

# TTAB

UNITED STATES PATENT AND TRADEMARK  
OFFICE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: October 14, 2004

Opposition No 91162503  
Serial No. 74614716

Michael Elbein  
Hovey Williams LLP  
2405 Grand Blvd., Suite 400  
Kansas City, MO 64108

St. Louis Cardinals L.P. by  
assign.

v.

Negro Leagues Baseball Museum,  
Inc.

Mary L. Kevlin  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, NY 10036



10-26-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

**Torri Rodgers, Legal Assistant**

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof.  
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68

Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at [www.uspto.gov](http://www.uspto.gov).

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

**Discovery and testimony periods are set as follows:**

Discovery period to open: **November 03, 2004**

Discovery period to close: **May 02, 2005**

30-day testimony period for party  
in position of plaintiff to close: **July 31, 2005**

30-day testimony period for party  
in position of defendant to close: **September 29, 2005**

15-day rebuttal testimony period  
for plaintiff to close: **November 13, 2005**

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

**New Developments at the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Ref. No: 21307.021

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

In re Application Serial No. 74/614,716  
Filed: December 23, 1994  
For Mark: STL and Design  
Published in the Official Gazette: June 11, 1996

-----X  
:  
ST. LOUIS CARDINALS, LLC. :  
:  
Opposer, :  
v. :  
:  
NEGRO LEAGUES BASEBALL :  
MUSEUM, INC. :  
:  
Applicant. :  
-----X

NOTICE OF OPPOSITION

Opposition No.

Commissioner of Trademarks  
BOX TTAB FEE  
2900 Crystal Drive  
Arlington, VA 22202



09-28-2004  
U.S. Patent & TMOft/TM Mail Rcpt Dt. #22

Opposer, St. Louis Cardinals, LLC, ("Opposer"), a Missouri Limited Liability Company, located at 250 Stadium Plaza, St. Louis, Missouri 63102, believes that it will be damaged by registration of the mark STL and Design in International Class 25 for "clothing, namely shirts, jackets, pants, caps, tops, bottoms and shorts" shown in Application Serial No.

10/04/2004 K6IBBONS 00000406 74614716

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"Express Mail" Mailing Label Number EV 421 633 565 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202 on

September 28, 2004

Antoinette Jorge

(Date of Deposit)

(Typed or printed name of person mailing paper or fee)

*Antoinette Jorge*  
Signature

74/614,716 (the "Application"), and having been granted extensions of time to oppose up to and including September 28, 2004, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned ST. LOUIS CARDINALS MAJOR LEAGUE BASEBALL club.
2. Since long prior to June 11, 1996, Applicant's constructive first use date, Opposer, its predecessors, affiliates and/or licensees and sponsors have used the mark STL either alone or with other words and/or designs (collectively the "Opposer's STL Marks") in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, toys and sporting goods and paper and printed matter.
3. Opposer owns U.S. Federal registrations for Opposer's STL Marks in International Classes 16, 25, 28 and 41, namely, Registration Nos. 2,565,162; 2,619,845; 1,560,783; 1,214,917 and 1,161,375. Opposer's Registration Nos. 1,560,783; 1,214,917 and 1,161,375 are incontestable.
4. Since long prior to June 11, 1996, Applicant's constructive first use date, Opposer, its predecessors, affiliates and/or licensees and sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's STL Marks, including, but not limited to, baseball games and exhibition services, apparel, toys and sporting goods and paper goods and printed matter, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with the Opposer's STL Marks, Opposer has built up highly valuable goodwill in Opposer's STL Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 11, 1996, Applicant Negro Leagues Baseball Museum, Inc. filed the Application, based on an intent-to-use, to register the mark STL and Design in connection with "clothing, namely shirts, jackets, pants, caps, tops, bottoms and shorts" in International Class 25.

7. Upon information and belief, Applicant did not use the mark STL and Design for the goods covered in the Application prior to the constructive first-use date of June 11, 1996.

8. The goods covered by the Application are identical and/or closely related to the goods and services offered in connection with Opposer's STL Marks.

