ESTTA Tracking number: **ESTTA290437**

Filing date: **06/17/2009**

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

Proceeding	91188416
Party	Plaintiff D-Col, Inc.
Correspondence Address	Patrick J. Stolmeier D-Col, Inc. 219 East Craig Place san antonio, TX 78212 UNITED STATES patrick@stolmeierlaw.com
Submission	Motion to Compel Discovery
Filer's Name	Patrick J Stolmeier
Filer's e-mail	patrick@stolmeierlaw.com
Signature	/Patrick J Stolmeier/
Date	06/17/2009
Attachments	LTR01.tif (1 page)(148634 bytes) LTR02.tif (1 page)(73062 bytes)

D-Col, Inc.
219 E. Craig Place
San Antonio, Texas 78212
Telephone: 210/227-3612
Fax: 210/227-3621

June 17, 2009

Bill Nash
Jackson Walker, L.L.P.
Weston Centre
112 E. Pecan Street, Suite 2400
San Antonio, Texas 78205

Re: Opposition No. 91188416
D-Col, Inc. v. Terry Young L

Dear Mr. Nash:

D-Col, Inc. received your recent letters and attachments related to the D-Col, Inc. and Young trademark opposition case. You delivered a letter to the Trademark Trial and Appeal Board representing the opposition proceeding was settled pursuant to your client's compliance with the Rule Agreement, without first conferring with D-Col, Inc. As you know, your client has not complied with the terms of the Rule 11 Agreement. The internet domain name d-col.com has not been transferred and you have failed to deliver a release with terms acceptable to Plaintiffs.

As you know, the D-Col trademark is not a subject of cause no. 2009-CI-06075. It is exclusively under the jurisdiction of the trademark opposition proceeding filed with the Trademark Trial and Appeal Board.

As you represented to Elizabeth A. Dunn during the conference hearing, it was your client's intention to abandon his application to trademark D-Col. Since the Rule 11 Agreement has not been complied with, Mr. Young had abandoned the D-Col trademark application by transfer to D-Col, Inc., in an effort to avoid further prosecution of the trademark opposition case no. 91188416. Your representation to the Trademark Trial and Appeal Board that the case had settled is false.

Despite you and Mr. Young's self serving statements contained in the trademark transfer documents and your letters, D-Col, Inc. concludes that by transferring the trademark name to D-Col, Inc., Mr. Young has conceded in trademark opposition proceeding no. 91188416 that he unlawfully misappropriated the trademark name from D-Col, Inc. D-Col, Inc. expects Mr. Young to appear for his deposition on June 19, 2009 at 9:00 a.m., in your office. If he fails to appear, D-Col, Inc. will supplement its Motion to Compel Discovery and for Sanctions to include

his nonappearance.

Should your client comply fully with the Rule 11 Agreement, D-Col, Inc. will also comply and in that event, the parties may announce to the Trademark Trial and Appeal Board that this case is settled.

By copy of this letter, D-Col, Inc. notifies the Trademark Trial and Appeal Board of the status of the opposition proceeding, and attempt to confer on the deposition issue.

Should you have any questions, please contact me.

Very truly yours,

Patrick J. Stolmeier
For D-Col, Inc.

c.c. Trademark Trial and Appeal Board