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Filing date: **08/11/2009**

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

Proceeding	92049363
Party	Defendant BOOKLAB, INC.
Correspondence Address	John T. Wilson Myers Wilson P.C. 16660 Dallas Parkway, Suite 2500 Dallas, TX 75248 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	John T. Wilson
Filer's e-mail	john@myerswilson.com
Signature	/John T. Wilson/
Date	08/11/2009
Attachments	Booklab Response to Letter of August 4.pdf (10 pages)(48242 bytes)

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

In the matter of trademark Registration No. 3181837
For the mark “**BOOKLAB**”
Date registration December 5, 2006

CRAIG JENSEN	§	
d/b/a Booklab II	§	
Petitioner,	§	Cancellation No. 92049363
	§	
v.	§	Registration No. 3181837
	§	
BOOKLAB, INC.	§	ORAL HEARING REQUESTED
Registrant	§	
	§	
	§	
	§	

**RESPONSE TO AUGUST 4, 2009, LETTER FROM MONIQUE TYSON, AND
REQUEST FOR CONTINUED ABATEMENT.**

COMES NOW, Registrant Booklab, and files this response to Monique Tyson’s letter of August 4, 2009 (“Response”). In support of said Response, Registrant shows the following:

I.

UPDATE

1. On June 3rd, 2009, a trial was held in Federal Court for the Western District of Texas. *See Item 70 of Attached Docket Sheet, attached hereto as Exhibit 1* (the “Docket Sheet”)/
2. The parties are awaiting a final ruling from Judge Lee Yeakel (the “Ruling”).

II.

REQUEST FOR CONTINUED ABATEMENT

3. Registrant Booklab respectfully requests that the United States Patent and Trademark Office, Trademark Trial and Appeal Board, continue to abate the Petition to Cancel pending the Ruling.

Respectfully submitted,

MYERS WILSON P.C.

By: /JOHN T. WILSON/

John T. Wilson
State Bar No. 24008284
16610 Dallas Parkway, Suite 2000
Dallas, Texas 75248
Telephone: (972) 248-8080
Facsimile: (972) 248-8088

**ATTORNEY FOR REGISTRANT,
GRANDTIME CORPORATION**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above motions have been served upon opposing counsel pursuant to Rules of Federal Civil Procedure (First Class U.S. Mail) as indicated below on August 11th, 2009:

Christopher J. Day
Law Office Of Christopher Day
301 East Bethany Home Road, Suite A-213
Phoenix, Arizona 85012
(602) 258-4440 (Office)
(602) 258-4441 (Fax)

Attorney for Watch Factory.

/JOHN T. WILSON/

JOHN T. WILSON

PATENT/TRADEMARK

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:07-cv-00536-LY**

Booklab, Inc. v. Jensen
Assigned to: Judge Lee Yeakel
Cause: 15:1051 Trademark Infringement

Date Filed: 07/02/2007
Jury Demand: None
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Booklab, Inc.

represented by **John T. Wilson**
Myers Wilson P.C.
16610 Dallas Parkway
Suite 2000
Dallas , TX 75248
(972) 248-8080
Fax: (972) 248-8088
Email: john@myerswilson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Howard Myers
Myers Wilson P.C.
16610 Dallas Parkway
Suite 2000
Dallas , TX 75248
(972) 248-8080
Fax: (972) 248-8088
Email: michael@myerswilson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Craig Jensen
doing business as
Booklab II

