

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

TTAB

July 2, 2008

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

78922 352

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

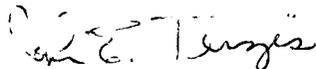
Dear Attorney Downing:

With respect to your e-mail dated July 1, 2008 at 14:36:06, we previously informed you by letter dated June 28, 2008 that since the Trademark Trial and Appeal Board has yet to rule on Applicant's six pending Objections, Supplemental Objections and Reply:

- a. Applicant's Objections to Opposer's First Request for Admissions dated May 23, 2008;
- b. Applicant's Objection to Opposer's First Set of Interrogatories dated May 23, 2008;
- c. Applicant's Objection to Opposer's First Request for Production of Documents and Things dated May 23, 2008;
- d. Applicant's Supplemental Objection to Opposer's First Request for Admissions dated June 10, 2008;
- e. Applicant's Supplemental Objection to Opposer's First Request for Production of Documents and Things dated June 13, 2008; and
- f. Applicant's Reply to Opposer's Response to Applicant's Supplemental Objections to Opposer's First Request for Admissions dated June 24, 2008,

your continued plan to proceed to file a Motion to Compel compliance with your untimely Discovery Motions in complete violation of the Court Ordered Discovery Order dated October 31, 2007, is premature, moot, and clearly frivolous.

Very truly yours,



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



07-07-2008

[Close This Window]

✘ Message is not flagged. [Flag for Follow Up]

Date: Tue Jul 1 14:39:23 2008
From: Downing, Dickerson <DDowning@crowell.com>
[Add to Address Book | Block Address | Report as Spam]
To: <jterzis@excite.com>
Cc: <mterzis@yahoo.com>, Smith, Julia <JKSmith@crowell.com>, Kornett, Christine
<CKornett@crowell.com>
Subject: RE: Discovery Issues: Velvet in Dupont Opposition (Opp. No. 91-180,460)

Mr. Terzis - I now in receipt of your letter of June 28, 2008 regarding this matter. Thank you for responding. Unless we hear from you with any constructive ideas regarding the resolution of this dispute, we will proceed with the Motion to Compel.

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

-----Original Message-----

From: Downing, Dickerson
Sent: Tuesday, July 01, 2008 1:35 PM
To: 'jterzis@excite.com'
Cc: 'mterzis@yahoo.com'; Smith, Julia; Kornett, Christine
Subject: Discovery Issues: Velvet in Dupont Opposition (Opp. No. 91-180,460)

Mr. Terzis - In following up on my letter of June 27, please advise if you have any proposals for resolving the discovery issues in this Opposition.

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

-----Original Message-----

From: Kornett, Christine
Sent: Friday, June 27, 2008 2:27 PM
To: 'jterzis@excite.com'
Cc: 'mterzis@yahoo.com'; Downing, Dickerson; Smith, Julia
Subject: FW: J.Terzis - Opposition Proceeding VELVET IN DUPONT

Mr. Terzis,
Please find attached a letter from Mr. Downing regarding the Opposition Proceeding of VELVET IN DUPONT.

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

July 2, 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:

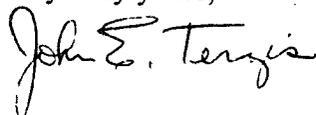
With respect to your e-mail dated July 1, 2008 at 14:36:06, we have no knowledge that "your document (Response dated June 10, 2008) was ever filed electronically".

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.

As for your demand that we submit Declarations for the Applicant and Applicant's attorney specifying the "dates they received the documents at issue and that both were present at the respective mailing addresses throughout the time periods", it would appear that you have completely ignored the fact that both Applicant, Melissa J. Terzis, and Applicant's attorney, John E. Terzis, have signed the Reply dated June 18, 2008, which clearly represents an affirmative affirmation of each and every fact contained therein which includes the specific items that you now demand.

Very truly yours,



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

[\[Close This Window \]](#)

✘ Message is not flagged. [\[Flag for Follow Up \]](#)

Date: Tue Jul 1 14:36:06 2008
From: Downing, Dickerson <DDowning@crowell.com>
[\[Add to Address Book \]](#) [\[Block Address \]](#) [\[Report as Spam \]](#)
To: <jterzis@excite.com>, <mterzis@yahoo.com>
Cc: Smith, Julia <JKSmith@crowell.com>, Kornett, Christine <CKornett@crowell.com>
Subject: RE: Third Request for Copies of Post Marked Envelopes: Velvet in Dupont Opposition (Opp. No. 91-180,460)

This message contains blocked images. [\[Show Images \]](#) [\[Edit Preferences \]](#)

Mr. Terzis - I am now in receipt of your letter of June 28, 2008 enclosing a copy of the front of the correspondence sent to you on June 10, 2008 with the June 10 postmark. Thank you for providing this material. I assume you are aware the document was filed electronically on the same day.

I do have some remaining questions that I would like you to address:

- 1) Can you or Ms Terzis have provide similar copies of the correspondence sent on May 19, 2007?
- 2) Please provide the name and title of the individual to whom you spoke at the Riverside CT postal office and the date of the conversation.
- 3) Please also advise if you intend to submit Declarations from the postal employee confirming the discussion set forth in your letter or from Ms Terzis or yourself attesting as to a) the dates you received the documents at issue; and b) that you both were present at your respective mailing addresses throughout the time periods in question (i.e. the dates between the date of the certificate of service and the date you both received the documents).

Thank you in advance for your cooperation.

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: 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)

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