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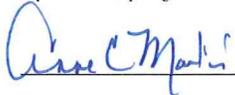
Filing date: **10/21/2009**

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

Proceeding	92048118
Party	Plaintiff Jack Richeson & Co., Inc.
Correspondence Address	Paul W. Kruse Bone McAllester Norton PLLC 511 Union Street, Suite 1600 Nashville, TN 37219 UNITED STATES trademarks@bonelaw.com
Submission	Other Motions/Papers
Filer's Name	Paul W. Kruse
Filer's e-mail	trademarks@bonelaw.com
Signature	/Paul W. Kruse/
Date	10/21/2009
Attachments	Motion to Suspend for Cause (00419035).PDF (6 pages)(2192286 bytes)

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>, on the date shown below:

By: 
Name: Anne C. Martin
Date: October 21, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jack Richeson & Co., Inc.,)	
)	
Petitioner,)	
)	Cancellation No. 92048118
v.)	
)	Reg. No. 2,619,642
Select Export Corp. dba Trident,)	
)	
Registrant.)	
)	
Attorney Ref. No. 002763-060801)	

MOTION TO SUSPEND ACTION FOR CAUSE

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

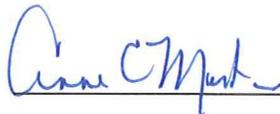
Sir:

On September 30, 2009, the Trademark Trial and Appeal Board (TTAB) reset Petitioner's 30-day testimony period to close on December 2, 2009. One of Petitioner's witnesses, Domingos Zanocco, is a resident of Brazil. Mr. Zanocco will voluntarily travel to the United States to give testimony but must be issued a visa first. An application for the required visa has been filed but will take several weeks to be issued. Mr. Zanocco could not apply earlier

in anticipation of his testimonial deposition because Petitioner had no idea how the TTAB would rule on its motion and then what the testimony periods would be. Petitioner asked Registrant's attorney to cooperate but she refused.¹ Petitioner therefore asks that action on this proceeding be suspended pending the issuance of Mr. Zanoocco's visa.² Petitioner's request is not interposed for any improper purpose or to cause unnecessary delay. Registrant will not be substantially prejudiced by the suspension of action pending the issuance of Mr. Zanoocco's visa. Upon issuance of Mr. Zanoocco's visa, Petitioner will request the resumption of proceedings and the resetting of the testimony periods.

WHEREFORE, good cause having been shown, Petitioner respectfully requests that action on this proceeding be suspended pursuant to 37 CFR § 2.117(c).

Jack Richeson & Co., Inc.

By:  _____

Name: Anne C. Martin

Title: Attorney

Date: October 21, 2009

¹ The email exchange between Petitioner's attorney and Registrant's attorney is submitted herewith.

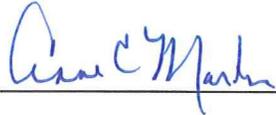
² Petitioner could depose Mr. Zanooco on written questions in which case the TTAB would suspend action pursuant to 37 CFR § 2.124(d)(2); however, since he is willing, Petitioner would prefer to depose Mr. Zanooco in person.

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on Registrant's attorney, Cheryl Meide with an address at Meide Law Firm, P.A., Corners at Deerwood 7545 Centurion Parkway, Suite 201, Jacksonville, Florida 32256, via first class mail, postage prepaid, today October 21, 2009.

By: 

Name: Anne C. Martin

Paul W. Kruse

From: Cheryl Meide [cmeide@clearwire.net] on behalf of Cheryl Meide [cmeide@meidelaw.com]
Sent: Tuesday, October 20, 2009 6:32 PM
To: Anne C. Martin
Cc: Paul W. Kruse
Subject: RE: Jack Richeson v. Trident

Dear Anne:

Thank you for your email. Given the circumstances of this case, the request to delay your client's testimony period is not reasonable and we cannot agree to such a stipulation.

Kind Regards,

Cheryl Meide
Meide Law Firm, P.A.
Trademark and Technology Law
7545 Centurion Parkway, Suite 201
Jacksonville, FL 32256
Phone: 904-564-1818
Cell: 904-699-4885
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From: Anne C. Martin [mailto:amartin@bonelaw.com]
Sent: Tuesday, October 20, 2009 10:27 AM
To: Cheryl Meide
Cc: Paul W. Kruse
Subject: RE: Jack Richeson v. Trident

Cheryl:

Thanks for getting back to me. We have a glitch regarding the visa for one of our South American witnesses, Domingas Zannoco. He does not travel often the way Ivan Maturana Segato does, and thus needs to get a visa to come to the US for his deposition. He has learned it will be several months for approval. He could not, of course, apply earlier in anticipation of the deposition because we had no idea what the Board would rule and then what the time periods would be.

Our preference would be to file an agreed motion/stipulation with the Court stating that we are in agreement to suspend the proof periods until Zannoco gets his visa, and then we would be obligated to notify the TTAB and you within five business days (or something like that) so that the periods could be reset.

I think this is a reasonable request given the circumstances. Can you let me know TODAY whether or not

10/21/2009

you are agreeable? Either way, we need to file something tomorrow.

I appreciate your prompt attention to this.

Anne

From: Cheryl Meide [mailto:cmeide@clearwire.net] **On Behalf Of** Cheryl Meide
Sent: Monday, October 19, 2009 8:50 AM
To: Anne C. Martin
Cc: Paul W. Kruse
Subject: RE: Jack Richeson v. Trident
Importance: High

Hi Anne:

Thank you for your email. All of the dates you have proposed work with the exception of November 3, 4, 11, and 18, 2009.

Under FRCP 30(b)(7) I will appear and attend these testimony depositions by telephone. Please let me know if you consent to my appearance via telephone.

Please let me know if you have any questions. I am available to discuss the case with you or Paul anytime.

Thanks so much.

Cheryl Meide
Meide Law Firm, P.A.
Trademark and Technology Law
7545 Centurion Parkway, Suite 201
Jacksonville, FL 32256
Phone: 904-564-1818
Cell: 904-699-4885
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From: Anne C. Martin [mailto:amartin@bonelaw.com]
Sent: Monday, October 05, 2009 1:58 PM
To: Cheryl Meide
Cc: Ury Fischer; Paul W. Kruse
Subject: Jack Richeson v. Trident

Cheryl:

I assume you have received a copy of the TTAB's decision by now. This leaves us needing to plan the testimony periods to put in the proof in our cases. My client has Nov. 2 through Dec. 2.

10/21/2009

I am writing to propose the schedule we have put together for our witnesses. That schedule would be:

- Deposition of Darren Richeson in Appleton, WI sometime between Nov. 3-6
- Deposition of Ivan Maturana Segato in Nashville, TN sometime between either Nov. 9-13, 16-17 or 19-20.
- Deposition of Domingos Zannoco in Nashville, TN sometime between either Nov. 9-13, 16-17 or 19-20.

Please review your calendar and advise me of your availability. If I do not hear from you by October 19, I will assume this schedule works for you and formally notice you of these depositions. If you would like to discuss the case, Paul and I are available to do so.

Thanks.

Anne

BONE MCALLESTER NORTON PLLC

Anne C. Martin, Attorney
 Direct Dial 615.238.6318
 Direct Fax 615.687.2765
 amartin@bonelaw.com

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 511 Union Street
 Nashville, Tennessee 37219

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Bone McAllester Norton PLLC mail server made the following annotations:

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