

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

MARK: VELVET IN DUPONT

v.

MELISSA J. TERZIS, Applicant

JULY 11, 2008

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

APPLICANT'S RESPONSE/OBJECTION TO OPPOSER'S MOTION TO COMPEL
DISCOVERY AND REQUEST TO SUSPEND PROCEEDING

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

In its prolix Motion to Compel Discovery under 37 C.F.R. 2.120(e) and Request to Suspend Proceeding dated July 3, 2008, but received by Applicant and Applicant's Attorney on July 7, 2008, the Opposer – Plaintiff willfully and intentionally failed to inform the Trademark Trial and Appeal Board of the following material and substantive facts that clearly confirm that the Motion to Compel and the Request to Suspend Proceeding by the Opposer – Plaintiff is Moot, Premature and Clearly Frivolous, and, in addition, has no basis in fact and, accordingly, should be DENIED.

FACTS AND BACKGROUND:

FACT NO. 1: On May 23, 2008, Applicant, Melissa J. Terzis, an individual

residing at the Admiral Dupont Condominium located at 1700 17th Street NW, Washington, D.C. 20009, filed Objections to Opposer's First Requests for Admissions (Exhibit 1), First Set of Interrogatories (Exhibit 2) and/or First Request for Production (Exhibit 3), all of which were dated May 19, 2008, but received by the Applicant and Applicant's attorney on May 21, 2008 (Exhibit 4).

FACT NO. 2: 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) (Exhibit 5).

FACT NO. 3: There was never any Request made by the Opposer - Plaintiff to the Applicant or to the Applicant's Attorney on or prior to May 18, 2008 for an Extension of Time within which to file its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production.

FACT NO. 4: There was never any Request made by the Opposer - Plaintiff to the Trademark Trial and Appeal Board on or prior to May 18, 2008 for an Extension of Time within which to file its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production.

FACT NO. 5: No order was ever issued by the United States Patent and Trademark Office granting any extension of time to Opposer - Plaintiff for the filing of its Discovery, to wit: its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production, which Discovery was to close on May 18, 2008.

FACT NO. 6: During the period from October 31, 2007, the date of the Trademark Trial and Appeal Board Discovery Order, 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 – Plaintiff never conducted any Discovery of any type or kind whatsoever in this matter even though Opposer - Plaintiff was ordered to do so by the Discovery Order of October 31, 2007. (Emphasis added).

FACT NO. 7: 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 – Plaintiff never contacted the Applicant or 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.

FACT NO. 8: Thus, it is patently clear that the Opposer – 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, even though Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008.

FACT NO. 9: Therefore, there can be no doubt that the Opposer – Plaintiff 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, wherein the Discovery period was mandated to close on May 18, 2008.

FACT NO. 10: As specifically enumerated by the Discovery Order entered by the Trademark Trial and Appeal Board on October 31, 2007, the ANSWER was subject to Trademark Rule 2.196 for an expiration date falling on Saturday, Sunday or a holiday, BUT NOT THE DISCOVERY AND TESTIMONY PERIODS AS SET FORTH IN THE DISCOVERY ORDER WHICH ARE SPECIFICALLY ENUMERATED AND

MANDATED BY SPECIFIED DATES.

FACT NO. 11: The reliance by the Opposer - Plaintiff on 37 CFR sec. 2.196 and TBMP sec.112, to unilaterally and without a Court order or written agreement by the parties, to extend the Discovery Date from May 18, 2008 to May 21, 2008, is misplaced. This fact is particularly relevant when coupled with the additional fact that Opposer – 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, even though Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery by and on May 18, 2008.

FACT NO. 12: There is no doubt that the Opposer – Plaintiff failed to timely comply with the Discovery Order entered by the Trademark Trial and Appeal Board on October 31, 2007 to complete its Discovery on or prior to May 18, 2008.

FACT NO.13: By submitting its current Motion to Compel Discovery and to Suspend the Proceeding, the Opposer – Plaintiff is now attempting to have the Trademark Trial and Appeal Board retroactively assist it to correct the fact that the Opposer – Plaintiff failed to timely complete its Discovery OR CONDUCT ANY DISCOVERY, on or prior to May 18, 2008 pursuant to the Board's own Discovery Order.

