

ESTTA Tracking number: **ESTTA377706**

Filing date: **11/09/2010**

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

Proceeding	91182572
Party	Plaintiff Peter Mignola d/b/a Metrosonic
Correspondence Address	PANAGIOTA BETTY TUFARIELLO, ESQ. THE LAW OFFICES OF P.B. TUFARIELLO, P.C. 25 LITTLE HARBOR ROAD MOUNT SINAI, NY 11766 UNITED STATES Betty@intellectulaw.com
Submission	Other Motions/Papers
Filer's Name	Panagiota Betty Tufariello
Filer's e-mail	betty@intellectulaw.com
Signature	/panagiotabettytufariello/
Date	11/09/2010
Attachments	DECLARATION OF PETER MIGNOLA ON NOV. 9, 2010.pdf (40 pages) (508666 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

-----X
PETER MIGNOLA d/b/a METROSONIC,

Opposition No. 91182572

Plaintiff/Opposer,

In re Application Serial No. 77/086,256

-against-

METROSONICS CONCEPTS LIMITED,

Defendant/Applicant.

-----X

**DECLARATION OF PETER MIGNOLA IN SUPPORT OF
OPPOSER PETER MIGNOLA D/B/A METROSONIC'S
CONSENT MOTION FOR EXTENSION OF TIME**

Pursuant to 37 CFR §2.20, I, Peter Mignola, hereby declare and state as follows:

1. I am the Opposer in the present proceedings. As such I am personally and fully familiar with the facts, proceedings, matters and issues in the above-captioned case and have personal knowledge of the following facts, except as indicated.
2. I make this declaration in support of my Motion for an Extension of Time for Filing a Response to the Trademark Trial and Appeal Board's Order to Show Cause regarding filing a brief in the above proceeding (hereinafter the "Motion"), to which the present Declaration is annexed and for grant of the relief sought therein.
3. I have discussed the Motion with Applicant's counsel who, as set forth herein below, agreed to Extend the Time to December 8, 2010.
4. On February 15, 2008, I initiated the current proceedings by and through my prior counsel Nicholas A. Penkovsky of Law Offices of Nicholas A. Penkovsky, P.C.(herein after "Prior Counsel"), by filing a Notice of Opposition.
5. A short time after the filing of the Notice of Opposition, I was informed by my prior counsel that the Applicant METROSONICS CONCEPTS LIMITED (hereinafter

“Applicant”) wished to settle the matter. Consequently, Applicant and I, by and through our then attorneys, began negotiations to settle the matter.

6. On April 28, 2008, my prior counsel informed me, via e-mail, that he had requested Applicant’s settlement proposal in writing so as to avoid any misunderstandings. A copy of said e-mail is annexed hereto as **Exhibit 1**.
7. On April 30, 2008, my prior counsel forwarded me an e-mail accompanied with Applicant’s settlement proposal in writing. A copy of said e-mail is annexed hereto as **Exhibit 2**.
8. On May 1, 2008, my prior counsel forward me an e-mail attaching the parties’ Motion for a 30-day extension. A copy of the e-mail is annexed hereto as **Exhibit 3**.
9. On February 25, 2009, my prior counsel forwarded to me an e-mail in which he informed me that Applicant had retained new counsel, Mr. Gordon Martin, and that settlement negotiations were still ongoing. A copy of the e-mail is annexed hereto as **Exhibit 4**.
10. On March 4, 2009, my prior counsel forwarded to me another e-mail, in which he informed me that Applicant seemed “to be showing a genuine interest in wrapping things up.” A copy of the e-mail is annexed hereto as **Exhibit 5**.
11. On July 6, 2009, my prior counsel forwarded to me yet another e-mail in which he stated as follows:

I am reviewing the revised proposed settlement agreement from the other side and will forward same to you with my comments. I have also attached the final bill in this matter. There is a disbursement for filing your trademark application. There are no further charges for concluding this matter or filing the Trademark application as we had previously agreed upon. (Emphasis added).

This e-mail was issued exactly one day before the Opposition proceedings were due to resume in accordance with the TTAB’s May 8, 2009 Order. A copy of the e-mail is annexed hereto as **Exhibit 6**.
12. Yet this e-mail failed to provide me with any notice that if we did not finalize settlement by the end of the day, or if we did not file for another request for the continuation of the suspension, the Opposition Proceedings were due to resume.

