal Board - Proceeding No. 91180460

Dear Attorney Downing:

With respect to your letter dated June 23, 2008, enclosed is a copy of the front of the envelope you sent containing your Opposer's Response to Applicant's Objections to Opposer's First Set of Interrogatories, Production and Admissions.

As set forth in our Reply dated June 18, 2008 to your Opposer's Response, although your Response claims to have been dated and mailed on June 10, 2008, the Response was received by Applicant, Melissa J. Terzis, in Washington, D.C. on June 14, 2008 and by the Applicant's attorney, John E. Terzis, at Greenwich, CT on June 16, 2008.

As we previously stated in our Reply dated June 18, 2008, it is inconceivable that it would take Six (6) full days for an envelope to go from your office at 153 East 53rd Street, New York City (blocks away from the largest USPS distribution center) to Greenwich, CT, and Five (5) days to go from your office to Washington, D.C. unless it was in fact mailed on June 13, 2008, and not on June 10, 2008 as certified by your office.

For your information, we have shown your envelope with the June 10, 2008 postal meter date thereon to the Riverside, CT postal office and they informed me that based upon my receipt on June 16, 2008 and Melissa's receipt on June 14, 2008, either the envelope and its contents were held until June 13, 2008, or the postal meter was predated to June 10, 2008, or the postal meter was never correctly changed to reflect the accurate date.

Very truly yours,

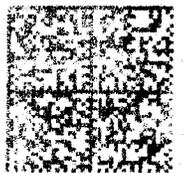
John E. Terzis

cc: Commissioner of Trademarks, Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

31st Floor



John E. Terzis, Esq.
15 Revere Road, Riverside
Greenwich, CT 06878-1014



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