

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeals Board**

In Re Trademark Application Serial No. 75/302,439  
Filed: June 3, 1997  
Mark: SMILEY and Design



04-14-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

Wal-Mart Stores, Inc.,

Opposer

v.

Opposition No. 154,632

Franklin Loufrani,

Applicant.

Honorable Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-35313

Box: TTAB NO FEE

**OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO CONSOLIDATE  
PROCEEDINGS.**

Comes now the Opposer, Wal-Mart Stores, Inc., by and through undersigned counsel, and in response to Applicant Franklin Loufrani's Motion to Consolidate Proceedings, hereby notifies the Board that it does not oppose Applicant's Motion to Consolidate the instant Opposition with Opposition Number 150, 278. However, should the Board decide to consolidate the proceedings, Opposer requests that a new scheduling order be issued for the consolidated Oppositions.

Respectfully submitted,

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William D. Coston  
Renee A. Sekel  
VENABLE, BAETJER, HOWARD & CIVILETTI, LLP  
1201 New York Ave., N.W., Suite 1000

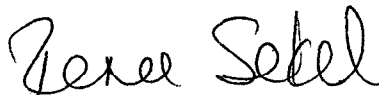
Washington, DC 20005-3917  
Phone: (202) 962-4800  
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Dated: April 14, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 14<sup>th</sup> day of April, 2003, a true and accurate copy of the foregoing Opposer's Response To Applicant's Motion To Consolidate Proceedings, was sent, via regular mail, to:

Mary Catherine Merz, Esq.  
Bruce Haraguchi, Esq.  
MERZ & ASSOCIATES, P.C.  
1140 Lake Street, Suite 304  
Oak Park, IL 60301-1051



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Renee Sekel



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WASHINGTON, D.C.  
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VIRGINIA



April 14, 2003

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513



04-14-2003

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Re: U.S. Trademark Application Serial No. 76/302,439  
Applicant: Franklin Loufrani.  
Mark: SMILEY and Design  
Attorney Reference: 21188-174021

Dear Sir or Madam:

We enclose the following for filing:

Opposer's Response to Applicant's Motion to Consolidate Proceedings.

Please charge any fees or credit any overpayments to Deposit Account No. 22-0261,  
and notify the undersigned.

Sincerely,

Renee A. Sekel

RAS/eba  
Enclosures

04-14-2003 2:11:53 PM