13. On July 21, 2009, my prior counsel sent me an e-mail regarding the filing of a trademark application. Once again he failed to provide me with any notice that the Opposition Proceedings had resumed. A copy of the e-mail is annexed hereto as **Exhibit 7**.
14. On July 27, 2009, my prior counsel sent me yet another e-mail in which he acknowledged the receipt of my check. Yet once again he failed to provide me with any notice that the Opposition Proceedings had resumed. A copy of the e-mail is annexed hereto as **Exhibit 8**.
15. On January 29, 2010, my prior counsel sent me yet another e-mail. Once again he failed to provide me with any notice that the Opposition Proceedings had resumed. A copy of the e-mail is annexed hereto as **Exhibit 9**.
16. On March 16, 2010, my prior counsel sent me another e-mail in which he acknowledged the receipt of my check. Yet, once again he failed to provide me with any notice that the Opposition Proceedings had resumed. A copy of the e-mail is annexed hereto as **Exhibit 10**.
17. Upon information and belief and with the exception of the e-mails set forth herein above, I have received no further communications, electronic or otherwise, from prior counsel in connection with the proceedings in this matter.
18. As seen from the foregoing, at no time did my prior counsel provide me with Notice or information that the proceedings had resumed pursuant to the TTAB's May 8, 2009 Order or that a brief was due within 60 days of June 18, 2010, the date of completion of the proceedings.
19. As seen from the foregoing, at no time did my prior counsel provide me with Notice of the TTAB's September 15, 2010 Order.
20. All of my communications with prior counsel ended following the filing of my U.S. Trademark Application Serial No. 77/968,879, in March 2010, despite my numerous attempts to contact him.
21. On or about October 2010, I became aware that there is an action pending in my U.S. Trademark Application Serial No. 77/968,879 by visiting the United States Patent and

Trademark Office website.

22. At such time and in view of the fact that I had not heard from prior counsel, I decided to retain new counsel in connection with my U.S. Trademark Application Serial No. 77/968,879.
23. To this end, I had a meeting with Panagiota Betty Tufariello, Esq. of Intellectualaw, The Law Offices of P.B. Tufariello, P.C. on October 28, 2010 during which I was informed of both the TTAB's May 8, 2009 Order, and the TTAB's September 15, 2010 Order.
24. It was during this October 28, 2010 meeting that I learned of the TTAB's May 8, 2009 Order, and the TTAB's September 15, 2010 Order for the very first time.
25. As a result, I retained Panagiota Betty Tufariello, Esq. of Intellectualaw, The Law Offices of P.B. Tufariello, P.C. (herein after "new counsel").
26. New counsel filed her Notice of Appearance on October 29, 2010 and my Notice of Substitution of Counsel on November 1, 2010.
27. Upon information and belief, on or about November 3, 2010, new counsel began discussions with Applicant's counsel, in connection with all of the foregoing.
28. Upon information and belief, the discussions continued and, upon information and belief, on November 8, 2010, new counsel received an e-mail from Applicant's counsel that states as follows: " This will confirm our telephone conversation earlier today that in order for the parties to pursue settlement discussions since you were only recently retained, I have agreed to extend the time for filing a response to the Trademark Trial and Appeal Board's Order to Show Cause regarding filing a brief in the above proceeding for 30 days from today's date. With the extension the new date will be December 8, 2010. You stated that you would file appropriate papers with the TTAB and send me a copy. I will send you a copy of the settlement agreement which had been prepared last year as soon as practicable." A copy of the e-mail is annexed hereto as **Exhibit 11**.
29. As it can be seen from all of the foregoing, I have not lost interest in or conceded to the case.

WHEREFORE, I respectfully request an entry of an order extending my time to respond to the Trademark Trial and Appeal Board's September 15, 2010 Order to Show Cause to December 8, 2010.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

PETER MIGNOLA d/b/a METROSONIC

By: *Peter Mignola*

Peter Mignola

Date: 11/9/10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF PETER MIGNOLA has been filed and served upon the following via ESTTA:

C.G. Gordon Martin
THE LAW OFFICES OF C.G. GORDON MARTIN
13006 East Philadelphia Street, Suite 207
Whittier, CA 90601
E-mail: cggordonmartin@earthlink.net
Attorneys for Defendant/Respondent
METROSONICS CONCEPTS LIMITED

on 11/9/2010



Panagiota Betty Tufariello, Esq.
INTELLECTULAW - LAW OFFICES OF P.B.
TUFARIELLO, P.C.
25 Little Harbor Road
Mount Sinai, New York 11766
631 476 8734
E-mail: betty@intellectulaw.com

EXHIBIT 1

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:13 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics Concepts

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: April 28, 2008 7:42:06 PM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics Concepts

Pete:

On Friday I faxed a letter to Metrosonics' attorney asking him to put his client's settlement proposal in writing to avoid any misunderstanding. He called today and told me that we would likely have something to review tomorrow. he said his client is in the comment stage of the proposal today.

