

From: gtroy@webtm.com
Sent: Fri 3/7/03 12:53 PM
Subject: Cancellation No. 040559

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Date:

March 7, 2003

Subject

A.J. Boggs & Company v. General Electric Capital Corporation

Trademark: 911.NET

Registration No. 2551269

Cancellation No. 040559

In the United States Patent and Trademark Office

Trademark Trial and Appeal Board

In the Matter of:

A.J. Boggs & Company

Petitioner

v.

General Electric Capital Corporation

Intrado Inc.

Registrant

Trademark Trial and Appeal Board
Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Trademark: 911.NET

Registration No. 2551269

Cancellation No. 040559

DEFENDANT'S MOTION TO COMPEL SERVICE OF ANSWER TO

DEFENDANT'S MOTION TO COMPEL

and

DEFENDANT'S SUPPLEMENTAL SUBMISSION PERTAINING TO
THREE PENDING MOTIONS

Now comes, Gordon E. R. Troy, Esq. of the firm Gordon E. R. Troy, PC, attorney for Registrant, seeking Defendant's Motion To Compel Service Of Answer To Defendant's Motion To Compel and Defendant's Supplemental Submission Pertaining To Three Pending Motions. Registrant states the following:

1. In a cover letter dated February 12, 2003, which was received by Defendant's counsel on February 18, 2003, Petitioner's counsel stated that it was serving "Petitioner's Response to Registrant's Motion to Compel" ("Petitioner's Response"). In fact, Petitioner's Response was not included in the envelope.
2. On February 21, 2003, Registrant's counsel sent a letter via facsimile transmission, first class mail and express mail, advising Petitioner's counsel that Petitioner's Response was not included.
3. As of this date, March 7, 2003, Registrant's counsel has not been served with, nor has it received Petitioner's Response.
4. Accordingly, Defendant requests that the Trademark Trial and Appeal Board order the Petitioner to serve Petitioner's Response, and reset the time for filing a reply thereto in accordance with the rules of the TTAB.
5. Registrant's counsel advises the Trademark Trial and Appeal Board that upon information and belief Petitioner proceeded with taking four testimonial depositions despite Registrant's objections thereto (see three pending motions). Accordingly, Registrant's counsel requests that the Trademark Trial and Appeal Board order: 1) a suspension of these proceedings; 2) rule upon Registrant's Motion to Compel Discovery; 3) order Petitioner to serve the transcripts of the four testimonial depositions taken; 4) order Petitioner to make the four deponents available for cross-examination; 5) reset the Testimony and Briefing Schedule to: i) commence with Registrant's (Defendant's) testimony period, and ii) permit Registrant to cross examine the four testimonial deponents.
6. Registrant's counsel also requests that the Trademark Trial and Appeal Board rule upon its motion to change the name of Registrant in the caption of the within case.
7. Registrant further requests that the Trademark Trial and Appeal Board establish a single service address for Petitioner. Registrant notes that yesterday it received Petitioner's Notice of Testimonial Deposition from yet a third address for Petitioner's counsel. Registrant's counsel further notes that mail to the service address

on file in the Trademark Trial and Appeal Board for Petitioner has been returned as undeliverable. As provided in the rules, Petitioner is required to maintain a single valid service address for these proceedings.

8. Registrant's motion for a telephone conference is now moot in light of Petitioner proceeding with the taking of the testimonial depositions.

Certification of Electronic Mail Delivery

Email Delivery Address:

ttab.efiling@uspto.gov <mailto:ttab.efiling@uspto.gov>

Date of Email Sending:

March 7, 2003

I hereby certify that DEFENDANT'S MOTION TO COMPEL SERVICE OF ANSWER TO DEFENDANT'S MOTION TO COMPEL AND DEFENDANT'S SUPPLEMENTAL SUBMISSION PERTAINING TO THREE PENDING MOTIONS. is being transmitted by electronic mail delivery to the United States Patent and Trademark Office by emailing same to ttab.efiling@uspto.gov on March 7, 2003

Respectfully submitted:

GORDON E. R. TROY, PC

By:

/Gordon E. R. Troy/

Dated:

March 7, 2003

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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Defendant's Motion To Compel Service Of Answer To Defendant's Motion To Compel And Defendant's Supplemental Submission Pertaining To Three Pending Motions. has been served on counsel for Petitioner by depositing same with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

TTAB Correspondence Address on File for Petitioner:

Jeffrey A. Sadowski, Esq.

Howard & Howard Attorneys, PC

4265 Okemos Rd Ste D

Okemos, MI 48864-3285

Address indicated on Notices of Testimonial Deposition:

Jeffrey A. Sadowski, Esq.

Howard & Howard Attorneys, PC

39400 Woodward Avenue, Suite 101

Bloomfield, Hills, MI 48304-5151

on March 7, 2003.

Respectfully submitted:

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