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

Proceeding	91210234
Party	Plaintiff Carole A. Faulkner dba C I Host
Correspondence Address	BRET MADOLE DAVID GOODMAN & MADOLE PC 5420 LBJ FREEWAY, SUITE 1200 DALLAS, TX 75240 UNITED STATES faulkner4010@yahoo.com, mgoodman@dgmlegal.com, ngray@dgmlegal.com, anikolopoulos@dgmlegal.com
Submission	Other Motions/Papers
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Date	07/03/2014
Attachments	2014_07_03_Opposers' Notice of Reliance Pursuant to Rule 2.120(j).pdf(159029 bytes )

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

<b>CAROLE FAULKNER, INDIVIDUALLY</b>	§	
<b>AND D/B/A C I HOST, AND</b>	§	<b>In the Matter of Application</b>
<b>CHRISTOPHER FAULKNER,</b>	§	<b>Serial No. 85703135</b>
<b>INDIVIDUALLY AND D/B/A C I HOST;</b>	§	
	§	<b>Mark: C I Host</b>
<b>Opposers,</b>	§	
<b>v.</b>	§	<b>Opposition No. 91210234</b>
	§	
<b>GARY DOMEL,</b>	§	
	§	<b>Published: February 12, 2013</b>
<b>Applicant.</b>	§	

**OPPOSERS' NOTICE OF RELIANCE PURSUANT TO RULE 2.120(j)**

Opposers, Carole Faulkner, Individually and d/b/a C I Host, and Christopher Faulkner, Individually and d/b/a C I Host, hereby submit this Notice of Reliance pursuant to Rule 2.120(j). Specifically, Opposers rely on the Applicant's Responses to Opposer's First Set of Interrogatories, where were served on August 27, 2013 and are attached hereto.

Respectfully submitted,

/s/ Andy Nikolopoulos\_\_\_\_\_

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972-991-0889

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Attorneys for Carole Faulkner and  
Christopher Faulkner

PROOF OF SERVICE

This is to certify that on the 3rd day of July, 2014, a true and correct copy of the above and foregoing document was served upon the attorney of record for Gary Domel via email and certified mail, return receipt requested to James G. Ruiz, Winstead PC, 401 Congress Avenue, Suite 2100, Austin, Texas 787011.

/s/ Andy Nikolopoulos\_\_\_\_\_

Andy Nikolopoulos

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

**CAROLE FAULKNER, INDIVIDUALLY  
AND D/B/A C I HOST, AND  
CHRISTOPHER FAULKNER,  
INDIVIDUALLY AND D/B/A C I HOST;**

**Opposers,**

**v.**

**GARY DOMEL,**

**Applicant.**

§ **In the Matter of Application**  
§ **Serial No. 85703135**  
§  
§ **Mark: C I Host**  
§  
§ **Opposition No. 91210234**  
§  
§ **Published: February 12, 2013**  
§  
§

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST  
SET OF INTERROGATORIES TO GARY DOMEL**

**TO:** Carole Faulkner, Individually and d/b/a C I Host, by and through her attorneys of record, Carole A. Faulkner, 4010 Ambleside Ct., Colleyville, Texas 76034 and Bret A. Madole, Mark A. Goodman, Natalie M. Gray, David, Goodman & Madole, Two Lincoln Centre, 5420 LBJ Freeway, Suite 1200, Dallas, Texas 75240

COMES NOW, GARY DOMEL, Applicant and serves this Applicant's Response to Opposer's First Set of Interrogatories to Gary Domel.

Respectfully submitted,

**WINSTEAD PC**  
401 Congress Avenue  
Suite 2100  
Austin, Texas 78701  
Telephone: (512) 370-2800  
Facsimile: (512) 370-2850

By: \_\_\_\_\_  
James G. Ruiz SBN 17385860

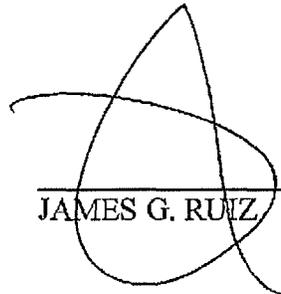
**ATTORNEYS FOR APPLICANT**

**CERTIFICATE OF SERVICE**

By signature above, I hereby certify that a true and correct copy of the foregoing document was served via telecopy and Certified Mail Return Receipt Requested to the following on this 27th day of August, 2013.

Carole A. Faulkner  
4010 Ambleside Ct.  
Colleyville, Texas 76034  
Telefax No.: 469-675-6404

Bret A. Madole  
Mark A. Goodman  
David, Goodman & Madole  
Two Lincoln Centre  
5420 LBJ Freeway, Suite 1200  
Dallas, Texas 75240  
Telefax No.: 972-404-0516



JAMES G. RUIZ

**RESPONSES TO FIRST SET OF INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify with particularity each specific product or service which you used, intended to be used, associated with or alluded to be associated with the C I Host mark.

