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

Proceeding	91182461
Party	Plaintiff Kemin Industries, Inc.
Correspondence Address	EMILY HARRIS DAVIS BROWN KOEHN SHORS & ROBERTS PC 215 10TH STREET, SUITE 1300 DES MOINES, IA 50309 UNITED STATES emilyharris@davisbrownlaw.com
Submission	Response to Board Order/Inquiry
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Date	08/31/2011
Attachments	DetoxSettlementResponse.pdf (3 pages)(16602 bytes)

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

KEMIN INDUSTRIES, INC.,)	
)	
Opposer)	
)	Opposition No. 91182461
v.)	
)	
ROBERT GEORGE, JR.)	
)	
Applicant)	

In response to the notification from the Trademark Trial and Appeal Board mailed August 1, 2011 indicating that the Opposition will be dismissed with prejudice if the Opposer fails to show cause why a brief was not filed Opposer, Kemin Industries, Inc., states the following:

The Opposer and the Applicant, Robert George, Jr. entered into settlement negotiations following the filing of opposition on February 14, 2008. Applicant subsequently drafted a settlement agreement and presented it to Opposer for execution on August 28, 2008. Opposer made minor revisions and returned it to Applicant, Applicant accepted the revisions and presented a final version of the settlement agreement to Opposer on September 11, 2009, which Opposer executed and returned on September 24, 2009. Applicant's settlement agreement constituted a clear offer to settle on specific terms and Opposer accepted that offer by executing and returning to Applicant the signed agreement. Opposer neglected to request a suspension with the Board at that time because Opposer considered the matter settled as of September 24, 2009.

Applicant did not return an executed copy of the settlement agreement or file a dismissal. Opposer emailed Applicant's attorney, Steve Clemmons, on June 14, 2010 requesting a follow up on the status of the agreement. This email and subsequent e-mails and telephone calls to Mr. Clemmons have not been answered. Opposer is contemporaneously filing its Brief with the Board. Opposer respectfully requests that the Board not treat the inadvertent failure to file a brief under these circumstances as a concession of the case.

Respectfully Submitted,

KEMIN INDUSTRIES, INC.

Date: August 31, 2011

/kentaherink/
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE TO BOARD ORDER/INQUIRY was served upon Defendant's counsel by first class mail postage pre-paid on August 31, 2011.

STEVE M. CLEMMONS
33150 School Craft Rd. , Ste. 207
Livonia, MI 48150-1646

Signed: /kentaHerink/
Name: Kent A. Herink
Date: August 31, 2011