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September 4, 2009

24532-0002

VIA ELECTRONIC MAIL

Michael B. Adlin
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: *Pure Entertainment, LLC v. Butter Licensing, LLC*
United States Patent and Trademark Office, Trademark Trial and Appeal Board
Opposition No.: 91183799

Mr. Adlin:

In his letter of September 2, 2009, Applicant's counsel seeks further Rule 56(f) discovery and to enlarge the period for such discovery and for the filing of its response to Opposer's Motion for Summary Judgment. Applicant was granted thirty (30) days from July 31 to take a single deposition of Opposer, and that deposition is now complete. Applicant now requests leave to discover additional documents and records from Opposer that were not a part of Applicant's prior discovery requests and are not relevant to the specific issues currently before the Board in Opposer's Motion for Summary Judgment filed on April 29, 2009. Each category of additional documents will be addressed in turn below.

1) Tax returns and other evidence of income from 2003 to present. None of these documents or records was requested by Applicant in its previous discovery requests, nor are these documents relevant to show the strength of the mark. Applicant has not articulated any discrepancies between Opposer's testimony at deposition and any documents that have been produced by Opposer. Without waiving Opposer's position that such documents have no relevance to the summary judgment motion before the Board, Opposer has immediately available and can produce upon order of the Board Opposer's federal tax returns for the years 2003 – 2007, which returns shall be expressly subject to the confidentiality stipulation agreed to by the parties.

2) Documents reflecting the respective income generated by Opposer from the sale of food, sale of beverages and sale of other services. Opposer testified in its deposition that these types of records were not kept by Opposer and do not exist. Even in the event that such

Michael B. Adlin
September 4, 2009
Page 2

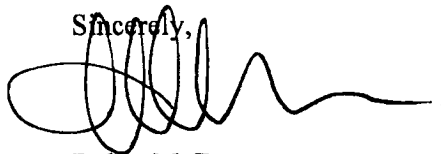
information might be developed by undertaking a forensic accounting, none of this information is relevant to Opposer's services, channels of trade or the strength of the mark.

3) Documents relating to pending agreement among certain members of Opposer to sell membership interests in Opposer. Any documents in this regard are simply irrelevant to this proceeding and have nothing to do with any of the specific issues before the Board. The trademark rights in and to the mark Butter that are owned by Opposer continue to be owned by Opposer, without regard to the constituent members of Opposer.

None of the above documents should be produced, and, certainly, there is little basis for any further requests for documents. Applicant has had the opportunity to depose Opposer's company representative based on the voluminous documents produced. Opposer sees no legitimate reason for any further delay in this proceeding. To the extent other discovery is sought by Applicant, those requests should also be denied.

We look forward to speaking with you this afternoon and appreciate your attention to these matters.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke ending in a period.

Debra M. Brown

DMB:kf

cc: Anne L. Turner
Jerome C. Hafter
Kenneth Sussmane