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

Proceeding	91181621
Party	Plaintiff StonCor Group, Inc.
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Attachments	Letter re 91181621.pdf (3 pages)(45899 bytes)

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February 2, 2009

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

Re: Opposition Number: 91181621
StonCor Group, Inc. v. Les Pierres Stonedge, Inc. – Paper Number 12
Our Reference: 76110.42101

Dear Sirs:

This is a request that paper number 12 in the above proceeding be stricken from the file and given no consideration.

Paper number 12 is a draft of a declaration prepared by undersigned counsel for the opposer, StonCor Group, Inc. on 29 January 2009. That declaration was being prepared to accompany a motion to be filed by the opposer StonCor Group, Inc. to reopen the time for StonCor Group's testimony-in-chief, with the basis for the motion being that undersigned counsel for StonCor Group had been ill and unable to perform his duties including the scheduling and taking of the testimony-in-chief for StonCor Group, Inc. during the assigned time period for the taking of such testimony. The declaration that is in the file as paper 12 was an early draft of such a declaration being prepared in support of such motion.

Paper 12 was filed erroneously. Specifically, I was working on the declaration and had also prepared a paper seeking clarification of the status of three motions filed by the applicant on 13 January, 22 January and 23 January respectively. In the paper seeking clarification of the motions, I merely sought to establish that the later motions had supplanted the earlier motions and that only the motion filed 23 January 2009 required response by StonCor Group as the opposer. I handed both the paper seeking clarification regarding the applicant's three motions and the draft of the declaration to Deanna McGregor, an intellectual property paralegal in our office who does most of our electronic filing. When I did so I thought that I asked Ms.

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McGregor to file the paper seeking clarification with respect to the applicant's three motions and to proofread and edit as necessary the draft of the declaration that I had prepared, and to return it to me.

Apparently Ms. McGregor misunderstood me or I misspoke. In any event, she believed that her instructions were to file both the paper seeking clarification of the applicant's motions and the declaration that I had handed to her in the United States Patent and Trademark Office. She proceeded to file those papers on Thursday 29 January 2009.

As noted above, the declaration currently in the file as paper number 12 was an early draft of my declaration in support of the motion to reopen the StonCor's testimony period.

On 30 January 2009, we filed on behalf of StonCor Group, Inc. a motion to reopen StonCor Group's testimony period and a supporting declaration executed by undersigned counsel for StonCor Group, Inc. That supporting declaration finds its basis in the declaration that is currently in the file as paper number 12 in the United States Patent and Trademark Office but is considerably augmented and supplemented relative to the draft that was inadvertently filed.

Opposer again requests that paper 12 in the file of the Trademark Trial and Appeal Board of the United States Patent and Trademark Office in the above-captioned proceeding be stricken and no consideration be given to it since the declaration was inadvertently filed before the declaration was completed.

We have been advised by the interlocutory attorney responsible for this opposition, Ms. Mary Catherine Faint, in a discussion on 29 January 2009 with Ms. Deanna McGregor, an intellectual property paralegal in the office of undersigned counsel for the opposer, that it is the policy of the Trademark Trial and Appeal Board that papers, once filed, will not be removed from the file for the opposition even if those papers were filed in error. We further understand from the conversation with Ms. Faint that those papers may be identified as being "confidential" whereupon access to those papers will be restricted to counsel for the parties involved in that particular opposition. To the extent that our request that paper 12 in the file of the Trademark Trial and Appeal Board for the above-captioned proceeding be stricken is denied, we respectfully request that paper 12 in the file of the Trademark Trial and Appeal Board for the above-captioned proceeding be designated as "confidential" so that access to that paper will be restricted to counsel for the parties.

We further request confirmation of the grant of this request for confidential status for that paper.

Respectfully submitted,

/Charles N. Quinn/

Charles N. Quinn

CNQ:bap

cc: James Menker, Esquire (via e-mail to: eastdocket@holleymenker.com and regular mail)