**RESPONSE:** Designing and implementing web sites for others on a global computer information network; hosting the web site for others on a computer server for a global computer network; graphic art design computer software design for others and computer consultation as predecessor had used the mark prior to the foreclosure sale.

**INTERROGATORY NO. 2:** State the date you claim is the date of first use by you of the CI Host mark.

**RESPONSE:** April 1, 1995 is the date of first use of the C I Host mark acquired by Applicant at the foreclosure sale.

**INTERROGATORY NO. 3:** Describe in full and complete detail what efforts, if any, you have made to use the CI Host mark.

**RESPONSE:** Licensed the C I Host mark to Cassiopeia Internet Inc. to continue use of the mark in the same manner as Applicant's predecessor-in-interest used the mark prior to the foreclosure sale.

**INTERROGATORY NO. 4:** What is the meaning or commercial impression of the C I Host mark?

**RESPONSE:** The meaning or commercial impression of the mark is subjective with respect to each individual in the marketplace.

**INTERROGATORY NO. 5:** Describe the channels of distribution and/or intended channels of distribution for each product or service identified in response to Interrogatory No. 1.

**RESPONSE:** The internet is the planned avenue of distribution.

**INTERROGATORY NO. 6:** Identify all uses in commerce of the C I Host mark by you or, stating the first date of each such use and the circumstances of such use.

**RESPONSE:** See Answer to Interrogatory No. 1 for use of mark by predecessor before foreclosure sale. After foreclosure sale, Applicant licensed mark to Cassiopeia Internet Inc. to continue such use.

**INTERROGATORY NO. 7:** Describe in detail all facts and circumstances regarding your first use of the CI Host Mark in interstate commerce.

**RESPONSE:** Licensed the use of the mark to Cassiopeia after the foreclosure sale.

**INTERROGATORY NO. 8:** Identify all print, broadcast, or Internet media in which you have advertised services using the C I Host mark, and provide the dates of all such advertisements.

**RESPONSE:** None.

**INTERROGATORY NO. 9:** Describe in detail any communications you have had with any third party regarding the C I Host mark.

**RESPONSE:** Applicant objects to this Interrogatory on the grounds it is vague and ambiguous with respect to the level of detail of communications with third parties sought, and because the interrogatory is overbroad, unduly burdensome and encompasses information that is not relevant to the claims or issues in this proceeding or reasonably calculated to lead to the discovery admissible evidence. Subject to the foregoing objections, Applicant's counsel had discussions with Cassiopeia Internet Inc. concerning use of the C I Host mark in connection with its business operations and potential sale of business, discussions with CoreSpace concerning potential sale of C I Host mark in connection with sale of equipment and other assets to CoreSpace, and communications with CoreSpace counsel and counsel for C I Host, Inc. concerning transfer of C I Host mark to Opposers to aid in settlement of lawsuit between Opposers and CoreSpace and Cassiopeia.

**INTERROGATORY NO. 10:** Identify the dates you occupied an office at 1851 Central Drive, #110, Bedford, Texas 760021.

**RESPONSE:** Applicant has not occupied an office at that location.

**INTERROGATORY NO. 11:** Identify any domain names you own with C I Host in the name.

**RESPONSE:** None.

**INTERROGATORY NO. 12:** Identify the last date of use of the C I Host mark by you.

**RESPONSE:** Applicant licensed the mark to Cassiopeia Internet Inc. beginning on or about March 25, 2009. Applicant believes Cassiopeia Internet Inc. ceased doing business sometime around the end of 2012.

**INTERROGATORY NO. 13:** State if you were ever a shareholder of C I Host, Inc., or any related entity.

**RESPONSE:** I was not a shareholder of C.I. Host, Inc.

**INTERROGATORY NO. 14:** State if you were ever an officer or director of C I Host, Inc.

**RESPONSE:** I was not an officer or director of C.I. Host, Inc.

**INTERROGATORY NO. 15:** State the first date you were aware of Opposers' first use of the CI Host mark.

**RESPONSE:** Not aware of any use of C I Host mark by Opposers.

**INTERROGATORY NO. 16:** State the last date you contend Opposers' used the C I Host mark in commerce.

**RESPONSE:** Not aware of any use of C I Host mark by Opposers.

**INTERROGATORY NO. 17:** Identify all of the reasons you believe you have priority in the use of the CI Host mark.

**RESPONSE:** Applicant obtained ownership of all rights and interests in mark through foreclosure sale.

**INTERROGATORY NO. 18:** Identify all of the reasons you believe you have a right in the CI Host mark.

**RESPONSE:** Applicant obtained all rights of predecessor to mark through foreclosure sale.