represented by **William N. Hulsey , III**
Hulsey Intellectual Property
919 Congress Avenue
Suite 919
Austin , TX 78701
(512) 478-9190
Fax: (512) 478-9192
Email: bill.hulsey@hulseyiplaw.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/02/2007	1	COMPLAINT (Filing fee \$ 350 receipt number 406850), filed by Booklab, Inc.. (Attachments: # 1 Civil Cover Sheet and receipt)(tdk,) (Entered: 07/06/2007)
07/06/2007	2	Report on Patent/Trademark sent to U.S. Patent and Trademark Office with a copy of the complaint. (tdk,) (Entered: 07/06/2007)
07/06/2007	3	Letter/Correspondence to counsel John Wilson regarding non-admission status. (tdk,) (Entered: 07/06/2007)
07/17/2007	4	Summons Issued as to Craig Jensen. (dm,) (Entered: 07/17/2007)
08/06/2007	5	MOTION to Appear Pro Hac Vice by William N. Hulsey on behalf of Craig Jensen. (dm,) (Entered: 08/06/2007)
08/06/2007	6	ANSWER to Complaint by Craig Jensen.(dm,) (Entered: 08/06/2007)
08/06/2007		Pro Hac Vice Fee Paid by William N. Hulsey; Filing fee \$ 25, receipt number 407325. (dm,) (Entered: 08/09/2007)
08/07/2007	7	ORDER granting 5 Motion to Appear Pro Hac Vice Signed by Judge Lee Yeakel. (dm,) (Entered: 08/07/2007)
12/18/2007	8	MOTION to Appear Pro Hac Vice by Michael Howard Myers <i>on behalf of John T. Wilson</i> by on behalf of Booklab, Inc.. (Myers, Michael) (Entered: 12/18/2007)
12/18/2007	9	MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> by Booklab, Inc.. (Myers, Michael) (Entered: 12/18/2007)
12/20/2007	10	ORDER REFERRING MOTION: 9 MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> filed by Booklab, Inc.. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Andrew W. Austin. (dm,) (Entered: 12/20/2007)
12/20/2007	11	ORDER granting 8 Motion to Appear Pro Hac Vice. Signed by Judge Lee Yeakel. (dm,) (Entered: 12/20/2007)
12/21/2007	12	RESPONSE to Motion, filed by Craig Jensen, re 9 MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> filed by Plaintiff Booklab, Inc. (Hulsey, William) (Entered: 12/21/2007)
12/28/2007		Pro Hac Vice Fee Paid by John T. Wilson; Filing fee \$ 25, receipt number 420341. (dm,) (Entered: 01/08/2008)
01/04/2008	13	ORDERED that Plaintiff's file a reply no later than January 11, 2008... Signed by Judge Andrew W. Austin. (dm,) (Entered: 01/04/2008)
01/11/2008	14	REPLY to Response to Motion, filed by Booklab, Inc., re 9 MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> filed by Plaintiff

		Booklab, Inc. (Myers, Michael) (Entered: 01/11/2008)
01/14/2008	15	ORDER granting 9 Motion to Compel. Signed by Judge Andrew W. Austin. (dm,) (Entered: 01/14/2008)
02/04/2008	16	***DOCUMENT HAS BEEN STRICKEN PURSUANT TO AN ORDER STRIKING PLEADING, DOC. #17*** RESPONSE to Motion, filed by Craig Jensen, re 9 MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> filed by Plaintiff Booklab, Inc. (Hulsey, William) Modified on 2/5/2008 (dm,). (Entered: 02/04/2008)
02/05/2008	17	ORDER Striking Pleading 16 Response to Motion. Signed by Judge Andrew W. Austin. (dm,) (Entered: 02/05/2008)
02/05/2008		Motions No Longer Referred: 9 MOTION to Compel <i>Response to Plaintiff's Requests for Production</i> . (dm,) (Entered: 02/05/2008)
03/18/2008	18	Second MOTION to Compel by Booklab, Inc.. (Attachments: # 1 Exhibit Jensen Response, # 2 Exhibit E-Mail Correspondence)(Wilson, John) (Entered: 03/18/2008)
03/18/2008		MOTION for Attorney Fees by Booklab, Inc. (2 part motion, to view this document see # 18). (dm,) (Entered: 03/18/2008)
03/18/2008	19	DEFICIENCY NOTICE: re 18 Second MOTION to Compel. (dm,) (Entered: 03/18/2008)
03/19/2008	20	ATTACHMENT <i>Proposed Order</i> to MOTION for Attorney Fees, 18 Second MOTION to Compel by Booklab, Inc.. (Wilson, John) (Entered: 03/19/2008)
04/04/2008	21	ORDER REFERRING MOTION: MOTION for Attorney Fees filed by Booklab, Inc., 18 Second MOTION to Compel filed by Booklab, Inc. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Andrew W. Austin. (dm,) (Entered: 04/04/2008)
04/08/2008	22	RESPONSE to Motion, filed by Craig Jensen, re 18 Second MOTION to Compel filed by Plaintiff Booklab, Inc. (Hulsey, William) (Entered: 04/08/2008)
04/08/2008	23	DEFICIENCY NOTICE: re 22 Response to Motion. (dm,) (Entered: 04/08/2008)
04/08/2008	24	REPLY to Response to Motion, filed by Booklab, Inc., re MOTION for Attorney Fees filed by Plaintiff Booklab, Inc., 18 Second MOTION to Compel filed by Plaintiff Booklab, Inc. (Wilson, John) (Entered: 04/08/2008)
04/16/2008	25	ORDER GRANTING 18 Motion to Compel; GRANTING [] Motion for Attorney Fees. Signed by Judge Andrew W. Austin. (dm,) (Entered: 04/16/2008)
04/16/2008		Motions No Longer Referred: 18 Second MOTION to Compel, MOTION for Attorney Fees. (dm,) (Entered: 04/16/2008)
04/17/2008	26	Order for Proposed Scheduling Order. Plaintiff shall submit a proposed scheduling order to the Court within sixty (60) days after the appearance of any