Late last week, one of my of counsel attorneys visited the claimed "principal" office of Metrosonics Concepts at 1776 Broadway in Manhattan. According to his report, which includes photographs, the claimed location is a law firm. There are no signs on the Building Directory, the Floor or the door of the office that Metrosonics maintains an office at that location.

I will follow up further. Let me know when you are available tomorrow in the event we need to review a proposal.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
Website - www.PhotoLaw4u.com

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EXHIBIT 2

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:14 PM
To: Betty Tufariello
Subject: Fwd: Metrossonics
Attachments: fFSK20080430.LTR.pdf, ATT00001.htm

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: April 30, 2008 2:16:19 PM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrossonics

Pete:

Here is the letter.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
Website - www.PhotoLaw4u.com

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Victor M. Tannenbaum
Peter J. Lynfield
Alan J. Hartnick
Caridad Piteiro Scordato
Michael Aschen
Julianne Abelman
Jonathan W. Gumpert
Julie B. Seyler
Marie Anne Mastrovito
Joseph J. Catanzaro
Anthony A. Coppola
Richard L. Crisona
Ned W. Brantlover
Anthony J. DiFilippi
Harry K. Ahn
Michael J. Schwab
Jennifer R. Waitman
Natasha J. Burns

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017-5621

Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail@lawabel.com

Of Counsel:
Norman S. Beier
Alan D. Gilliland
Thomas E. Spahl
Melvin L. Orner
Constance Golden
J. David Dainow
David Toren

Jay S. Cinamon
Lori B. Cohen
Frank Terranella
Anthony J. Natoli
Steven M. Hertzberg
John H. Choi
John S. Price
Frank S. Kalamajka

Alexander Zinchuk*
*(Registered Patent Agent)

April 30, 2008

Via Telecopier: 212-216-9491

Nicholas A. Penkovsky, Esq.
112 Madison Avenue
Sixth Floor
New York, NY 10016

**F.R.E. Rule 408
Communication**

Re: **TTAB Opposition: 91182574**
Mark: METROSONICS
Applicant: Metrosonics Concepts Ltd.
Ser. No. 77/086256
(Our Ref. No. 217888)

Dear Nick:

I write in response to your letter of April 25, 2008, concerning settlement discussions. I agree with your conclusion that some clarity in writing is probably in order at this stage.

Basically, our proposal was, and still is, that the parties enter into a consent agreement along these lines:

1. Your client retains use of the METROSONIC mark and logo for the purposes of promoting its current business as recording studio facilities (e.g., basically offering the equipment and the facilities, with the ability to have its customers say "recorded at Metrosonic Studios");
2. Our client retains use of the METROSONICS mark for its music producing and publishing services (e.g., limited to creative management of recordings, with no recording studios, studio space, sound recording services or facilities being offered, and with the ability to let clients state "produced by Metrosonics");
3. Our client's present applications remain unchanged.

When we discussed this, you seemed to think it had some merit, so I hope that this has not changed. Essentially, as we discussed, both parties exist in different strata, and there would

April 30, 2008

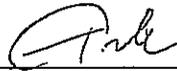
Page 2

not be any substantial confusion, since they really are marketing themselves to different levels within the music business. This arrangement would therefore not foreseeably hinder your client's business and I do not believe it would hinder our client's interests.

I trust you can put this in front of your client and we can continue discussions, and that hopefully, there would be another time extension at least regarding the May 1st time to Answer.

Sincerely,

ABELMAN FRAYNE & SCHWAB



Frank S. Kalamajka

Enc.

EXHIBIT 3

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:15 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: May 1, 2008 9:33:35 AM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics

Pete:

Attached is the motion for a 30 day extension.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
Website - www.PhotoLaw4u.com

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EXHIBIT 4

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:16 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: February 25, 2009 3:32:08 PM EST
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics

Pete:

There is new counsel for the trademark applicant, Gordon Martin. He is located in Pasadena, CA and is anxious to wrap this up. I have conveyed some of your concerns and he will look into it and get back to me.

Do you want to proceed with the registration of your mark?

I have approximately 16 hours into this so I will need some additional payment and the funds for the registration.

Our fee for registration is \$2,000.00 plus the Trademark Office's filing fee of \$375.00 plus ordinary disbursements e.g. postage, copying, phone, etc.

Please advise.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
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EXHIBIT 5

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:16 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: March 4, 2009 12:27:58 PM EST
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics

Pete:

I know you called last week but I was in Chicago on Thursday and Friday.
Can we talk today say sometime around 4:30P or later?

The other side seems to be showing some genuine interest in wrapping this thing up.

Best regards.

Very truly yours,

Nick Penkovsky

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Sixth Floor
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Fax (212) 216-9491
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EXHIBIT 6

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:17 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics Settlement

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: July 6, 2009 5:01:20 PM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics Settlement

Pete:

I am reviewing the revised proposed settlement agreement from the other side and will forward same to you with my comments.

