



411 East Wisconsin Avenue
Suite 2040
Milwaukee, Wisconsin 53202-4497
414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in
Milwaukee and Madison, Wisconsin
Naples, Florida
Phoenix and Tucson, Arizona
Chicago, Illinois

Facsimile Transmission Form

Date: March 6, 2008

92/047262

To:	Fax No.	Phone No.
Name Company/Firm City, State Zip Country	571-273-9240	
Elizabeth		

From:	Johanna M. Wilbert	414.978.8942	414.277.5495
Re:	Roast of the Town, Inc. v. Espresso International, Ltd.		

Message: Enclosed please find the Hannah Romberg declaration with the signature page attached. Our records indicated that Opposing Counsel was sent a copy of the declaration (with signature page) on August 6, 2007. If you have any further questions, please contact me at 414-277-5495.

**IF YOU HAVE PROBLEMS RECEIVING THIS FACSIMILE, PLEASE CALL US IMMEDIATELY AT:
414.277.5595, except after 5:30 pm Central time, call 414.277.5404**

No. of Pages (Including Cover): <u>Cover + 4</u>	Job Code: _____
Client - Matter No.: <u>126294.00003</u>	Time Keeper: <u>JW</u>
Recipient: <u>Elizabeth</u>	Return To: _____
Requestor Name: _____	Phone No.: _____

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA REGULAR POSTAL SERVICE. THANK YOU.

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

In the Matter of Registration No. 2,760,766: ESPRESSIONE
Issued on September 9, 2003

Roast of the Town, Inc.,
Petitioner,

v.

Cancellation No. 92047262

Espressione International, Ltd.,
Registrant.

DECLARATION OF HANNAH ROMBERG

I, Hannah Romberg, hereby state under penalty of perjury that the following is true and correct:

1. I am the President of Roast of the Town, Inc., a coffee roastery doing business under the name ESPRESSIONS Coffee Roastery.
2. ESPRESSIONS was first used in commerce in 1989 and has been used continuously from 1989 to the present time in connection with the sale of fresh roasted coffees and custom blended coffees and teas.
3. The following are various documents that show continuous use of ESPRESSIONS over the course of 1993 to present:
 - Exhibit A is a copy of an article that appeared in the September 1, 1993 issue of Restaurants & Institutions along with a copy of the cover of the publication. The highlighted portion of the text uses the mark ESPRESSIONS to refer to my business.
 - Exhibit B is a copy of a article featuring ESPRESSIONS that appeared in Specialty Coffee Retailer's March 1995 issue.
 - Exhibit C is a copy of an article featuring ESPRESSIONS that appeared in the September 1995 issue of Glamour along with a copy of the following page which contains the date and publication title in the lower right corner. Originally these pages were printed back to back.

- Exhibit D is a copy of a check stub and associated invoice from 1997 which both use the mark ESPRESSIONS in reference to my business.
- Exhibit E is a copy of an invoice ESPRESSIONS sent to a customer located in Scottsdale, Arizona dated February 16, 1998.
- Exhibit F is a copy of an article that appeared in the June 1998 issue of Food Distribution Magazine that references ESPRESSIONS multiple times. The highlighted portion starting on the third page of the article discusses ESPRESSIONS.
- Exhibit G is a copy of an article that appeared in the November 1998 issue of Restaurateur of Arizona the discusses ESPRESSIONS.
- Exhibit H is a copy of letter dated August 13, 1999 from the Department of Veterans Affairs to ESPRESSIONS discussing a change in the way the department will pay its vendors.
- Exhibit I is a copy of an invoice dated November 18, 1999 sent to ESPRESSIONS for equipment purchased.
- Exhibit J is a copy of an invoice dated April 18, 2000 sent by ESPRESSIONS to a customer located in Sedona, AZ.
- Exhibit K is a copy of a letter dated October 23, 2000 from Darden Restaurants, Inc. to Roast of the Town Inc. DBA ESPRESSIONS discussing their business relationship.
- Exhibit L is a copy of a page from the May/June 2001 issue of City AZ. The postage stamp on the cover indicates the magazine was sent to ESPRESSIONS and the magazine page includes a listing advertising the business.
- Exhibit M is a copy of an invoice sent by ESPRESSIONS to a customer located in Jackson Hole, WY dated December 13, 2001.
- Exhibit N is a copy of a check dated June 7, 2001 from Marriott made payable to ESPRESSIONS.
- Exhibit O are copies of two invoices received in 2002.
- Exhibit P is a copy of an invoice dated September 13, 2002 sent by ESPRESSIONS to a customer located in Scottsdale, AZ.
- Exhibit Q is a copy of an invoice dated November 3, 2003.

- Exhibit R is a copy of an invoice dated October 4, 2004 sent by ESPRESSIONS to a customer located in Las Vegas, NV:
- Exhibit S is a copy of an invoice dated December 9, 2005 sent by ESPRESSIONS to a customer located in Portland, Maine.
- Exhibit T is a copy of an invoice dated December 15, 2005 sent by ESPRESSIONS to a customer located in Atlanta, GA.
- Exhibit U is a number of documents prepared by DEX, the phonebook company through which ESPRESSIONS has advertised. The customer history snapshot provided by DEX only includes the past six years; however ESPRESSIONS has been a customer of the program since 1991.
- Exhibit V is a color photo copy of the ESPRESSIONS mark as it appears on current product packaging.
- Exhibit W is another color photo copy of the ESPRESSIONS mark as it appears on current product packaging.

4. In addition to these documents, evidence of my use of ESPRESSIONS as a trademark can also be found at <http://www.espressions.com/>, a website that has been associated with my business since 2001.

5. Through my former trademark counsel, Roast of the Town, Inc. applied for trademark registration of ESPRESSIONS on September 20, 1989 and received registration on June 12, 1990. This registration, No. 1,601,195, was cancelled in 2001 because, without my knowledge, former counsel failed to file the Section 9 renewal application. At the time, I had no knowledge of the cancellation and I continued to use the mark.

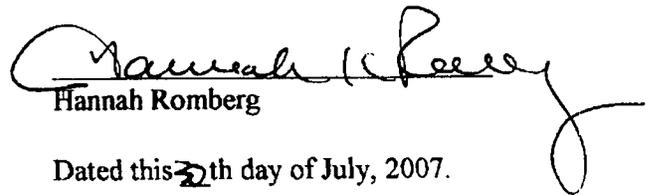
6. I periodically search the internet to look for trademark infringement. In 2003, I did a general internet search using ESPRESSIONS and discovered another company using the ESPRESSIONS mark located in Aurora, NE. I did further research to gather information regarding the owners of the other establishment and then contacted former counsel to find out how to proceed. At this point I found out that my registration had lapsed because my former counsel had moved to a new firm and allowed my paperwork to fall through the cracks. Former counsel assured me that he could correct the problem by filing paperwork to reregister my mark and lead me to believe he had addressed the problem.

7. Having received no communication from former counsel, I contacted him in 2005 because I wanted to send a letter asserting my trademark rights to a business in Aurora, NE that was using ESPRESSIONS without permission. My former counsel did not return my calls. As a result, I retained new counsel and learned that former counsel

had failed to file a response with the trademark office and my application to re-register ESPRESSIONS had been considered abandoned and was therefore denied.

8. My new counsel file another application that is currently pending for the mark ESPRESSIONS for use in connection with fresh roasted coffees, and custom blended coffees and teas, as Serial No. 78-851222.

I affirm this declaration under penalty of perjury.


Hannah Romberg

Dated this 2nd day of July, 2007.