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TTAB

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August 28, 2003

08-28-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

**VIA EXPRESS MAIL**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**Re: Trademark Registration Application Serial No. 76/442,578**  
**Mark: "COMFORT"**  
**Notice of Opposition**

Dear Sir:

Enclosed is a response to the letter from TTAB Legal Assistant Eric McWilliams dated August 18, 2003. Kindly acknowledge receipt of same by date-stamping and returning the enclosed postage paid return postcard.

Please do not hesitate to contact me at (305) 579-0812 if you have any questions or comments regarding the above.

Sincerely,

**GREENBERG TRAUIG, P.A.**

*Manuel R. Valcarcel*  
Manuel R. Valcarcel, Esq.  
Reg. No. 41,360

MRV/kfh  
Enclosures

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**UNITED STATES PATENT AND TRADEMARK  
OFFICE**  
**Trademark Trial and Appeal Board**  
**2900 Crystal Drive**  
**Arlington, Virginia 22202-3513**

Mailed: August 18, 2003

Applicant: CARRIER CORPORATION  
Serial No.: 76442578  
Filed: 08/16/2002  
Mark: COMFORT

DANA F. BIGELOW  
WALL MARJAMA & BILINSKI, LLP  
101 SOUTH SALINA STREET, SUITE 400  
SYRACUSE, 13202

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**Eric McWilliams, Legal Assistant**

On July 28, 2003, Desa IP, LLC, filed a notice of opposition to the registration of the mark shown in the above-identified application.

However, the extension of time to oppose previously granted to Desa Heating Products, LLC inures only to the benefit of said party or a person in privity with that party.

An explanation is requested by Desa IP, LLC, and if a relationship exists between Desa IP, LLC and Desa Heating Products, LLC, such as set forth in Trademark Rule 2.102(b), the notice of opposition may go forward.

08/28/2003 10:00 AM

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

DESA IP, LLC, a Florida limited liability company )  
Opposer, )  
vs. )  
CARRIER CORPORATION, a Delaware corporation )  
Applicant )

Opposition No. \_\_\_\_\_  
Application Serial No.: 76/442,578  
For the Mark: COMFORT  
Filing date: August 16, 2002  
Published: Official Gazette May 27, 2003,  
Page 2003, 412

**08-28-2003**  
U.S. Patent & TMO/TM Mail Rpt Dt. #78

**RESPONSE TO REQUEST FOR EXPLANATION OF RELATIONSHIP  
BETWEEN OPPOSER AND DESA HEATING PRODUCTS, LLC**

DESA IP, LLC ("Opposer"), a Florida limited liability company having a business address at 2701 Industrial Drive, Bowling Green, Kentucky, 42101, by and through its undersigned counsel, hereby submits this response to the letter dated August 18, 2003 from Legal Assistant Eric McWilliams from the Trademark Trial and Appeal Board (copy attached). In said letter an explanation is requested regarding the relationship between Opposer and DESA Heating Products, LLC, the entity that submitted the previous Request for Extension of Time to Oppose.

DESA IP, LLC is the assignee and current owner of the "COMFORT" trademark registrations indicated in the Notice of Opposition filed on July 28, 2003, and DESA Heating Products, LLC is the exclusive licensee of DESA IP, LLC with respect to said registrations. Both companies are in contractual privity and are commonly owned and controlled by HIG Capital, LLC, a Delaware limited liability company.

Opposer respectfully requests that the opposition proceed.