FACT NO. 14: By letters dated June 28 and July 2, 2008, copies attached, the Applicant informed the Opposer – Plaintiff that since the Trademark Trial and Appeal Board has yet to rule on Applicant's six pending Objections, Supplemental Objections and Reply filed with the Board, to wit:

- a. Applicant's Objections to Opposer's First Request for Admissions dated May 23, 2008 (filed May 27, 2008);
- b. Applicant's Objection to Opposer's First Set of Interrogatories dated May 23, 2008 (filed June 4, 2008);
- c. Applicant's Objection to Opposer's First Request for Production of Documents and Things dated May 23, 2008 (filed May 27, 2008);
- d. Applicant's Supplemental Objection to Opposer's First Request for Admissions dated June 10, 2008 (filed June 16, 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,

the Opposer's – Plaintiff's continued plan and threat to proceed to file a Motion to Compel compliance based upon their late filed Discovery Motions was in complete violation of the Court Ordered Discovery Order dated October 31, 2007, and, in addition, was premature, moot, and clearly frivolous.

FACT NO. 15: The Opposer's – Plaintiff's attempt to circumvent the Discovery Order issued and entered by the Trademark Trial and Appeal Board on October 31, 2007, by completely ignoring the plain meaning of the Discovery Order to close all Discovery by May 18, 2008, is another attempt by the Opposer – Plaintiff to ignore the plain meaning and wording of the Court Order, to impose its own meaning on the practice of law, to commence a Motion for Contempt while there are six pending motions, objections and/or reply currently pending before the Board.

FACT NO. 16: The personal attack and execrate by the Opposer – Plaintiff on the six Objections, Supplemental Objections and Response filed by the Applicant claiming "that the Applicant's Objections were unjustified and 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", completely ignores the fact that the Opposer – Plaintiff failed to file its Discovery by May 18, 2008 as ordered by the Board's Discovery

Order, that Opposer – 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, even though the Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008, and that the Applicant had done absolutely nothing to hinder, oppose or delay the Opposer – Plaintiff in its efforts to conduct any Discovery in this case during the period from October 31, 2007 through May 18, 2008.

FACT NO. 17: In view of the fact that the Opposer – Plaintiff has failed to complete its Discovery by May 18, 2008 as ordered by the Board' Discovery Order, and the Opposer – 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, even though the Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008, what useful purpose would be served in granting the Opposer – Plaintiff any more time to continue this charade for the Discovery that Opposer – Plaintiff could have and should have conducted during the unimpeded period from October 31, 2007 through May 18, 2008.

FACT NO. 18: The Opposer's – Plaintiff's suggestion and naked allegation that in Section 3 of its Motion that: "The Good Faith Efforts to Resolve the Issues" is at most disingenuous and lacks in candor. For example, a review of its Exhibit 4, an email and a letter from the Attorney for Opposer – Plaintiff, clearly assumes: (a) that Opposer – Plaintiff filed its Discovery requests in time; (b) that the Board has or will rule against the Applicant's Objections due to the fact that the Discovery filed by Opposer – Plaintiff

were timely filed, which they were not; (c) that Opposer – Plaintiff had already decided to file a Motion to Compel; (d) that Opposer – Plaintiff was not interested in discussing the matter with Applicant; (e) that it completely ignores the letters from the Applicant’s attorney informing Opposer – Plaintiff that the Motion to Compel would be moot, premature and frivolous; and (f) thus, Exhibit 4, an e-mail and a letter from Opposer’s – Plaintiff’s law firm was a complete subterfuge.

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

1. the Opposer’s – Plaintiff’s Motion to Compel Discovery under 37 C.F.R. 2.120 (e) and Request to Suspend Proceeding should be DENIED.

