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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;

05-27-2008

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

By Melissa J. Terzis

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APPLICANT, MELISSA J. TERZIS

By John E. Terzis

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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:

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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

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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