9. Applicant's STL and Design mark, containing the identical term "STL" as appears in Opposer's STL Marks and incorporating a baseball-themed design, so resembles Opposer's STL Marks as to be likely, when applied to Applicant's goods to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's STL and Design mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's STL and Design mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's STL and Design mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin and Richard S. Mandel (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
September 28, 2004

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: 

Mary L. Kevlin  
Richard S. Mandel  
1133 Avenue of the Americas  
New York, New York 10036  
(212) 790-9200

# Cowan, Liebowitz & Latman, P.C.

Law Offices

# TTAB

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Mary L. Kevlin  
Direct (212) 790-9216  
mlk@cl.com

September 28, 2004

## Via Express Mail

Commissioner for Trademarks  
BOX TTAB FEE  
2900 Crystal Drive  
Arlington, VA 22202-3514

Re: Notice of Opposition Against STL and Design  
Serial No. 74/614,716  
Attorney Ref. No. 21307.021

Dear Commisioner:

We enclose a Notice of Opposition against Application Serial Number 74/614,716, published in the Official Gazette of June 11, 1996. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the undersigned.

Respectfully submitted,



Mary L. Kevlin



**TTAB NOTICE CONCERNING CORRESPONDENCE ADDRESS  
(TRADEMARK RULE 2.18)**

**The Trademark Trial and Appeal Board will mail correspondence to only one address for each party.**

**If a party is located in the U.S., correspondence will be sent to the party's own address, unless (1) papers filed with the Board are filed by a party's attorney, (2) a written power of attorney is filed, (3) a written authorization of some other person entitled to be recognized is filed, or (4) the party requests in writing that correspondence be sent to another address. In these situations, correspondence will be sent, respectively, to (1) the attorney filing papers, (2) the attorney named in the power of attorney, (3) the other person designated in the written authorization, or (4) the other address specified by the party.**

**When one attorney or other authorized representative makes an appearance on behalf of a party, his address is noted on the proceeding file as the correspondence address. If a second attorney or other authorized representative makes an appearance on behalf of the party, and requests that correspondence be directed to him, the correspondence address on the proceeding file will be changed, and future correspondence will be sent to the second attorney or other authorized representative, rather than to the first one. If the second attorney or other authorized representative does not request that correspondence be sent to him, the Board will continue to send correspondence to the first attorney or authorized representative.**

**If a power of attorney from a party to one attorney has been filed, and thereafter another attorney or authorized representative makes an appearance on behalf of the party and asks that correspondence be sent to him, the second attorney or authorized representative will be required to submit authorization, from the party or from the first attorney, for the requested change in correspondence address.**

**If a power of attorney from a party to one attorney has been filed, and thereafter a power of attorney from the party to another attorney is filed, the second power of attorney will be construed as a written request to change the correspondence address from the first attorney to the second one, even if there is no revocation of the first power, unless the party or the first attorney directs otherwise. Likewise, if an attorney makes an appearance on behalf of a party, and thereafter the party files a written power of attorney to another attorney, the Board will send subsequent correspondence to the appointed attorney.**

**If a power of attorney from a party to one attorney has been filed, and thereafter that attorney files an "associated power of attorney" to another attorney, the correspondence address will remain unchanged, and the Board will continue to send correspondence to the first attorney, unless the first attorney or the party directs otherwise.**

**In the case of a party whose application is the subject of a Board proceeding, any appearance or power of attorney (or designation of other authorized representative) of record in the application file at the time of the commencement of the Board proceeding is considered to be effective for purposes of the proceeding, and correspondence will be sent initially to that address. Thereafter, the correspondence address may be changed as described in Trademark Rule 2.18.**

**In the case of a party whose registration is the subject of a Board proceeding, any representative which may be of record in the registration file at the time of the commencement of the Board proceeding is not considered to be effective for purposes of the Board proceeding. Rather, correspondence is sent to the registrant itself unless and until another correspondence address is established in the manner described in Trademark Rule 2.18.**

## THE TRADEMARK TRIAL AND APPEAL BOARD WOULD LIKE YOU TO KNOW:

The TTAB Customer Service Center is available to

- \*answer telephone inquiries
- \*explain pertinent legal provisions and related administrative practices as they apply to specific cases
- \*provide status information on pending cases
- \*provide access to the files of pending cases
- \*resolve problems

The telephone number for the TTAB Customer Service Center is (703) 308-9300, extension 0 [zero].

The Patent and Trademark Office has two special boxes for expedited processing and distribution of documents filed with the TTAB. Envelopes and transmittal letters for TTAB should be addressed to: Commissioner for Trademarks, 2100 Crystal Drive, Arlington, VA 22202, followed by one of the following designations

"Box TTAB Fee": for papers filed with the TTAB that include filing fees, such as notices of opposition, petitions to cancel, and notices of ex parte appeal

and

"Box TTAB": for all non-fee papers filed with the TTAB, such as requests for extensions of time to file notices of opposition and motions.

