

1 Jeannette Martello, M.D., J.D.
2 Respondent, In Pro Se
3 701 Fremont Avenue
4 South Pasadena, CA 91030
5 Office Telephone: (626) 403-1747
6 Message Telephone (866) 7 SKIN DEEP
7 Cellular Telephone (626) 818-0770
8 Facsimile: (626) 403-1784

9
10 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE**
11 **THE TRADEMARK TRIAL AND APPEAL BOARD**

76581387

10 ACM Enterprises, Inc.)
11 Petitioner) Cancellation no. 92044697
12)
13 against) Filed: October 3, 2009
14)
15 Jeannette Martello, M.D.)
16 Respondent, In Pro Se)
17)
18)

19 **RESPONDENT'S RESPONSE TO BOARD ORDER**



26 10-06-2009

27 U.S. Patent & TM Office Mail Rept Ct. #7E

Cancellation no. 92044697
Respondent's Response to Board Order
October 3, 2009
Cover Page

1 My name is Jeannette Martello, M.D., J.D. and I am representing myself In Pro Se for
2 Respondent Jeannette Martello, M.D. My business address is 701 Fremont Avenue, South Pasadena,
3 California 91030. I am fully competent to make this declaration, and I have personal knowledge of the
4 facts stated in this declaration. To my knowledge, all of the facts stated in this declaration are true and
5 correct.

6 This response is to The Trademark Trial and Appeal Board's Order dated September 28, 2009
7 that was mailed to Respondent on September 30, 2009 and received at Respondent's office on Friday,
8 October 2, 2009. A scanned copy of the United States Patent and Trademark Office envelope postmarked
9 September 30, 2009 is enclosed. Exhibit 1. This scanned copy is included for your review so as to show
10 The Trademark Trial and Appeal Board that Respondent abided by The Trademark Trial and Appeal
11 Board's Order to correct the situation within "five days from the mailing date of this order."

12 Enclosed, please find a completed and signed Proof of Service dated September 29, 2009.
13 Respondent respectfully submits an apology for this oversight. Respondent regrets that this Proof of
14 Service was inadvertently not placed in the package mailed to The Trademark Trial and Appeal Board
15 or the package mailed to Petitioner's attorney Mr. David Hong. Accordingly, to correct this error,
16 Respondent is filing the Proof of Service via ESTTA on October 3, 2009. Additionally, said Proof of
17 Service will also be deposited in the United States mail today, on October 3, 2009 and mailed via first
18 class mail to The Trademark Trial and Appeal Board's as well as to Petitioner's attorney Mr. David
19 Hong.

20 Enclosed, please find the scanned copy of the U.S. Postal Service Delivery Confirmation Receipt
21 dated September 29, 2009. Exhibit 2. According to the scanned United States Postal Service Track &
22 Confirm, the Priority Mail Package that contained the Motion for Summary Judgment and Motion to
23 Amend the Pleadings and 280 pages of Exhibits was delivered to Petitioner's attorney, Mr. David Hong
24 on October 1, 2009 at 4:30 p.m. Exhibit 3.

25 With respect to The Trademark Trial and Appeal Board's Order dated September 11, 2009,
26 Respondent respectfully submits an apology for not including her phone number on the previous papers
27 submitted to The Trademark Trial and Appeal Board. This oversight will not happen again.

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Lastly, a copy of this Declaration shall also be deposited in the United States mail today on October 3, 2009 and mailed to The Trademark Trial and Appeal Board as well as to Petitioner's attorney, Mr. David Hong.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 3, 2009 in South Pasadena, California.

Jeannette Martello, M.D., J.D.
Respondent, Jeannette Martello, M.D., J.D.
In Pro Se

United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
if Undeliverable Return in Ten Days

AN EQUAL OPPORTUNITY EMPLOYER

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

92044697

JEANNETTE MARTELLO
701 FREMONT AVENUE
SOUTH PASADENA, CA 91030

9103032529 0015

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Cancellation no. 92044697
Respondent's Response to Board Order
October 3, 2009
Exhibit 1

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

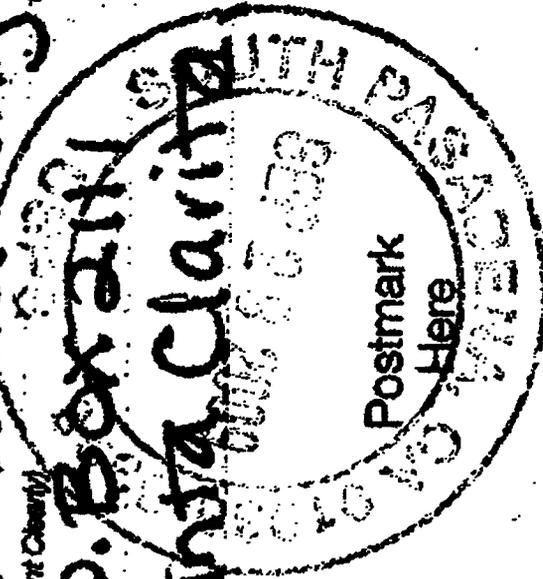
Mr. David Hong / Law Office of David Hong

(Please Print Clearly)

P.O. Box 211

Santa Clarita

CA 91386



POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

Cancellation no. 92044697

Respondent's Response to

Board Order October 3, 2009

PS Form 152, May 2002

Exhibit 2

(See Reverse)

DELIVERY CONFIRMATION NUMBER: 0309 0330 0002 4048 5255



Track & Confirm

Search Results

Label/Receipt Number: 0309 0330 0002 4048 5755

Class: Priority Mail®

Service(s): Delivery Confirmation™

Status: Delivered

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Your item was delivered at 4:30 PM on October 1, 2009 in CANYON COUNTRY, CA 91387.