I have also attached the final bill in this matter. There is a disbursement for filing your trademark application. There are no further charges for concluding this matter or filing the Trademark application as we had previously agreed upon.

Any questions, please call.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
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Tel (212) 216-9708
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EXHIBIT 7

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:18 PM
To: Betty Tufariello
Subject: Fwd: Metrosonic Service Mark

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: July 21, 2009 5:49:28 PM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrosonic Service Mark

Pete:

Please don't forget to send me the brochure and your filing fee as billed on July 6, 2009.

Thank you.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
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EXHIBIT 8

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:19 PM
To: Betty Tufariello
Subject: Fwd: Metrosonics

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: July 27, 2009 1:47:21 PM EDT
To: Pete M <pete@metrosonic.net>
Subject: Metrosonics

Pete:

Thank you for the check. I still need the brochure.

When are you available today to try to wrap this up. I know you have a couple of questions and I have a comment and change I need to discuss with you as well.

Looking forward to hearing from you.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
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EXHIBIT 9

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:19 PM
To: Betty Tufariello
Subject: Fwd: Trademark

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: January 29, 2010 12:50:34 PM EST
To: Pete M <pete@metrosonic.net>
Subject: Trademark

Pete:

Sorry I haven't gotten back to you. I have prepared the application will review and file by Monday.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
Website - www.PhotoLaw4u.com

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FAX (212) 216-9491 AND DELETE THIS E-MAIL MESSAGE FROM YOUR COMPUTER AND ANY COPIES OF THIS E-MAIL.

EXHIBIT 10

Betty Tufariello

From: Pete Mignola [pete@metrosonic.net]
Sent: Wednesday, November 03, 2010 12:19 PM
To: Betty Tufariello
Subject: Fwd: Metrosonic trademark application

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

Begin forwarded message:

From: Nicholas Penkovsky <nicholas_penkovsky@yahoo.com>
Date: March 16, 2010 5:18:58 PM EDT
To: Pete Mignola <pete@metrosonic.net>
Subject: Re: Metrosonic trademark application

Sorry for the protracted delay.

I've set aside Wednesday late morning to early afternoon to file. You will have the filing info tomorrow.

Very truly yours,

Nick Penkovsky

Law Offices of Nicholas A. Penkovsky, P.C.
112 Madison Avenue
Sixth Floor
New York, NY 10016
Tel (212) 216-9708
Fax (212) 216-9491
Cell (646)796-4689
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SENDER BY REPLY E-MAIL OR TELEPHONE (212) 216-9708 OR
FAX (212) 216-9491 AND DELETE THIS E-MAIL MESSAGE FROM YOUR COMPUTER AND ANY
COPIES OF THIS E-MAIL.

--- On **Tue, 3/16/10**, **Pete Mignola** <pete@metrosonic.net> wrote:

From: Pete Mignola <pete@metrosonic.net>
Subject: Metrosonic trademark application
To: "Nicholas Penkovsky" <nicholas_penkovsky@yahoo.com>
Date: Tuesday, March 16, 2010, 5:04 PM

Nick,

As I see it we have three options. You can:

1. File the trademark application for Metrosonic as agreed and forward me the receipt so I am able to follow up on the progress.
2. Refund the \$1500 I advanced you to complete this job.
3. We go to small claims court and let a judge sort this out.

I am not willing to wait any longer or accept any further excuses for delays. If I do not receive a response within three days I will assume that you will not be cooperating and move on to a legal remedy for my claim.

Pete Mignola
pete@metrosonic.net
<http://www.metrosonic.net/>
<http://www.myspace.com/metrosonicstudios>
718-782-1872
718-344-5453 (cell)

EXHIBIT 11

Betty Tufariello

From: Gordon Martin [cggordonmartin@earthlink.net]
Sent: Monday, November 08, 2010 6:31 PM
To: Betty Tufariello
Subject: Mignola v. Metrosonics Concepts, Ltd. TTAB

Opposition No. 91182572

Dear Ms. Tufariello,

This will confirm our telephone conversation earlier today that in order for the parties to pursue settlement discussions since you were only recently retained, I have agreed to extend the time for filing a response to the Trademark Trial and Appeal Board's Order to Show Cause regarding filing a brief in the above proceeding for 30 days from today's date. With the extension the new date will be December 8, 2010. You stated that you would file appropriate papers with the TTAB and send me a copy.

I will send you a copy of the settlement agreement which had been prepared last year as soon as practicable.

Gordon Martin

The Law Offices of C. G. Gordon Martin
13006 East Philadelphia Street, Suite 207
Whittier, California 90601
Telephone: 562-907-9767
Facsimile: 562-907-9921

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