

ESTTA Tracking number: **ESTTA374886**

Filing date: **10/25/2010**

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

Proceeding	91191132
Party	Defendant GoFast, LLC
Correspondence Address	RICHARD G. MARTIN FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551-4175 UNITED STATES firm@fraser-ip.com, martin@fraser-ip.com, johnson@fraser-ip.com
Submission	Other Motions/Papers
Filer's Name	Carrie A. Johnson
Filer's e-mail	firm@fraser-ip.com
Signature	/carrie a. johnson/
Date	10/25/2010
Attachments	40227 Applicant's Status Report 10-25-2010.pdf (8 pages)(383900 bytes)

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

Go Fast Sports & Beverage Company)	
)	Opposition No. 91191132
Opposer,)	
)	U.S. Application Serial No. 77/584,363
v.)	
)	Mark: GOFAST
GoFast, LLC)	
)	
Applicant.)	

APPLICANT'S STATUS REPORT

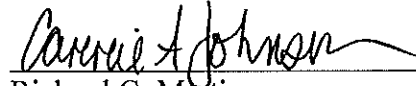
In response to the Board's inquiry dated October 5, 2010, Applicant GoFast, LLC ("Applicant"), by and through its attorneys Fraser Clemens Martin & Miller LLC, respectfully submits this status report:

1. The civil action brought by Applicant in the Northern District of Ohio, entitled *Go Fast, LLC v. Go Fast Sports & Beverage Company*, Civil Action No. 1:09-cv-01898, is still ongoing.
2. Attached as Exhibit A is a copy of the docket report for the civil action.

Respondent asks that this opposition proceeding continue to be suspended pending the outcome of the federal court litigation.

This 25th day of October, 2010.

Respectfully submitted,



Richard G. Martin
Carrie A. Johnson
Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, Ohio 43551-4163
Ph. (419) 874-1100
martin@fraser-ip.com
johnson@fraser-ip.com
firm@fraser-ip.com
Attorneys for Applicant

EXHIBIT A

Baughman,Cat11,Standard

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:09-cv-01898-SO**

Go Fast, LLC v. Go Fast Sports & Beverage Company
Assigned to: Judge Solomon Oliver, Jr
Demand: \$0
Cause: 28:1331 Fed. Question: Trademark

Date Filed: 08/12/2009
Jury Demand: Defendant
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Go Fast, LLC

represented by **John T. Barga**
120 Jefferson Street
P.O. Box 200
Tiffin, OH 44883
419-447-0507
Fax: 419-447-4447
Email: bargalaw@woh.rr.com
ATTORNEY TO BE NOTICED

Richard G. Martin
Fraser, Clemens, Martin & Miller
28366 Kensington Lane
Perrysburg, OH 43551
419-874-1100
Fax: 419-874-1130
Email: martin@fraser-ip.com
ATTORNEY TO BE NOTICED

Jacqueline M. Boney
Cooper & Walinski
900 Adams Street
Toledo, OH 43624
419-241-1200
Fax: 419-242-9606
Email: boney@cooperwalinski.com
ATTORNEY TO BE NOTICED

V.

Defendant

Go Fast Sports & Beverage Company

represented by **Mark W. McDougall**
Calfée, Halter & Griswold - Cleveland
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114
216-622-8524

Fax: 216-241-0816
Email: mmcdougall@calfee.com
ATTORNEY TO BE NOTICED

Raymond Rundelli
Calfee, Halter & Griswold - Cleveland
1400 KeyBank Center
800 Superior Avenue
Cleveland, OH 44114
216-622-8854
Fax: 216-241-0816
Email: rrundelli@calfee.com
ATTORNEY TO BE NOTICED

Robert R. Brunelli
Sheridan Ross
Ste. 1200
1560 Broadway
Denver, CO 80202
303-863-2980
ATTORNEY TO BE NOTICED

Sarah J. Miller
Sheridan Ross
Ste. 1200
1560 Broadway
Denver, CO 80202
303-863-2985
ATTORNEY TO BE NOTICED

Counter-Claimant

Go Fast Sports & Beverage Company

represented by **Mark W. McDougall**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond Rundelli
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter-Defendant

