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Attorney Docket Nos.: 60141.0011,0012 and 0026

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

EXTENDED STAY AMERICA, INC.,	)	
	)	
Opposer,	)	
	)	Opposition No. 124,493
vs.	)	
	)	Application No. 76/105,518
MATRIX LODGING, LLC,	)	
	)	Mark: MATRIX ESUITES
Applicant	)	HOTELS & Design

OPPOSER EXTENDED STAY AMERICA, INC., NOTICE OF 30(B)(6) DEPOSITION

PLEASE TAKE NOTICE THAT pursuant to Rule 30(B)(6) of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120) Opposer EXTENDED STAY AMERICA, INC., ("Opposer") will take the deposition upon oral examination of Applicant MATRIX LODGING LLC. ("Applicant"), by and through the officers, directors, managing agents, or other persons designated as being competent to testify on behalf of Applicant, including but not limited to, the matters listed below. The deposition(s) shall commence on September 30, 2003, at 10:00 a.m., located at:

Hartsock & Cervone
Wilder Center
3000 Gulf to Bay Boulevard
Clearwater, Florida 34619[1]

[1] The location of the deposition has been selected for the convenience of Applicant. If Applicant prefers, Opposer is agreeable to taking the deposition in Evanston, Illinois, the location of their counsel.

The depositions will continue from day to day until completed. You may appear and examine the witness if you so desire.

The definitions set forth in the Opposer's First Set of Interrogatories and First Request for Production of Documents and Things Served simultaneously shall apply to the terms used herein.

Matters on Which Examination is Requested

1. The information contained in Applicant's Responses to Opposer's Interrogatories.
2. The documents and things requested and produced by Applicant pursuant to Opposer's Request for Production of Documents and Things.
3. The response to request for admissions propounded by Opposer.
4. Any trademark registrations and/or pending applications or the filing of any documents by or on behalf of Applicant in order to register or reserve Applicant's alleged marks.
5. The creation, selection, adoption and use by Applicant of the Applicant's alleged marks.
6. The date on which Applicant began using Applicant's alleged marks.
7. Applicant's claim of rights to use the lower case letter "e" in any form.
8. The goods and/or services offered for sale or sold in connection with Applicant's alleged marks.
9. The geographic areas in which Applicant's alleged marks or any other mark including the words "STUDIOS" or the letter "e" have been used.

10. Applicant's expenditures for advertising, marketing and promotion of all goods and/or services under Applicant's alleged marks.

11. The manner in which Applicant has advertised, promoted, marketed and sold all goods and/or services under Applicant's alleged marks.

12. The dollar amount of Applicant's annual sales for all goods and/or services bearing Applicant's alleged marks from inception to the present.

13. The date(s) in which Applicant first became aware of Opposer's registration and/or use of Opposer's marks.

14. Applicant's knowledge of third party use of Opposer's alleged marks or any mark alleged to be similar thereto.

15. Any instances of confusion between Opposer's marks and Applicant's alleged marks.

16. Any studies, surveys, investigations, or opinion polls conducted or undertaken in connection with Applicant's alleged marks.

17. Any surveys, research or other investigations conducted regarding any of the issues in this Opposition proceeding.

18. Any communications received by Applicant, or any person acting on behalf of Applicant, whether oral, written or electronic, in any form, from any person, suggesting, implying or inferring that Applicant may be connected with or associated with Opposer.

19. Whether Applicant's establishments are operational and the date(s) said establishments became operational or shall become operational.

20. The nature of services provided by Applicant in connection with its alleged marks.

21. Any individuals with knowledge concerning any of the issues in this Opposition proceeding, including any and all witnesses to be called or consulted with with respect to the issues in this case.

22. The identification and location of any discoverable documents relating to the issues in this case.

23. The corporate structure of Applicant's entity.

24. All bases, factual, legal or otherwise, that support Applicant's denial that a likelihood of confusion exists between Applicant's alleged marks in comparison to Opposer's marks.

25. Any surveys, research, investigations or studies conducted regarding consumer recognition of Opposer's marks.

26. Any surveys, research, investigation or studies conducted regarding consumer recognition of Opposer's distinctive stylized version of the lower case letter "e".

27. Any surveys, research, investigation or studies conducted regarding consumer recognition of Opposer's marks or stylized version of the "e".

28. Any instances where Applicant has been alleged to infringe or dilute upon another's marks.

05/17/2005 TTAS

Respectfully submitted,

Extended Stay America, Inc.

By: _____

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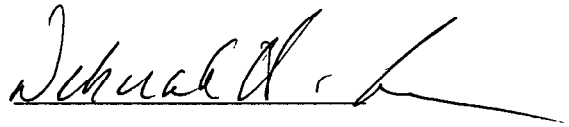
Facsimile (305) 416-3190
Attorneys for Opposer

Dated: 9/4/03

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon Counsel for Applicant by first-class mail, postage-prepaid and facsimile, this 4th day of September, 2003, addressed as follows:

Kevin J. McDevitt
Neal & McDevitt
1603 Orrington Avenue
Suite 2000
Evanston, Illinois 60201
Telephone (847) 424-8330
Facsimile (847) 424-8320



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