2. the Objection by the Applicant to the Opposer’s First Requests for Admissions, First Set of Interrogatories and First Request for Production should be SUSTAINED particularly since the Opposer failed to comply with the Court’s Discovery Order of October 31, 2007;

3. 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 their Notice of Opposition dated October 31, 2007 for the Plaintiff – Opposer’s failure to promptly comply with the Court Order;

4. the Applicant, Melissa J. Terzis, also moves the Trademark Trial and Appeal Board for an Order sanctioning the attorneys for the Opposer, Crowell & Moring LLP for

their frivolous and untimely First Requests for Admissions, First Set of Interrogatories and First Request for Production, for their filing a frivolous Motion to Compel and for the filing of a frivolous Request to Suspend Proceedings, and their failure to comply with the Discovery Order, together with the imposition of reasonable attorneys fees and costs; and

5. the Applicant hereby requests that the Notice of Opposition filed by 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 78922352) be GRANTED.

APPLICANT, MELISSA J. TERZIS

APPLICANT, MELISSA J. TERZIS

By Melissa J. Terzis
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By John E. Terzis
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15 Revere Road, Riverside
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Tel and Fax 203-637-1216
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Dated: July 11, 2008

ORDER

The foregoing Applicant's Response/Objection to Opposer's Motion to Compel Discovery and Request to Suspend Proceeding having been heard
is hereby **SUSTAINED. OVERRULED.**

Since the Plaintiff – Opposer failed to comply with the Court ordered Discovery Order of October 31, 2007 to complete its Discovery on May 18, 2008, 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
is hereby **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, First Set of Interrogatories and First Request for 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 in the amount of \$ jointly and severally.

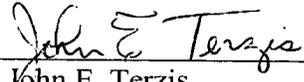
By the Court

Dated:

Judge/Clerk

Certificate of Mailing

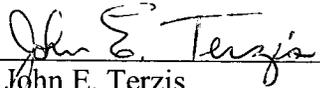
I hereby certify that the original Applicant's Response/Objection to Opposer's Motion to Compel Discovery and Request to Suspend Proceeding is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner of Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on July 11, 2008.



John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of the Applicant's Response/Objection to Opposer's Motion to Compel Discovery and Request to Suspend Proceeding 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 July 11, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis

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

v.

OBJECTION TO OPPOSER'S FIRST
REQUESTS FOR ADMISSIONS

MELISSA J. TERZIS,

Applicant.

MAY 23, 2008

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

OBJECTION TO OPPOSER'S FIRST REQUESTS FOR ADMISSIONS

Applicant, Melissa J. Terzis, an individual residing at the Admiral Dupont Condominium located at 1700 17th Street NW, Washington, D.C. 20009, hereby files an Objection to Opposer's First Requests for Admissions dated May 19, 2008, but received by the Applicant and Applicant's attorney on May 21, 2008, for the following reasons:

- 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", and not on May 21, 2008;
- b. there was never any Request made by the Opposer for an Extension of Time within which to file its First Requests for Admissions;
- 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 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.

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

1. the Objection by the Applicant to the Opposer's First Requests for Admissions 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 their Notice of Opposition dated October 31, 2007 for the Plaintiff – Opposer’s failure to comply with the Court Order;

3. the Applicant, Melissa J. Terzis, also moves the Trademark Trial and Appeal Board for an Order sanctioning the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Requests for Admissions and their failure to comply with the Discovery Order, together with the imposition of reasonable attorneys fees and costs; and

4. the Applicant hereby requests that the Notice of Opposition filed by 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 78922352) be GRANTED.

APPLICANT, MELISSA J. TERZIS

APPLICANT, MELISSA J. TERZIS

By Melissa J. Terzis
Melissa J. Terzis, pro se
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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: May 23, 2008

ORDER

The foregoing Objection to Opposer's First Requests for Admissions 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 is hereby 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 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 in the amount of \$

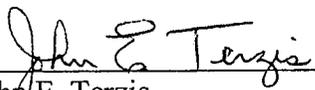
By the Court

Dated:

Judge/Clerk

Certificate of Mailing

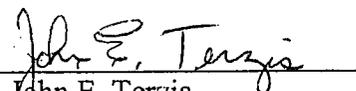
I hereby certify that the original Objection is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner of Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451 Alexandria, VA 22313-1451 on May 23, 2008.



John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of the 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 May 23, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis

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

v.