Go Fast, LLC

represented by **John T. Barga**
(See above for address)
ATTORNEY TO BE NOTICED

Richard G. Martin
(See above for address)
ATTORNEY TO BE NOTICED

Jacqueline M. Boney
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/12/2009	<u>1</u>	Complaint for Declaratory Judgment against Go Fast Sports & Beverage Company. Filing fee paid \$ 350, receipt number 0647-3689525. Filed by Go Fast, LLC. (Attachments: # <u>1</u> Exhibit Exhibits A-H, # <u>2</u> Civil Cover Sheet) (Boney, Jacqueline) (Entered: 08/12/2009)
08/12/2009	<u>2</u>	Corporate Disclosure Statement by Go Fast, LLC filed by Go Fast, LLC. (Boney, Jacqueline) (Entered: 08/12/2009)
08/12/2009		Judge Solomon Oliver, Jr assigned to case. (C,B) (Entered: 08/12/2009)
08/12/2009		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Baughman. (C,B) (Entered: 08/12/2009)
08/12/2009	<u>3</u>	Magistrate Consent Form issued. No summons provided, no summons issued. (C,B) (Entered: 08/12/2009)
12/21/2009	<u>4</u>	Order directing plaintiff to show cause in writing by January 15, 2010, why this case should not be dismissed pursuant to Rule 4(m) of the F.R.C.P. Signed by Judge Solomon Oliver, Jr on 12/21/2009. (D,M) (Entered: 12/21/2009)
12/23/2009	<u>5</u>	Praecipe for issuance of Original Summons filed by Go Fast, LLC. (Boney, Jacqueline) Modified text 12/28/2009 (K,K). (Entered: 12/23/2009)
12/23/2009	<u>6</u>	Praecipe for issuance of Original Summons filed by Go Fast, LLC. (Boney, Jacqueline) (Entered: 12/23/2009)
12/28/2009	<u>7</u>	Original Summons issued for service upon Go Fast Sports & Beverage Company. (K,K) (Entered: 12/28/2009)
01/15/2010	<u>8</u>	Return of Service by Certified Mail executed upon Go Fast Sports & Beverage Company on 12/30/2009 filed on behalf of Go Fast, LLC (Attachments: # <u>1</u> Exhibit)(Boney, Jacqueline) (Entered: 01/15/2010)
01/15/2010	<u>9</u>	<i>Plaintiff's Response to Order to Show Cause</i> filed by Go Fast, LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (Boney, Jacqueline) (Entered: 01/15/2010)
01/18/2010	<u>10</u>	Motion for extension of time until 02/08/2010 to answer <i>Plaintiff's Complaint</i> filed by Defendant Go Fast Sports & Beverage Company. Related document(s) <u>1</u> . (McDougall, Mark) (Entered: 01/18/2010)
01/20/2010		Order [non-document] granting <u>10</u> Defendant's Motion for Extension of Time until 2/8/2010 to answer. Approved by Judge Solomon Oliver, Jr on 1/20/2010. (D,M) (Entered: 01/20/2010)
01/25/2010	<u>11</u>	Order (marginal) granting Plaintiff's request to extend time for service of process (re <u>9</u>) in light of its response to the Order to Show Cause. Signed by

		Judge Solomon Oliver, Jr on 1/25/2010. (D,M) (Entered: 01/25/2010)
01/25/2010	<u>12</u>	Attorney Appearance of <i>Raymond Rundelli and Mark W. McDougall</i> by Mark W. McDougall filed by on behalf of Go Fast Sports & Beverage Company. (McDougall, Mark) (Entered: 01/25/2010)
01/26/2010	<u>13</u>	Motion for attorney Sarah J. Miller to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-3930044, filed by Defendant Go Fast Sports & Beverage Company. (Attachments: # <u>1</u> Affidavit Sarah J. Miller)(McDougall, Mark) (Entered: 01/26/2010)
01/26/2010	<u>14</u>	Motion for attorney Robert R. Brunelli to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-3930078, filed by Defendant Go Fast Sports & Beverage Company. (Attachments: # <u>1</u> Affidavit Robert R. Brunelli) (McDougall, Mark) (Entered: 01/26/2010)
02/03/2010	<u>15</u>	Answer to <u>1</u> Complaint, with Jury Demand, Counterclaim against Go Fast, LLC filed by Go Fast Sports & Beverage Company. (Rundelli, Raymond) (Entered: 02/03/2010)
02/03/2010	<u>16</u>	Corporate Disclosure Statement filed by Go Fast Sports & Beverage Company. (Rundelli, Raymond) (Entered: 02/03/2010)
02/22/2010	<u>17</u>	Unopposed Motion for extension of time until March 16, 2010 to Answer, Move, or Otherwise Plead in Response to the Counterclaim filed by Plaintiff Go Fast, LLC. (Boney, Jacqueline) (Entered: 02/22/2010)
03/02/2010		Order [non-document] granting Motions for appearance pro hac vice by attorney Sarah J. Miller, and attorney Robert R. Brunelli for Defendant Go Fast Sports & Beverage Company (Related Doc # <u>13</u>); (Related Doc # <u>14</u>). Approved by Judge Solomon Oliver, Jr on 3/2/2010. (D,M) (Entered: 03/02/2010)
03/02/2010		Order [non-document] granting (re <u>17</u>) Plaintiff's Unopposed Motion for extension of time until March 16, 2010 to Answer, Move, or Otherwise Plead in Response to the Counterclaim. Approved by Judge Solomon Oliver, Jr on 3/2/2010. (D,M) Modified text on 3/3/2010 (B,B). (Entered: 03/02/2010)
03/10/2010		Order (non-document) referring case to Magistrate Judge William H. Baughman, Jr., to conduct a Case Management Conference after March 16, 2010. Approved by Judge Solomon Oliver, Jr., on 3/10/2010 (D,M) (Entered: 03/10/2010)
03/12/2010	<u>18</u>	Telephonic Case Management Conference Notice and Order: Telephonic case management conference to be held on 4/23/2010 at 11:15 AM before Magistrate Judge William H. Baughman, Jr. Only lead counsel need participate. Signed by Magistrate Judge William H. Baughman, Jr. on 03/12/2010. (Attachments: # <u>1</u> Position Statement) (G,GS) (Entered: 03/12/2010)
03/16/2010	<u>19</u>	Answer of Go Fast, LLC to Counterclaims filed by All Plaintiffs. (Related doc <u>15</u>) (Boney, Jacqueline) Modified to create link on 3/17/2010 (B,B). (Entered: 03/16/2010)

