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Filing date: **12/18/2013**

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

Proceeding	91213097
Party	Defendant RADILLO, JOSE ADRIAN CORONA
Correspondence Address	STACEY R HALPERN KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES efiling@kmob.com
Submission	Reply in Support of Motion
Filer's Name	Stacey R. Halpern
Filer's e-mail	efiling@knobbe.com, stacey.halpern@knobbe.com
Signature	//Stacey R. Halpern/
Date	12/18/2013
Attachments	board.pdf(20401 bytes ) 16878980_1.pdf(38899 bytes )

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

Luxco, Inc.,

Opposer,

v.

Radillo, Jose Adrian Corona,

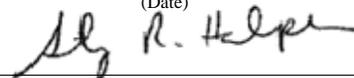
Applicant.

) Opposition No.: 91213097

)

) I hereby certify that this correspondence and all marked attachments  
) are being electronically filed with the Trademark Trial and Appeal  
) Board through their web site located at <http://esta.uspto.gov> on:) \_\_\_\_\_  
) December 18, 2013

) (Date)

) ) \_\_\_\_\_  
) Stacey R. Halpern

**REPLY IN SUPPORT OF TRADEMARK TRIAL AND APPEAL BOARD'S PARTICIPATION  
IN TELEPHONIC SETTLEMENT/DISCOVERY CONFERENCE**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant, Radillo, Jose Adrian Corona ("Applicant"), through its attorney of record, hereby reply's to Opposer's Response to Applicant's Motion for the Board's participation in the Settlement/Discovery Conference ("Opposer's Response") in connection with the above-referenced Opposition proceeding.

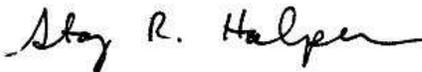
As a preliminary matter, Applicant notes that the fact that Opposer's counsel filed a 29 page opposition in and of itself explains why the Trademark Trial and Appeal Board (the "Board") should be involved the telephone Settlement/Discovery Conference. Moreover, when Applicant received the email of December 12, 2013, attached to Opposer's Response and attached hereto as Exhibit 1, Applicant realized that the Board's participation in the Settlement/Discovery Conference was essential.

Accordingly, the next day (December 13, 2013), Applicant filed its Motion requesting Board participation. As the T.B.M.P. requires ten (10) days' notice, the earliest date that could be requested was December 23, 2013. As Applicant's Motion indicates, Applicant's counsel is willing to participate in the Settlement Conference on December 24 or 27, 2013. However, as the December 12, 2013 email from Opposer's counsel indicates (attached to Opposer's Response and attached hereto as Exhibit 1),

Opposer's counsel was not available on either of these dates. With regard to December 30, 2013, Applicant's counsel only learned of Opposer's counsel availability on this date after Applicant's counsel filed its Motion. Applicant's counsel would be pleased to accommodate Opposer's counsel request to have the Board participate in a Settlement Conference on December 30, 2013 instead of December 23, 2013, if this date is more convenient for the Board.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

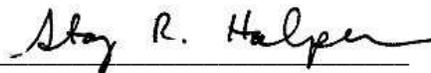
Dated: December 18, 2013

By:   
\_\_\_\_\_  
Stacey R. Halpern  
2040 Main Street, 24<sup>th</sup> Floor  
Irvine, CA 92614  
(949) 760-0404  
efiling@knobbe.com

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **REPLY IN SUPPORT OF THE TRADEMARK TRIAL AND APPEAL BOARD'S PARTICIPATION IN TELEPHONIC SETTLEMENT /DISCOVERY CONFERENCE** upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on December 18, 2013 addressed as follows:

Michael R. Annis  
Andrew R. Gilfoil  
HUSCH BLACKWELL LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105