		defendant. Proposed Scheduling Order due by 4/30/2008. Signed by Judge Lee Yeakel. (dm,) (Entered: 04/17/2008)
04/25/2008	27	MOTION re 26 Order for Scheduling Recommendations/Proposed Scheduling Order by Booklab, Inc.. (Attachments: # 1 Exhibit Exhibit 1 - Booklab Proposed Scheduling Order, # 2 Exhibit Exhibit 2 - Jensen Proposed Sheduling Order)(Wilson, John) (Entered: 04/25/2008)
05/23/2008	28	ORDER, Initial Pretrial Conference set for 6/2/2008 02:00 PM before Judge Lee Yeakel. Signed by Judge Lee Yeakel. (td) (Entered: 05/23/2008)
06/02/2008	29	Minute Entry for proceedings held before Judge Lee Yeakel: Initial Pretrial Conference held on 6/2/2008 (Minute entry documents are not available electronically.). (Court Reporter Kathy Carroll.)(dm,) (Entered: 06/02/2008)
06/02/2008	30	SCHEDULING ORDER:Final Pretrial Conference set for 5/29/2009 03:00 PM and Bench Trial in the month of June 2009 before Judge Lee Yeakel. ADR Report Deadline due by 12/1/2008. Amended Pleadings due by 6/16/2008. Discovery due by 12/1/2008. Joinder of Parties due by 6/16/2008. Motions due by 2/8/2009. Signed by Judge Lee Yeakel. (dm,) (Entered: 06/03/2008)
06/02/2008	31	ORDER DISMISSING 27 Motion to Enter Scheduling Order. Signed by Judge Lee Yeakel. (dm,) (Entered: 06/03/2008)
08/19/2008	32	Letter/Correspondence from attorney John Wilson regarding vacation dates. (dm,) (Entered: 08/21/2008)
01/02/2009	33	MOTION for Summary Judgment by Craig Jensen. (Hulsey, William) (Entered: 01/02/2009)
01/05/2009	34	DEFICIENCY NOTICE: re 33 MOTION for Summary Judgment. (dm) (Entered: 01/05/2009)
01/05/2009	35	ATTACHMENT <i>Proposed Order Granting Defendants' Motion for Summary Judgment</i> to 33 MOTION for Summary Judgment by Craig Jensen. (Hulsey, William) (Entered: 01/05/2009)
01/05/2009	36	MOTION to Withdraw as Attorney by Booklab, Inc.. (Attachments: # 1 Proposed Order)(Wilson, John) (Entered: 01/05/2009)
01/12/2009	37	RESPONSE to Motion, filed by Booklab, Inc., re 33 MOTION for Summary Judgment filed by Defendant Craig Jensen (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit B)(Wilson, John) (Entered: 01/12/2009)
01/13/2009	38	DEFICIENCY NOTICE: re 37 Response to Motion. (dm,) (Entered: 01/13/2009)
01/13/2009	39	ATTACHMENT - <i>Proposed Order on Motion to Strike</i> to 38 Deficiency Notice, 37 Response to Motion by Booklab, Inc.. (Wilson, John) (Entered: 01/13/2009)
01/20/2009	40	ORDER Setting Hearing on 36 MOTION to Withdraw as Attorney: Motion Hearing set for 2/20/2009 10:30 AM before Judge Lee Yeakel. Signed by Judge Lee Yeakel. (dm) (Entered: 01/20/2009)

