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Filing date: **08/15/2013**

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

|                           |   |
|---------------------------|---|
| Proceeding                | 91203057  |
| Party                     | Defendant<br>Commemorative Derby Promotions, Inc.   |
| Correspondence<br>Address | DONALD L COX<br>LYNCH COX GILMAN GOODMAN PSC<br>500 W JEFFERSON STREET SUITE 2100<br>LOUISVILLE, KY 40202<br>UNITED STATES<br>doncox@lynchcox.com, wmooney@lynchcox.com |
| Submission                | Other Motions/Papers  |
| Filer's Name              | Donald L. Cox   |
| Filer's e-mail            | doncox@lynchcox.com   |
| Signature                 | /Donald L. Cox/   |
| Date                      | 08/15/2013  |
| Attachments               | Response to Information Request 8-14-13.pdf(67008 bytes )   |

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

*In re* matter of U.S. Application No. 85/219,903  
For the mark **LOUISVILLE JOCKEY CLUB**  
Published in the *Official Gazette* on August 30, 2011

|                                      |   |                         |
|--------------------------------------|---|-------------------------|
| Churchill Downs Incorporated         | ) |                         |
|                                      | ) |                         |
| Opposer,                             | ) |                         |
|                                      | ) |                         |
| V.                                   | ) |                         |
|                                      | ) | Opposition No. 91203057 |
|                                      | ) |                         |
| Commemorative Derby Promotions, Inc. | ) |                         |
|                                      | ) |                         |
| Applicant                            | ) |                         |
|                                      | ) |                         |

**RESPONSE TO INFORMATION REQUEST**

The Respondent, Commemorative Derby Promotions; Inc., states that the litigation in the Northern District of Georgia in the case styled Churchill Downs, Inc., v. Commemorative Derby Promotions, Inc. and Leonard Lusky, is still pending. No trial date has been set. Motions for Summary Judgment and Preliminary Injunction have been filed and have not yet been ruled on.

This Response to Information Request is being filed through the ESTTA System this 15th day of August, 2013.

Respectfully submitted,

/s/ Donald L. Cox  
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William H. Mooney  
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*Counsel for Applicant*  
*Commemorative Derby Promotions, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Applicant's Response to Opposer's Motion to Suspend Proceeding was served upon counsel of record for Opposer by placing copy of same in an envelope, with sufficient postage prepaid and deposited in an official depository under the exclusive care and custody of the United States Postal Service, and addressed as follows:

Jack A. Wheat  
Lindsay Yeakel Capps  
STITES & HARBISON, PLLC  
400 West Market Street, Suite 1800  
Louisville, KY 40202  
*Attorney for Opposer, Churchill Downs Incorporated*

This 15th day of August, 2013.

/s/ Donald L. Cox  
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