  
\_\_\_\_\_  
Stacey R. Halpern

16878788  
121713

**From:** "Gilfoil, Andy" <[Andy.Gilfoil@huschblackwell.com](mailto:Andy.Gilfoil@huschblackwell.com)>  
**Date:** December 14, 2013 at 11:20:58 AM PST  
**To:** 'Lisa.Helmle' <[Lisa.Helmle@knobbe.com](mailto:Lisa.Helmle@knobbe.com)>  
**Cc:** 'Stacey.Halpern' <[Stacey.Halpern@knobbe.com](mailto:Stacey.Halpern@knobbe.com)>, "'grupo.004m.kmob@iwcs.kmob.com'" <[grupo.004m.kmob@iwcs.kmob.com](mailto:grupo.004m.kmob@iwcs.kmob.com)>, "Annis, Michael" <[Mike.Annis@huschblackwell.com](mailto:Mike.Annis@huschblackwell.com)>, "Nemes, Alan" <[Alan.Nemes@huschblackwell.com](mailto:Alan.Nemes@huschblackwell.com)>, "Gilfoil, Andy" <[Andy.Gilfoil@huschblackwell.com](mailto:Andy.Gilfoil@huschblackwell.com)>  
**Subject:** RE: Luxco, Inc. v. Radillo, Opp. No. 91213097

It is unfortunate that despite Luxco's regular attempts to schedule this conference as soon as practical you have been unable to confer with your client regarding this matter sufficiently to undertake same despite having many weeks to do so. I raised the issue of the issue of the Christmas holiday in late November, and yet since they you have been unable to provide any dates prior to December 23.

I had not planned to be back in the office on December 30, but will make accommodations to be available if that is the only date you can undertake this straight-forward and perfunctory conference. I again note that I have previously indicated many available dates earlier in December and general availability the week of December 16, as well as being available on Dec. 23. As a result, your representation to the Board that the undersigned has indicated that "he can only be available on December 23, 2013" is simply not accurate.

**Andrew R. Gilfoil**  
Attorney  
Direct: 314.480.1812

[Andy.Gilfoil@huschblackwell.com](mailto:Andy.Gilfoil@huschblackwell.com)

**From:** Lisa.Helmle [<mailto:Lisa.Helmle@knobbe.com>]  
**Sent:** Friday, December 13, 2013 12:29 PM  
**To:** Gilfoil, Andy  
**Cc:** Stacey.Halpern; [grupo.004m.kmob@iwcs.kmob.com](mailto:grupo.004m.kmob@iwcs.kmob.com)  
**Subject:** FW: Luxco, Inc. v. Radillo, Opp. No. 91213097

Andy,

Thank you for your email.

As I advised you I have not receive confirmation from my client regarding the settlement conference. Thus, I am unable to conduct the settlement conference next week.

Will you be back in the office on December 30, 2013?

**Stacey Halpern**

Partner

[shalpern@knobbe.com](mailto:shalpern@knobbe.com)

949-721-6301 Direct

**Knobbe** **Martens**

INTELLECTUAL PROPERTY LAW

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[www.kmob.com/stacey.halpern](http://www.kmob.com/stacey.halpern)

**From:** Gilfoil, Andy [<mailto:Andy.Gilfoil@huschblackwell.com>]  
**Sent:** Thursday, December 12, 2013 9:46 AM  
**To:** Stacey.Halpern  
**Cc:** Lori.Gillette; Annis, Michael; Nemes, Alan  
**Subject:** RE: Luxco, Inc. v. Radillo, Opp. No. 91213097

I am generally available on December 23, as well as most of the week of December 16. I will be out of the office due to the holiday on December 24 and 27, which was part of the reason why I have attempted to schedule this conference early in the month of December.

Look forward to hearing from you further on your availability.

**Andrew R. Gilfoil**  
**Attorney**

Direct: 314.480.1812

[Andy.Gilfoil@huschblackwell.com](mailto:Andy.Gilfoil@huschblackwell.com)

**From:** Stacey.Halpern [<mailto:Stacey.Halpern@knobbe.com>]

**Sent:** Thursday, December 12, 2013 11:42 AM

**To:** Gilfoil, Andy

**Cc:** Lori.Gillette

**Subject:** Luxco, Inc. v. Radillo, Opp. No. 91213097

**Importance:** High

RULE 408 – FOR SETTLEMENT PURPOSES ONLY

Andy,

I note that I am still waiting to hear from my client. As such, I am not yet in a position to discuss this matter with you. I also note that the deadline to conduct the settlement conference is not until December 30, 2013. Moreover, we do not agree that your email complies with the TTAB requirements to conduct the settlement conference. Accordingly, please provide me with a list of times you are available on December 23, 24 or 27, 2013.

Stacey

**Stacey Halpern**

Partner

[Stacey.Halpern@knobbe.com](mailto:Stacey.Halpern@knobbe.com)

949-721-6301 Direct

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