OBJECTION TO OPPOSER'S FIRST
SET OF INTERROGATORIES

MELISSA J. TERZIS,

Applicant.

MAY 23, 2008

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

OBJECTION TO OPPOSER'S FIRST SET OF INTERROGATORIES

Applicant, Melissa J. Terzis, an individual residing at the Admiral Dupont Condominium located at 1700 17th Street NW, Washington, D.C. 20009, hereby files an Objection to Opposer's First Set of Interrogatories dated May 19, 2008, but received by the Applicant and Applicant's attorney on May 21, 2008, for the following reasons:

- 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", and not on May 21, 2008;
- b. there was never any Request made by the Opposer for an Extension of Time within which to file its First Set of Interrogatories;
- 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 Set of Interrogatories 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.

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

1. the Objection by the Applicant to the Opposer's First Set of Interrogatories 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 their Notice of Opposition dated October 31, 2007 for the Plaintiff – Opposer’s failure to comply with the Court Order;

3. the Applicant, Melissa J. Terzis, also moves the Trademark Trial and Appeal Board for an Order sanctioning the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Set of Interrogatories and their failure to comply with the Discovery Order, together with the imposition of reasonable attorneys fees and costs; and

4. the Applicant hereby requests that the Notice of Opposition filed by 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 78922352) be GRANTED.

APPLICANT, MELISSA J. TERZIS

By Melissa J. Terzis
Melissa J. Terzis, pro se
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Washington, D.C. 20009
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APPLICANT, MELISSA J. TERZIS

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: May 23, 2008

ORDER

The foregoing Objection to Opposer's First Set of Interrogatories 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 is hereby GRANTED. DENIED.

The Motion for the sanctioning of the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Set of Interrogatories 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 in the amount of \$

By the Court

Dated:

Judge/Clerk

Certificate of Mailing

I hereby certify that the original Objection 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 May 23, 2008.



John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of the 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 May 23, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis

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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

v.

OBJECTION TO OPPOSER'S FIRST
REQUEST FOR PRODUCTION

MELISSA J. TERZIS,

Applicant.

MAY 23, 2008

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

OBJECTION TO OPPOSER'S FIRST REQUEST FOR 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 an Objection to Opposer's First Request for Production dated May 19, 2008, but received by the Applicant and Applicant's attorney on May 21, 2008, for the following reasons:

- 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", and not on May 21, 2008;
- b. there was never any Request made by the Opposer for an Extension of Time within which to file its First Request for 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 Request for 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.

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

1. the Objection by the Applicant to the Opposer's First Request for Production 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 their Notice of Opposition dated October 31, 2007 for the Plaintiff – Opposer’s failure to comply with the Court Order;

3. the Applicant, Melissa J. Terzis, also moves the Trademark Trial and Appeal Board for an Order sanctioning the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Request for Production and their failure to comply with the Discovery Order, together with the imposition of reasonable attorneys fees and costs; and

4. the Applicant hereby requests that the Notice of Opposition filed by E. I. DuPont de Nemours and Company on October 31, 2007 be DENIED, and that the registration of the trademark VELVET IN DUPONT (Serial Number 78922352) be GRANTED.

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: May 23, 2008

ORDER

The foregoing Objection to Opposer's First Request for 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 is hereby GRANTED. DENIED.

The Motion for the sanctioning of the attorneys for the Opposer, Crowell & Moring LLP for their frivolous and untimely First Request for 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 in the amount of \$

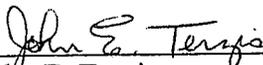
By the Court

Dated:

Judge/Clerk

Certificate of Mailing

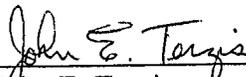
I hereby certify that the original Objection is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner of Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451 Alexandria, VA 22313-1451 on May 23, 2008.



John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of the 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 May 23, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis

wellmoring

53rd Street, 31st Floor
NY 10022

Received 15-21-08

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

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

Mailed: October 31, 2007

Opposition No 91180460
Serial No. 78922352

Dupont, Velvet in
c/o Terzis
127 Hawthorn Drive
Jupiter, FL 33458
velvetindupont@yahoo.com

E. I. du Pont de Nemours and
Company

v.