The TTAB Customer Service Center makes every effort to provide public access to application files, opposition files, cancellation files and concurrent use files immediately upon request for access. Files located will be made available in a central storage area accessible to the public. You can also access information about TTAB proceeding files online. Go to <http://www.uspto.gov/web/offices/dcom/ttab/> and click the "BISX LINK".

Any questions, comments, or suggestions concerning TTAB service should be directed to Jean Brown, TTAB Technical Program Manager, at (703) 308-9300, extension 123 or Afendi Ziad, Supervisory Legal Assistant at (703) 308-9300, extension 205 or Angela Pope, Supervisory Legal Assistant at (703) 308-9300, extension 144.

The Trademark Trial and Appeal Board encourages you to consider alternative dispute resolution as a means of settling the issues raised in this opposition or cancellation proceeding. Although more than 95% of Board proceedings are decided prior to trial (by settlement or by entry of pre-trial judgment), alternative dispute resolution techniques might produce an earlier, mutually agreeable resolution of your dispute or might, at least, narrow the scope of discovery or the issues for trial. In either case, alternative dispute resolution might save you time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of organizations that have indicated that they can make arrangements for alternative dispute resolution. The listings are given for your convenience; the Board does not sponsor nor endorse any particular organization's alternative dispute resolution services.

<b>International Trademark Association</b> Telephone: (212) 642-1726 Fax: (212) 768-7796 <a href="http://www.inta.org/adr/index.shtml">www.inta.org/adr/index.shtml</a> e-mail: <a href="mailto:lstigliano@inta.org">lstigliano@inta.org</a>	<b>ADR Institute for Dispute Resolution</b> Telephone: (212) 949-6490 Fax: (212) 949-8859 <a href="http://www.cpradr.org">www.cpradr.org</a> e-mail: <a href="mailto:info@cpradr.org">info@cpradr.org</a>
<b>American Intellectual Property Law Association (AIPLA)</b> 2001 Jefferson Davis Highway Suite 203 Arlington, Virginia 22202 Telephone: (703) 415-0780 Fax: (703) 415-0786	
<b>American Arbitration Association (AAA)</b> Headquarters 140 West 51 <sup>st</sup> Street New York, New York 10020-1203 Telephone: (212) 484-3266 Fax: (212) 307-4387	

Finally, if the parties consider using alternative dispute resolution in this proceeding, the Board would like to know; and if the parties actually engage in alternative dispute resolution, the Board would be interested to learn what mechanism (e.g., arbitration, mediation, etc.) was used and with what general result. Such a statement from the parties is not required but would be helpful to the Board in assessing the value of alternative dispute resolution in Trademark Trial and Appeal Board proceedings.

PROCEEDINGS NOPSIS

United States Patent and Trademark Office Trademark Trial and Appeal Board  
Trademark Opposition and Cancellation Proceedings Under 15 USC 1063

FILING OPPOSITION/CANCELLATION

Any person (Opposer) may file a Notice of Opposition within 30 days against any mark published under 15 USC 1062(a) in Official Gazette; may oppose in whole or part.<sup>1</sup>

Time for filing Notice may be extended by written request to TTAB. A first extension for not more than 30 days will be granted upon request. Further extensions may be granted for good cause. Extensions aggregating more than 120 days from pub. date not granted unless consented to by applicant or extraordinary circumstances. 37 CFR 2.102(c). Request should be in triplicate. 37 CFR 2.102(d).

Any person (Petitioner) may file a Petition to cancel a registration in whole or in part, but only under conditions set forth in 15 USC 1064.<sup>2</sup> Geographic limitation will be considered by TTAB only in concurrent use proceeding. 37 CFR 2.99(h), 2.133(c).

Opposer/Petitioner is in position of Plaintiff and Applicant/Respondent is Defendant. 37 CFR 2.116(b).

Notice/Petition corresponds to complaint in civil action. 37 CFR 2.116(c).

Amendment to pleadings in accord with Rule 15, Fed. Rules of Civil Procedure (FRCP). 37 CFR 2.107, 2.115.

MAILING PROCEDURES

Certificate of Mailing or Transmission and Express Mail procedures effective for all papers. 37 CFR 1.8, 1.10.

