

ESTTA Tracking number: **ESTTA17277**

Filing date: **10/16/2004**

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

Proceeding	91160134
Party	Defendant Cirrus Capital S.A. Cirrus Capital S.A. 63/65 rue de Merl LUX Luxembourg, L-2164
Correspondence Address	CIRRUS CAPITAL S.A. 63/65 RUE DE MERL LUXEMBOURG LUXEMBOURG, L -2164
Submission	response to october 7th Motion from Wasnofski
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Signature	/CLucas/
Date	10/16/2004
Attachments	CirrusCapitalSerial7820979responseoctober7th.PDF (1 page)

October 15th 2004

Re Serial # 78/209 795 File 91160134 – RESPONSE: OPPOSERS MOTION DATE October 7 2004

We would like to inform the TTAB of the following facts - contrary to the opposers allegation of failure to respond.

- 1) The first response was made to Gevers & Partners SA (Baker Botts agent in the Benelux region). This response was confirmed in a letter. The facts stated then have not changed and the subsequent interrogatory document issued directly by Baker Botts attempts to discover facts that do not exist.
- 2) Wasnofski of Baker Botts provided an email address for contact. Therefore we feel it reasonable that the documents forwarded to this email are in effect valid delivery.
- 3) Documents filed to the TTAB were also forwarded to wasnofski on the following date and times:
- 4) 8/11/2004, 8/26/2004 , 9/27/2004

Clearly Baker Botts have neglected to mention the fact that documents filed with the TTAB were forwarded by email. Whatever the motive of the opposer, we feel the TTAB should disregard the opposers motion of October 7th 2004.

Kind regards,

Christopher Lucas, Director
For and on behalf of Cirrus Capital SA