Terzis, Melissa J

Dickerson M. Downing
Crowell & Moring, LLP
153 East 53rd Street, 31st Floor
New York, NY 10022
edocket@crowell.com, ddowning@crowell.com, jksmith@crowell.com,
ckornett@crowell.com

ESTTA172100

A notice of opposition to the registration sought in the above-identified application has been filed. The notice of opposition can be viewed and printed at
<http://ttabvue.uspto.gov/ttabvue/v?qs=91180460>

ANSWER IS DUE FORTY DAYS after the transmission date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including

but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	November 20, 2007
Discovery period to close:	May 18, 2008
30-day testimony period for party in position of plaintiff to close:	August 16, 2008
30-day testimony period for party in position of defendant to close:	October 15, 2008
15-day rebuttal testimony period for plaintiff to close:	November 29, 2008

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

571-272-8500

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

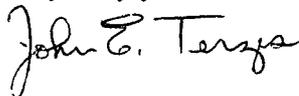
Dear Attorney Downing:

With respect to your e-mail letter dated June 27, 2008, this is to advise you that the Trademark Trial and Appeal Board has yet to rule on Applicant's pending Objections:

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

Very truly yours,



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

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

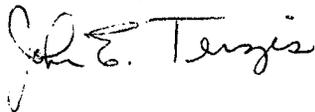
Dear Attorney Downing:

With respect to your e-mail dated July 1, 2008 at 14:36:06, we 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

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

MARK: VELVET IN DUPONT

v.

MELISSA J. TERZIS, Applicant

JULY 11, 2008

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

APPLICANT'S RESPONSE/OBJECTION TO OPPOSER'S MOTION TO STRIKE
UNDER TBMP SEC. 517

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

In its prolix, mishmash, hodge-podge and jumbled frivolous Motion to Strike under TBMP sec. 517 dated July 3, 2008, but received by Applicant and Applicant's Attorney on July 7, 2008, the Opposer – Plaintiff willfully and intentionally failed to inform the Trademark Trial and Appeal Board of the following material and substantive facts that clearly confirm that the Motion to Strike by the Opposer – Plaintiff is frivolous, has no basis in fact or law and, accordingly, the Motion to Strike should be DENIED.

FACTS, BACKGROUND AND ARGUMENT:

FACT NO. 1: On May 23, 2008, Applicant, Melissa J. Terzis, an individual residing at the Admiral Dupont Condominium located at 1700 17th Street NW, Washington, D.C. 20009, filed Objections to Opposer's First Requests for Admissions

(Exhibit 1), First Set of Interrogatories (Exhibit 2) and/or First Request for Production (Exhibit 3), all of which were dated May 19, 2008, but received by the Applicant and Applicant's attorney on May 21, 2008 (Exhibit 4). (Exhibits are in the Applicant's Response/Objection to Opposer's Motion to Compel Discovery filed herewith)

FACT NO. 2: 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) (Exhibit 5).

FACT NO. 3: There was never any Request made by the Opposer - Plaintiff to the Applicant or to the Applicant's Attorney on or prior to May 18, 2008 for an Extension of Time within which to file its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production.

FACT NO. 4: There was never any Request made by the Opposer - Plaintiff to the Trademark Trial and Appeal Board on or prior to May 18, 2008 for an Extension of Time within which to file its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production.

FACT NO. 5: No order was ever issued by the United States Patent and Trademark Office granting any extension of time to Opposer - Plaintiff for the filing of its Discovery, to wit: its First Requests for Admissions, First Set of Interrogatories and/or First Request for Production, which Discovery was to close on May 18, 2008.

FACT NO. 6: During the period from October 31, 2007, the date of the Trademark Trial and Appeal Board Discovery Order, 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 – Plaintiff never conducted any Discovery of any type or kind whatsoever in this matter even though Opposer - Plaintiff was ordered to do so by the Discovery Order of October 31, 2007. (Emphasis added).

FACT NO. 7: 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 – Plaintiff never contacted the Applicant or 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.