INSTITUTION OF PROCEEDING; WITHDRAWAL

TTAB examines Notice/Petition for formal requirements and sends notification to Defendant, generally within few weeks of filing date. Duplicate copy of Notice/Petition and Exhibits sent to Defendant. 37 CFR 2.105, 2.113.

Notice/Petition may be withdrawn without prejudice before Defendant files Answer. 37 CFR 2.106(c), 2.114(c). With written consent of Defendant, later withdrawal may be without prejudice.

Defendant may not abandon application or surrender registration without prejudice except with written consent of Plaintiff. 37 CFR 2.135, 2.134.

ANSWER; MOTIONS

Time for Answer set by TTAB for 40 days from Notification mailing date.<sup>3</sup> Counterclaim should be filed with answer or promptly upon discovery of information supporting Counterclaim. 37 CFR 2.106(b), 2.114(b).

Time for reply to Counterclaim set by TTAB for not less than 30 days from TTAB action mailing date. 37 CFR 2.106(b), 2.114(b).

Motions may be brought before TTAB in writing and with Brief in support. Brief in opposition thereto, 15 days (30 days for summary judgment motion). Briefs limited to 25 pages. Reply Brief, if filed, 15 days, limited to 10 pages. Reconsideration 30 days after decision; Opposition Brief, 15 days. 37 CFR 2.127. Most motions used in Federal practice are applicable.

Motions for Summary Judgment, to Compel, and to Test Sufficiency of Responses to Requests for Admissions, if filed, due before Plaintiff testimony period opens. 37 CFR 2.127(a), 2.120(e), 2.120(h).

TRIAL DATES

TTAB issues Order setting opening and close of Discovery and Trial dates. Discovery set for period of 180 days; 30-day testimony period closes 15 days after close of Discovery period; 30-day Def. Test. period closes 15 days after Pl. Test. period; 15-day Pl. Rebuttal Test. period opens 45 days after Def. Test. period. 37 CFR 2.120(a), 2.121.

In cases where Counterclaim filed, TTAB sets additional time periods for testimony and briefing.

DISCOVERY PERIOD

Interrogatories, Deps. for Prod. Of Docs. & This, and Deps. for Adm., if served, must be served by last day of Discovery period. Written Responses within 30 days from date of service of Deps. FRCP apply except where otherwise provided. 37 CFR 2.117. Extension of time to complete Discovery granted upon stipulation by

Interrogatories served to proceeding to be conducted, counting subjects; additional interrogatories allowed upon stipulation for good cause or by stipulation. 37 CFR 2.120(a), 2.120(b).

Discovery Depositions (noticed and taken within Discovery period) in District Court where Plaintiff resides or is employed. 37 CFR 2.120(a), 2.120(b). Plaintiff may request designation of Depositions under FRCP 30(b)(7), 37 CFR 2.120(c).

PLAINTIFF'S REBUTTAL PERIOD

Pl. Brief due 60 days after Rebuttal period closing.<sup>6</sup> Def. Brief, if filed, due 30 days after Pl. Brief due.

Testimony taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

Plaintiff serves Transcript of testimony and copies of documentary exhibits on adverse party within 30 days after completion of taking testimony. Certified transcript and exhibits filed with TTAB. 37 CFR 2.125.

Notice of Reliance as appropriate on Discovery Deps., Adms. and Int. Answers, with copies of same, due before close of Test. 37 CFR 2.120.<sup>5</sup>

Involved app. or reg. files are in evidence for relevant and competent purposes. Publications in gen. Circ. or in libraries, and official records, may be received if appropriate Notice of Reliance is filed and copies submitted within Test. period. 37 CFR 2.122.

Motion under 37 CFR 2.132, if filed, due after close of Pl.'s Test. period & before opening of Def.'s.

DEFENDANT'S TRIAL PERIOD

Opens 30 days after close of Pl.'s Test. period. Runs for 30 days.

Test. taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

Notice of Reliance on Discovery responses also due within Test. period, if filed. 37 CFR 2.120.

Notice of Reliance on gen. circ. publ. and official records due within Test. period, if filed. 37 CFR 2.122.

Def. serves Test. transcript on Pl. within 30 days and files certified transcript and exhibits with TTAB. 37 CFR 2.125.

PLAINTIFF'S REBUTTAL PERIOD

Rebuttal Test. period for Pl. opens 30 days after close of Def.'s Test. period and runs for 15 days.

Pl. may file Notice of Reliance under 37 CFR 2.120, 2.122, with matter relied on, and take Test. to rebut Def. Test. and other evidence.