02/19/2009	41	NOTICE OF WITHDRAW OF MOTION TO WITHDRAW by Booklab, Inc. re 36 MOTION to Withdraw as Attorney, 40 Order Setting Hearing on Motion (Wilson, John) (Entered: 02/19/2009)
02/19/2009	42	ORDER cancelling hearing. Signed by Judge Lee Yeakel. (mm5) (Entered: 02/19/2009)
02/23/2009	43	ORDER REFERRING all pending and future discovery motions, all other non-dispositive motions, and all pending and future dispositive motions to Magistrate Judge Andrew W. Austin. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Andrew W. Austin. (mm5) (Entered: 02/23/2009)
04/20/2009	44	MOTION for Mediation by Booklab, Inc.. (Attachments: # 1 Proposed Order Order Granting Mediation). Motions referred to Judge Andrew W. Austin. (Wilson, John) (Entered: 04/20/2009)
04/28/2009	45	MOTION to Compel <i>Discovery-Compliance with Court Order</i> , MOTION for Discovery <i>Compliance</i> , MOTION for Sanctions by Booklab, Inc.. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Proposed Order Proposed Order). Motions referred to Judge Andrew W. Austin. (Wilson, John) (Entered: 04/28/2009)
05/07/2009	46	REPORT AND RECOMMENDATIONS re 33 MOTION for Summary Judgment filed by Craig Jensen. The undersigned RECOMMENDS that the district judge DENY Defendant's Motion for Final Summary Judgment. Signed by Judge Andrew W. Austin. (dm) (Entered: 05/07/2009)
05/07/2009	47	ORDER, (Final Pretrial Conference reset for 5/20/2009 11:00 AM before Judge Lee Yeakel.). Signed by Judge Lee Yeakel. (dm) (Entered: 05/07/2009)
05/14/2009	48	ORDER DENYING 44 Motion For Mediation. Signed by Judge Andrew W. Austin. (dm) (Entered: 05/14/2009)
05/18/2009	49	RESPONSE to Motion, filed by Craig Jensen, re 45 MOTION to Compel <i>Discovery-Compliance with Court Order</i> MOTION for Discovery <i>Compliance</i> MOTION for Sanctions filed by Plaintiff Booklab, Inc. <i>Defendant's Response to Plaintiff's Third Motion to Compel Production and Motion for Enforcement</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Supplement Proposed Order) (Hulsey, William) Modified on 5/18/2009 to correct text. (dm,). (Entered: 05/18/2009)
05/19/2009		CASE NO LONGER REFERRED to Magistrate Judge Andrew W. Austin. (dm) Modified on 5/19/2009 to correct date. (dm,). (Entered: 05/14/2009)
05/19/2009	50	ORDER DENYING 45 Motion to Compel; DENYING 45 Motion for Discovery; DENYING 45 Motion for Sanctions. Signed by Judge Andrew W. Austin. (dm,) (Entered: 05/19/2009)
05/19/2009	51	Pretrial Disclosures <i>Pre-Trial Information Pursuant to Federal Rules of Civil Procedure and Local Rules of the Western District of Texas</i> by Craig Jensen. (Hulsey, William) (Entered: 05/19/2009)