FACT NO. 8: Thus, it is patently clear that the Opposer – 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, even though Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008.

FACT NO. 9: Therefore, there can be no doubt that the Opposer – Plaintiff 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, wherein the Discovery period was mandated to close on May 18, 2008.

FACT NO. 10: As specifically enumerated by the Discovery Order entered by the Trademark Trial and Appeal Board on October 31, 2007, the ANSWER was subject to Trademark Rule 2.196 for an expiration date falling on Saturday, Sunday or a holiday, BUT NOT THE DISCOVERY AND TESTIMONY PERIODS AS SET FORTH IN THE DISCOVERY ORDER WHICH ARE SPECIFICALLY ENUMERATED AND MANDATED BY SPECIFIED DATES.

FACT NO. 11: The reliance by the Opposer - Plaintiff on 37 CFR sec. 2.196 and TBMP sec.112, to unilaterally and without a Court order or written agreement by the parties, to extend the Discovery Date from May 18, 2008 to May 21, 2008, is wholly misplaced. This fact is particularly relevant when coupled with the additional fact that Opposer – 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, even though Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery by and on May 18, 2008.

FACT NO. 12: There is no doubt that the Opposer – Plaintiff failed to timely comply with the Discovery Order entered by the Trademark Trial and Appeal Board on October 31, 2007 to complete its Discovery on or prior to May 18, 2008.

FACT NO.13: By submitting its current Motion to Strike certain portions of Applicant's – Defendant's Reply to Opposer's – Plaintiff's Objections to First Requests for Admissions, Interrogatories and Production dated June 18, 2008 (Exhibit 1 of Opposer's – Plaintiff's Motion to Strike), the Opposer – Plaintiff is now attempting to have the Trademark Trial and Appeal Board retroactively assist it to correct the fact that the Opposer – Plaintiff failed to timely complete its Discovery OR CONDUCT ANY DISCOVERY, on or prior to May 18, 2008 pursuant to the Board's own Discovery Order.

FACT NO. 14: The Opposer's – Plaintiff's attempt to circumvent the Discovery Order issued and entered by the Trademark Trial and Appeal Board on October 31, 2007, by completely ignoring the plain meaning of the Discovery Order to close all

Discovery by May 18, 2008, is another attempt by the Opposer – Plaintiff to ignore the plain meaning and wording of the Court Order, to impose its own meaning on the practice of law, to commence a Motion to Strike while there are six pending motions, objections and/or reply currently pending before the Board.

FACT NO. 15: The personal attack and execrate by the Opposer – Plaintiff on the Reply to Opposer’s Response to Applicant’s Objections to First Requests for Admissions, Interrogatories and Production dated June 18, 2008 filed by the Applicant claiming “that the Applicant’s Objections were unjustified and 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”, completely ignores the fact that the Opposer – Plaintiff failed to file its Discovery by May 18, 2008 as ordered by the Board’s Discovery Order, that Opposer – 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, even though the Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008, and that the Applicant had done absolutely nothing to hinder, oppose or delay the Opposer – Plaintiff in its efforts to conduct any Discovery in this case during the period from October 31, 2007 through May 18, 2008.

FACT NO. 16: In view of the fact that the Opposer – Plaintiff has failed to complete its Discovery by May 18, 2008 as ordered by the Board’ Discovery Order, and the Opposer – 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,

even though the Opposer – Plaintiff was ordered by the Discovery Order to complete its Discovery on May 18, 2008, what useful purpose would be served in granting the Opposer – Plaintiff any more time to continue this charade for the Discovery that Opposer – Plaintiff could have and should have conducted during the unimpeded period from October 31, 2007 through May 18, 2008.

FACT NO. 17: The Opposer's – Plaintiff's continued statements and allegations that: (a) at page 2, line 7 - 8, "the mailing envelope containing the document bears a postmark date of June 10, 2008"; (b) at page 4, lines 18 – 20, "the post mark mailing date on the envelope received by Applicant's attorney which contained the document also was June 10, 2008"; and (c) at page 5, lines 7 – 8, "one of the mailing envelopes containing the June 10, 2008 document which bears a post mark date of June 10, 2008", in its Motion to Strike is clearly intended by the Opposer – Plaintiff and its attorneys to confuse, perplex, mix indiscriminately and jumble the facts in a clear attempt to mislead the Trial and Appeal Board without telling the Board the TRUTH OF THE MATTER.