Detailed Results:

- Delivered, October 01, 2009, 4:30 pm, CANYON COUNTRY, CA 91387
- Notice Left, September 30, 2009, 9:19 am, CANYON COUNTRY, CA 91386
- Out for Delivery or Available at PO Box, September 30, 2009, 9:18 am, VALENCIA, CA 91355
- Sorting Complete, September 30, 2009, 8:48 am, VALENCIA, CA 91355
- Arrival at Post Office, September 30, 2009, 6:41 am, VALENCIA, CA 91355
- Processed through Sort Facility, September 29, 2009, 9:19 pm, SANTA CLARITA, CA 91383
- Acceptance, September 29, 2009, 5:25 pm, SOUTH PASADENA, CA 91030

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



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

ACM Enterprises, Inc.,

Petitioner,

- against -

Martello, Jeannette, M.D.,

Respondent.

Cancellation No.: 92044697

Filed: September 23, 2009

**RESPONDENT'S PROOF OF SERVICE OF
MOTION FOR SUMMARY JUDGMENT AND
MOTION TO AMEND THE PLEADINGS**

Cancellation no. 92044697
Respondent's Proof of Service
September 29, 2009
Cover Page

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the aforesaid County. I am over the age of 18 years and not a party to this matter. My residence address is 404 Kendall Avenue, Los Angeles, California 90042.

On September 29, 2009 I served the document(s) named below on the party as follows:

DOCUMENTS SERVED: (1) Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings
(2) Declaration of Respondent in Support of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings
(3) Exhibit pages 1 through 280 in Support of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings

SERVED UPON: SEE ATTACHED MAILING LIST

(BY MAIL) I caused the United States Post Office Priority Mail package with postage thereon fully prepaid, to be hand delivered to the United States Post Office located in South Pasadena, California. A United States Post Office employee received the aforementioned documents that had been placed into a United States Post Office Priority Mail package for delivery. In order to document the date of receipt of the package, a U.S. Postal Service Delivery Confirmation Receipt was obtained at an additional cost.

(BY FACSIMILIE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as completed without error. Pursuant to C.R.C. §2009(i), I either caused, or had someone cause, the transmitting machine to properly transmit the attached documents to the facsimile numbers shown on the service list.

(BY FEDERAL EXPRESS) I am readily familiar with the collection and processing of documents for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

(BY PERSONAL SERVICE) I caused such document(s) to be delivered/personally served by the courier on the date as herein stated to the addressee(s) herein stated.

1 (STATE) I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at
4 whose direction the service was made.

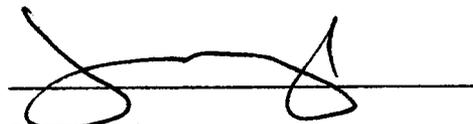
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6 Executed on September 29, 2009, at South Pasadena, California.

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Jorge Garcia

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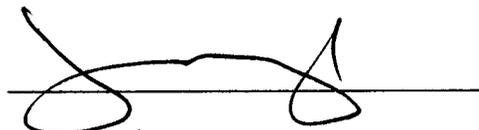
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1 [X] (STATE) I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 [] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at
4 whose direction the service was made.

5
6 Executed on September 29, 2009, at South Pasadena, California.

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10 Jorge Garcia

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MAILING LIST

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Attorney for Petitioner
Mr. David Hong
Law Office of David Hong
P.O. Box 2111
Santa Clarita, CA 91386

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Cancellation no. 92044697
Respondent's Proof of Service
September 29, 2009
Page 4

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8 **THE TRADEMARK TRIAL AND APPEAL BOARD**
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10 ACM Enterprises, Inc.)
Petitioner) Cancellation no. 92044697
11)
12 against) Filed: October 3, 2009
13)
14 Jeannette Martello, M.D.)
Respondent, In Pro Se)
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18 **RESPONDENT'S PROOF OF SERVICE**
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27 Cancellation no. 92044697
Respondent's Proof of Service
October 3, 2009
Cover Page

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the aforesaid County. I am over the age of 18 years and not a party to this matter. My residence address is 716 North Grand Avenue, Covina, California 91724. On October 3, 2009 I served the document(s) named below on the parties as follows:

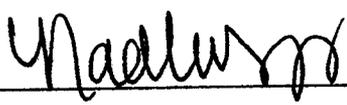
DOCUMENTS SERVED: (1) Respondent's Response to Board Order with Exhibits 1 through 3
(2) Respondent's Proof of Service regarding mailing of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings and Respondent's Declaration in Support of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings and Exhibit pages 1 through 280

SERVED UPON: SEE ATTACHED MAILING LIST

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at the post office in South Pasadena, California.

(STATE) I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 3, 2009, at South Pasadena, California.



Nadine Tomala

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Nadine Tomala

MAILING LIST

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The United States Patent and Trademark Office
Trademark Trial and Appeal Board

Ms. Elizabeth Dunn, Attorney
P.O. Box 1451
Alexandria, VA 22313-1451

Attorney for Petitioner

Mr. David Hong
Law Office of David Hong
P.O. Box 2111
Santa Clarita, CA 91386