05/19/2009	52	NOTICE of Filing Correspondence to Court by Booklab, Inc. (Myers, Michael) (Entered: 05/19/2009)
05/19/2009	53	Proposed Findings of Fact by Booklab, Inc.. (Myers, Michael) (Entered: 05/19/2009)
05/19/2009	54	Exhibit List by Booklab, Inc... (Myers, Michael) (Entered: 05/19/2009)
05/19/2009	55	Witness List by Booklab, Inc.. (Myers, Michael) (Entered: 05/19/2009)
05/19/2009	56	Scheduling Recommendations <i>Estimated Length of Trial</i> by Booklab, Inc.. (Myers, Michael) (Entered: 05/19/2009)
05/20/2009	57	Minute Entry for proceedings held before Judge Lee Yeakel: Final Pretrial Conference held on 5/20/2009. (Minute entry documents are not available electronically.). (Court Reporter Kathy Carroll.)(dm,) (Entered: 05/20/2009)
05/20/2009	58	ORDER, (Bench Trial set for 6/3/2009 09:00 AM before Judge Lee Yeakel.). Signed by Judge Lee Yeakel. (dm,) (Entered: 05/20/2009)
05/20/2009	59	MOTION to Exclude <i>Defendant's Trial Exhibits</i> , MOTION to Strike 51 Pretrial Disclosures by Booklab, Inc.. (Attachments: # 1 Exhibit Order Resetting Pretrial, # 2 Exhibit Local Rules, # 3 Exhibit Defendant's Pretrial, # 4 Exhibit Proposed Order)(Wilson, John) (Entered: 05/20/2009)
05/20/2009		MOTION for Attorney Fees by Booklab, Inc.. (Contained in Doc. #59) (dm,) (Entered: 05/21/2009)
05/21/2009	60	Pretrial Disclosures <i>Defendant's Amended Exhibit List</i> by Craig Jensen. (Hulsey, William) (Entered: 05/21/2009)
05/21/2009	61	MOTION to Strike 60 Pretrial Disclosures by Booklab, Inc.. (Attachments: # 1 Proposed Order Proposed Order)(Wilson, John) (Entered: 05/21/2009)
05/22/2009	62	ORDER DISMISSING 59 Motion to exclude; DISMISSING 59 Motion to Strike ; DENYING 61 Motion to Strike. Signed by Judge Lee Yeakel. (dm,) (Entered: 05/22/2009)
05/22/2009	63	ORDER ADOPTING REPORT AND RECOMMENDATIONS for 46 Report and Recommendations. DENYING 33 Motion for Final Summary Judgment. Signed by Judge Lee Yeakel. (dm,) (Entered: 05/22/2009)
05/22/2009	64	MOTION to Exclude <i>Defendant's Motion to Exclude Testimony and Evidence of Damages Untimely Disclosed by Plaintiff</i> by Craig Jensen. (Attachments: # 1 Exhibit A)(Hulsey, William) (Entered: 05/22/2009)
05/22/2009	65	Proposed Pretrial Order <i>Proposed Order Re Motion To Exclude Testimony</i> by Craig Jensen. (Hulsey, William) (Entered: 05/22/2009)
05/26/2009	66	Response in Opposition to Motion, filed by Booklab, Inc., re 64 MOTION to Exclude <i>Defendant's Motion to Exclude Testimony and Evidence of Damages Untimely Disclosed by Plaintiff</i> filed by Defendant Craig Jensen (Wilson, John) (Entered: 05/26/2009)
05/26/2009	67	DEFICIENCY NOTICE: re 66 Response in Opposition to Motion. (dm,)

		(Entered: 05/26/2009)
05/26/2009	68	ATTACHMENT <i>Proposed Order</i> to 66 Response in Opposition to Motion, 67 Deficiency Notice by Booklab, Inc.. (Wilson, John) (Entered: 05/26/2009)
06/02/2009	69	ORDER DENYING 64 Motion to exclude. Signed by Judge Lee Yeakel. (dm,) (Entered: 06/02/2009)
06/03/2009	70	Minute Entry for proceedings held before Judge Lee Yeakel: Bench Trial begun on 6/3/2009. (Minute entry documents are not available electronically.), Bench Trial held on 6/3/2009. (Minute entry documents are not available electronically.), Bench Trial completed on 6/3/2009. Written order forthcoming. (Minute entry documents are not available electronically.). (Court Reporter Kathy Carroll.)(dm,) (Entered: 06/04/2009)
06/03/2009	71	Witness List by Booklab, Inc.. (dm,) (Entered: 06/04/2009)
06/03/2009	72	Exhibit List by Booklab, Inc.(dm,) (Entered: 06/04/2009)
06/03/2009	73	Exhibit List by Craig Jensen. (dm,) (Entered: 06/04/2009)

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