FACT NO. 18: Neither the Opposer – Plaintiff nor its attorney's have produced any independent confirmation of the post mark from the United States Postal Service to confirm its continued unsupported statements that the document bears a post mark date of June 10, 2008. The reason that there is no independent confirmation from the United States Postal Service of the post mark is due to the fact that NONE OF THE ENVELOPES FROM OPPOSER – PLAINTIFF OR ITS ATTORNEY'S ADDRESSED TO APPLICANT – DEFENDANT OR ITS ATTORNEY BEAR AN INDEPENDENT POST MARK FROM THE UNITED STATES POSTAL SERVICE.

FACT NO. 19: The post mark continually referred to by the Opposer – Plaintiff

and its Attorney's in its Motion to Strike and set forth above as FACT NO. 17, is the post mark that the Attorney's for the Opposer – Plaintiff have personally and voluntarily placed upon the envelopes themselves by using the Postage Meter from Hasler Company, which is similar to the well-known Pitney Bowes mailing machine. As is universally known, the date on the Postage Meter can be easily manipulated, changed, altered, pre-dated and/or post-dated by anyone having access to the Postage Meter.

FACT NO. 20: Thus, there can be no doubt that the Opposer – Plaintiff and its Attorney's attempt to rely upon the self-produced mailing date on the Hasler Postage Meter is completely disingenuous and lacks any candor.

FACT NO. 21: The Opposer's – Plaintiff's continued statements and allegations that: (a) at page 1, lines 6 -7 , "Applicant, without any substantive proof", (b) at page 2, line 11, "Applicant claims, without proof"; (c) at page 2, lines 15 –16, "Not surprisingly, neither Applicant nor its attorney has submitted any sworn Affidavits or Declarations in support of these claims"; (d) at page 6, lines 11 – 12, "claim of fraud on such flimsy 'evidence'" and "that there is absolutely no evidence", completely ignores the fact that the Applicant and Applicant's Attorney each personally signed the Reply to Opposer's Response Presumably dated June 10, 2008 to Applicant's Objections to First Request for Admissions, Interrogatories and Production.

It should also be noted that the signing of any pleading, motion, objection or request constitutes a Certificate that the signer, whether it be an attorney or party, has read such document, that to the best of the signer's knowledge, information and belief there is good ground to support it, and that it is not interposed for delay.

By letter dated July 2, 2008, Applicant – Defendant and its Attorney further

confirmed to the Opposer – Plaintiff and its attorney that the Reply dated June 18, 2008 which was personally signed by Applicant – Defendant and Applicant’s attorney represented an affirmative affirmation of each and every fact contained in the Reply. See Exhibit 6.

WHEREFORE, the Applicant, Melissa J. Terzis, hereby moves the United States Patent and Trademark Office, Trademark Trial and Appeal Board for an Order to Deny the Opposer’s – Plaintiff’s Motion to Strike under TBMP sec. 517.

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: July 11, 2008

ORDER

Applicant’s – Defendant’s Response/Objection to Opposer’s Motion to Strike under TBMP sec. 517 having been heard is hereby SUSTAINED. OVERRULED.

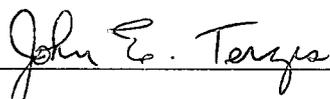
By the Court

Dated:

Judge/Clerk

Certificate of Mailing

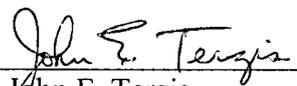
I hereby certify that the original Applicant's Response/Objection to Opposer's Motion to Strike is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner of Trademarks, Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on July 11, 2008.