Pl. serves and files Transcript of Rebuttal Test. and exhibits in accordance with 37 CFR 2.125.

BRIEFS; ORAL HEARING

Pl. Brief due 60 days after Rebuttal period closing.<sup>6</sup>

Def. Brief, if filed, due 30 days after Pl. Brief due.

Pl. Reply Brief, if filed, due 15 days after Def. Brief due. 37 CFR 2.128.

Separate Request for Oral Hearing,  
if filed, due not later than 10 days  
after Reply Brief due. 37 CFR  
2.129.

TTAB Notice of Oral Hearing sent to  
all parties.

❖ Oral Hearing before panel of at  
least three TTAB judges. 30 minutes  
for each party. 37 CFR 2.129.

❖ DECISION; RECONSIDERATION; APPEAL  
TTAB Decision. Writing of  
Opinion and Decision in due course.

❖ Request for hearing,  
reconsideration or modification, if

filed, due within one month. Brief  
in opposition due within 15 days.  
37 CFR 2.129(c).

❖ Any Appeal from TTAB Decision due  
within two months of Decision or two  
months after denial of req. for  
recon. See especially 37 CFR  
2.129(d).

**NOTE: Footnotes and TTAB addresses and telephone number appear on the back of this sheet.**

**FOOTNOTES**

- (1) **Opposer may be any legal entity including a corporation. Opposer must believe that opposer would be damaged by registration of the mark and state the reasons. 15 USC 1063 and 37 CFR 2.101. Notice of Opposition need not be verified. \$300 required fee for each class for each person opposing. 37 CFR 2.6, 2.101(b). May be signed by attorney. 37 CFR 2.101(b). Duplicate copy including exhibits required. Order status and title copies of pleaded registrations in advance and attach to Notice/Petition or introduce as evidence during Testimony-In-Chief period. 37 CFR 2.122.**
- (2) **Action, grounds and requirements (Footnote 1) for initiation of Cancellation proceeding are similar to those for an Opposition proceeding and are covered in 15 USC 1064, 1092 and 37 CFR 2.111, 2.112. \$300 required fee per class, per person. Duplicate copy required.**
- (3) **Except Notice/Petition, each paper must be served on opposer. Statement of service (date and manner) is required. Period to respond to Motions and Discovery Requests is extended 5 days when service is by first-class mail, "Express Mail," or overnight courier. 37 CFR 2.119. Action due on weekend or D.C. holiday can be taken on next business day. 37 CFR 1.7.**
- (4) **Resetting of time to respond to Discovery Request does not result in extension of Discovery period and subsequent testimony periods unless requested. 37 CFR 2.120(a). All consented extension of time should be filed in triplicate and list specific dates for all subsequent periods affected.**
- (5) **Except for 37 CFR 2.122(e) documents, documents produced in response to Requests for Production cannot be made of record by Notice of Reliance alone. 37 CFR 2.122(i)(ii).**
- (6) **Briefs should be typewritten or printed, double-spaced, in at least ten or eleven-point type, on letter paper (8½ x 11). Three copies of briefs required. Alphabetical index of cases required. Index of 55 pages, including table of contents, index of cases, description of record, statement of issues, recitation of relevant law, argument, and summary. Reply brief 25 pages total. 37 CFR 2.128(b).**

**ADDRESSES AND TELEPHONE**

11" papers, 14" papers, and 12" papers to be mailed to:

Box TTAB No Fee  
Commissioner for Trademarks  
2 Crystal Drive  
Arlington, Virginia 22202-43513

N. E. For papers with "TTAB Fee"

**TTAB Office Location and Telephone Number**

2 Crystal Drive  
Suite 900  
Arlington, Virginia 22202  
Telephone: 703-295-9000

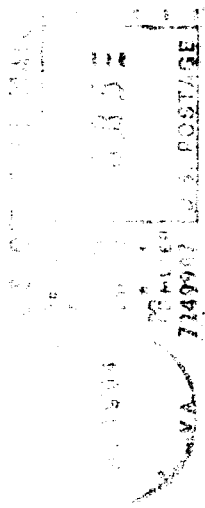


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Trademarks

313-1451

FILE USE, 3300

**AN EQUAL OPPORTUNITY EMPLOYER**



91162503

MICHAEL ELBEIN  
HOVEY WILLIAMS LLP  
2405 GRAND BLVD., SUITE 400  
KANSAS CITY, MO 64108



10-26-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77