

ESTTA Tracking number: **ESTTA266125**

Filing date: **02/11/2009**

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

Proceeding	91184213
Party	Plaintiff Galaxy Metal Gear, Inc.
Correspondence Address	Jen-Feng Lee WorldEsquire Law Firm LLP 80 South Lake Avenue, Suite 708 Pasadena, CA 91101 UNITED STATES jflee@worldesquire.com, ktanji@worldesquire.com
Submission	Request for Discovery Conference
Filer's Name	Jen-Feng Lee
Filer's e-mail	jflee@worldesquire.com
Signature	/jflee/
Date	02/11/2009
Attachments	Req-DiscvOrder.pdf (5 pages)(24927 bytes)

1 doctor balked at the request”, and proceeded to offer extension to DAT, so as not to
2 prejudice DAT’s rights.

3
4 However, it appears that parties may work out this scheduling issue, since the
5 2/13/2009 deposition is confirmed at this point.

6
7 Consequently, **Opposer will likely withdraw this Request for Discovery**
8 **Conference** once the 2/13/2009 deposition goes forward and DAT withdraws its
9 “motion for sanction”.

10
11 I declare under penalty of perjury under the Laws of the United States that the
12 attached email printout are true and correct content of what transpired between the
13 sender and recipient of the emails.

14
15
16 Respectfully submitted,

17 **Dated:** February 11, 2009

/jflee/

18 _____
19 WorldEsquire Law Firm
20 Jen-Feng (Jeff) Lee
21 Attorneys for Applicant,
22 Galaxy Metal Gear Inc.
23 WorldEsquire Law Firm
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CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that a copy of the foregoing Opposer's Request for Discovery Conference was served on the Opposer by mailing a true copy thereof by first class mail, postage prepaid to the following address on 2/11/2009.

**Michael Olson, Esq.
Law Office of Michael C. Olson
1400 Bristol St. N.
Suite 270
Newport Beach, CA 92660**

/jflee/

Jen-Feng Lee

--- On **Thu, 2/5/09, Jen-Feng Lee** <jflee@worldesquire.com> wrote:
From: Jen-Feng Lee <jflee@worldesquire.com>
Subject: Re: Dat
To: olsonlawyer@earthlink.net
Cc: "Ken Tanji" <ktanji@worldesquire.com>
Date: Thursday, February 5, 2009, 12:19 PM

Mike,

The doctor balked at the request of doctor's note, when told that the reason is for legal proceeding.

Tony Tan provided these attendance forms (whatever they are called).

We will confirm the 2/13/09 depo.

For your contemplated MSJ motion, we are willing to extend one week for the deadline you are up against, so that your client's right is not affected, due to the difference between 2/6/09 and 2/13/09.

Jeff

--- On **Tue, 2/3/09, olsonlawyer@earthlink.net** <olsonlawyer@earthlink.net> wrote:
From: olsonlawyer@earthlink.net <olsonlawyer@earthlink.net>
Subject: Re: Dat
To: "jflee@worldesquire.com" <jflee@worldesquire.com>
Date: Tuesday, February 3, 2009, 7:41 PM

Jeff

I would have to change my schedule to do the deposition on the 13th. If there is no doctor note I am not willing to change the deposition. I have prepared a summary judgment motion and just need to take your client deposition before I file it. If I delay too long I may miss the window of opportunity here.

Mike

-----Original Message-----
From: jflee@worldesquire.com
To: Michael Olson
Sent: Feb 2, 2009 2:11 PM
Subject: RE: Dat

Mike,

I forwarded your inquiry/suggestion to client.
Meanwhile, are you good for 2/13/09?

Jeff

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

From: olsonlawyer@earthlink.net [mailto:olsonlawyer@earthlink.net]
Sent: Monday, February 02, 2009 11:08 AM
To: Jeff Lee
Subject: Dat

Jeff

Please fax over a doctor note regarding your client. Or I could move
the
deposition site closer to your client.

Mike

Sent from my Verizon Wireless BlackBerry