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Filing date: **10/30/2014**

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

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
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Date	10/30/2014
Attachments	Applicants Third Notice of Reliance_Redacted_10.30.2014.pdf(124661 bytes )

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

TERESA H. EARNHARDT,

Opposer,

v.

KERRY EARNHARDT, INC.,

Applicant.

Consolidated Opposition Nos.:  
91205331 (parent) and 91205338

In the matter of:

Application Serial No. 85/383,910  
Trademark: EARNHARDT COLLECTION  
(Intl. Class 20)

Application Serial No. 85/391,456  
Service Mark: EARNHARDT COLLECTION  
(Intl. Class 37)

APPLICANT'S THIRD NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.120(j)(3), Applicant hereby makes of record in this proceeding the following confidential excerpts (Exhibit C hereto) and exhibits (Exhibit D hereto) from the June 2, 2014, discovery deposition of Judy Queen. Selected non-confidential excerpts and non-confidential exhibits from the deposition are being filed separately with *Applicant's Second Notice of Reliance*.

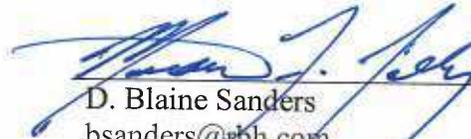
Pages and Lines

p. 51, ln. 1 – pg. 62, ln. 22

Exhibits

Judy Queen Deposition Exhibits 2, 3, 5-7

This 30<sup>th</sup> day of October, 2014.



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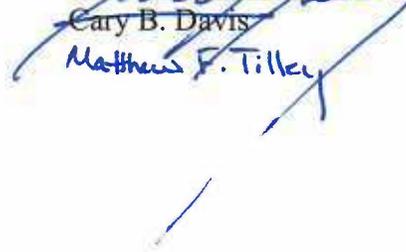
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*Attorneys for Applicant Kerry Earnhardt, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **APPLICANT'S THIRD NOTICE OF RELIANCE** has been served upon each of the parties to this action by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

Larry C. Jones  
Bruce J. Rose  
Carla H. Clements  
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101 S. Tryon Street, Suite 4000  
Charlotte, NC 28280-4000

This 30th day of October, 2014.

  
Cary B. Davis  
  
Matthew F. Tilley

# **EXHIBIT C**

# **EXHIBIT D**