04/09/2010	<u>20</u>	Report of Parties' Planning Meeting <i>Under Fed.R.Civ.P. 26(f) and L.R. 16.3 (b)</i> , parties do not consent to this case being assigned to the magistrate judge, filed by Go Fast Sports & Beverage Company. (Rundelli, Raymond) (Entered: 04/09/2010)
04/13/2010		Notice [non-document] rescheduling telephonic case management conference to 4/20/2010 at 12:00 PM to be held before Magistrate Judge William H. Baughman Jr. The Court will initiate the call. Related document(s) <u>18</u> . (H,D) (Entered: 04/13/2010)
04/20/2010	<u>21</u>	Minutes of proceedings before Magistrate Judge William H. Baughman, Jr. Case Management Conference held on 4/20/10. A separate case management plan and order will issue. Referral to conduct a case management conference is Terminated. (Court Reporter: None.)Time: 20 minutes. (H,D) (Entered: 04/20/2010)
04/20/2010	<u>22</u>	Case Management Conference Plan/Order. Case is assigned to the standard track. Non-expert Discovery due by 10/15/2010. Parties to disclose names of experts whose opinions may be presented at trial by 9/15/10. Expert discovery due by 12/3/10. Parties to be Joined and Pleading Amendments due by 7/1/2010. Dispositive Motions due by 12/17/2010, briefs in opposition due 1/17/11, reply briefs due 1/31/11. Signed by Magistrate Judge William H. Baughman, Jr on 4/20/10. (H,D) (Entered: 04/20/2010)
04/30/2010	<u>23</u>	Initial Disclosures <i>under Fed. Civ. R. 26(a)(1)</i> filed by Go Fast, LLC. (Boney, Jacqueline) (Entered: 04/30/2010)

PACER Service Center			
Transaction Receipt			
10/25/2010 13:52:39			
PACER Login:	[REDACTED]	Client Code:	[REDACTED]
Description:	Docket Report	Search Criteria:	1:09-cv-01898-SO
Billable Pages:	4	Cost:	0.32

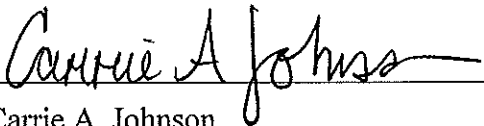
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Applicant's Status Report was served upon Opposer by causing a true and correct copy thereof to be sent by first class mail, postage prepaid to:

Robert R. Brunelli, Esq.
Sarah J. Miller, Esq.
Attorneys for Opposer
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
Phone: (303) 863-9700
Fax: (303) 863-0223

Date: October 25, 2010

By:

A handwritten signature in black ink, reading "Carrie A. Johnson", is written over a horizontal line.

Carrie A. Johnson
Richard G. Martin
Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, OH 43551
Phone: 419-874-1100
Fax: 419-874-1130
E-mail: firm@fraser-ip.com