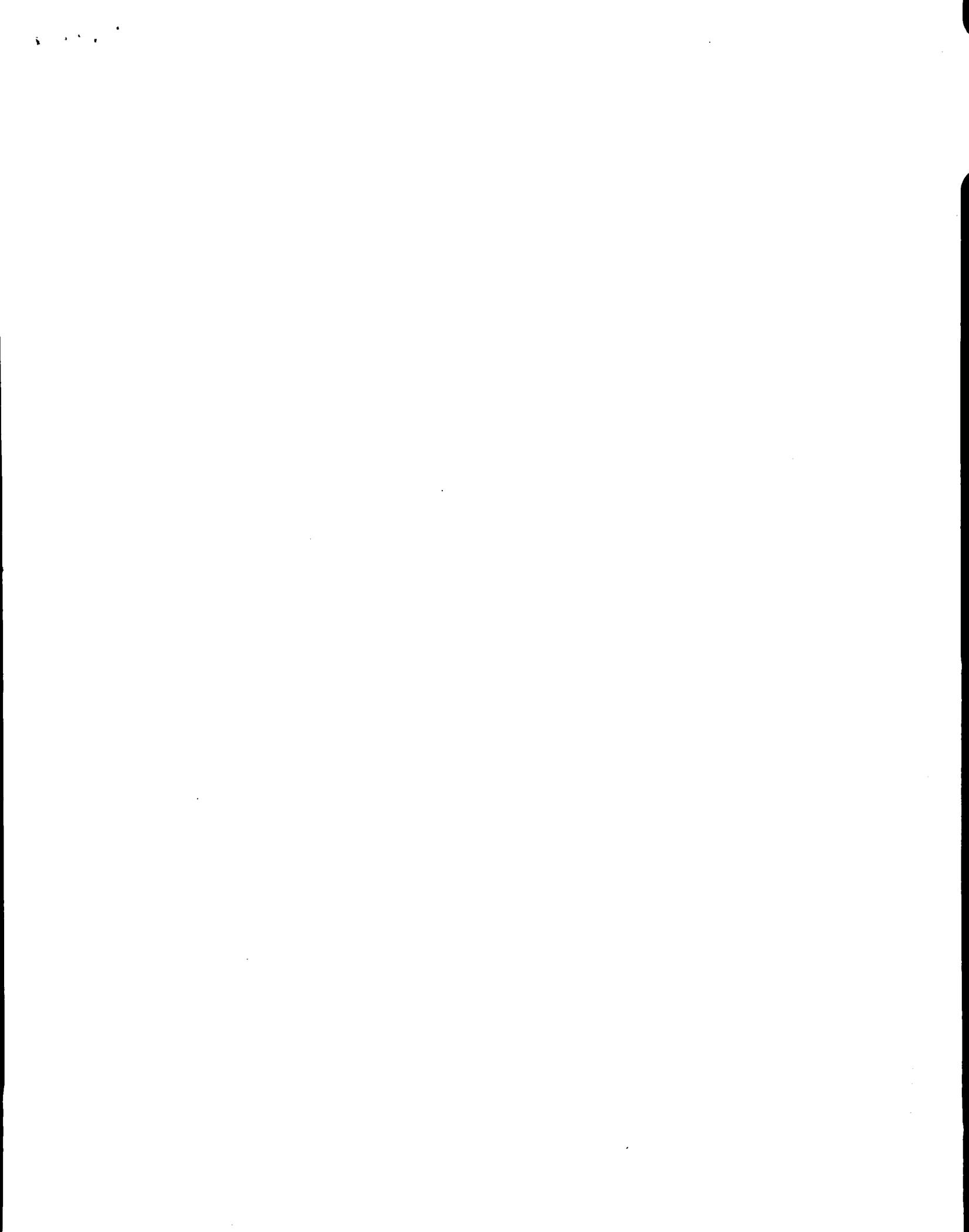
John E. Terzis

Certificate of Service

I hereby certify that a true and complete copy of the Applicant's Response/Objection to Opposer's Motion to Strike 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 July 11, 2008 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis



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:

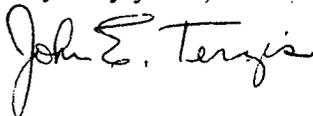
With respect to your e-mail dated July 1, 2008 at 14:36:06, we have no knowledge that "your document (Response dated June 10, 2008) was ever filed electronically".

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