

ESTTA Tracking number: **ESTTA409369**

Filing date: **05/16/2011**

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

Proceeding	91191683
Party	Plaintiff Technical College System of Georgia
Correspondence Address	William H. Needle Ballard Spahr Andrews & Ingersoll, LLP 999 Peachtree Street, Suite 1000 Atlanta, GA 30309-3915 UNITED STATES needlew@ballardspahr.com, odonnellm@ballardspahr.com, williamsmy@ballardspahr.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	William H. Needle
Filer's e-mail	needlew@ballardspahr.com, larsont@ballardspahr.com, sprattt@ballardspahr.com
Signature	/William H. Needle/
Date	05/16/2011
Attachments	DOC018.pdf (4 pages)(44952 bytes)

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

TECHNICAL COLLEGE SYSTEM OF
GEORGIA, A GEORGIA STATE AGENCY,

OPPOSER,

v.

LOUISIANA ECONOMIC DEVELOPMENT,
A LOUISIANA STATE AGENCY,

APPLICANT.

OPPOSITION NO.
91191683

NOTICE OF RELIANCE ON INTERROGATORY ANSWER

Opposer submits this Notice of Reliance on the Applicant's response to Interrogatory Number 3, pursuant to 37 C.F.R. 2.120(j) and submits herewith the Interrogatory and Response.

This 16th day of May, 2011

By: /William H. Needle/
William H. Needle
Cecilia M. Andrews
BALLARD SPAHR LLP
999 Peachtree Street, NE
Suite 1000
Atlanta, GA 30309
Tel: 678.420.9300
Fax: 678.420.9301

ATTORNEYS FOR OPPOSER

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

TECHNICAL COLLEGE SYSTEM OF
GEORGIA, A GEORGIA STATE AGENCY,

OPPOSER,

v.

LOUISIANA ECONOMIC DEVELOPMENT,
A LOUISIANA STATE AGENCY,

APPLICANT.

OPPOSITION NO.
91191683

CERTIFICATE OF SERVICE

I hereby certify that a copy of OPPOSER'S NOTICE OF RELIANCE OF INTERROGATORY has been served upon Applicant, by causing a true and correct copy thereof to be delivered in the manner indicated below and properly addressed to the following counsel of record:

By Overnight Delivery	Marc S. Whitfield Taylor, Porter, Brooks & Phillips, LLP 451 Florida Street Suite 800 Baton Rouge, LA 70801 Tel: 225-387-3221 Fax: 225-215-8736 ATTORNEYS FOR APPLICANT
-----------------------	--

This 16th day of May, 2011

By: /Troy E. Larson/
Troy E. Larson

confusingly similar to Opposer's Mark. Subject to its objections, Applicant responds that: (i) the trademark examiner that examined Applicant's trademark application has such knowledge; (ii) the persons identified in interrogatory number 2 have such knowledge; and (iii) Applicant expects that any person familiar with Applicant's services and Opposer's services would have such knowledge.

INTERROGATORY NO. 2: Identify the three (3) employees of Applicant who are most knowledgeable about the use of each of Applicant's Marks in connection with the advertising, marketing and promotion of services and describe the job responsibilities of each such person.

RESPONSE TO INTERROGATORY NO. 2:

Applicant objects to the defined term Applicant's Marks. Subject to its objection, the three (3) people with such knowledge include:

- (i) Stephen Moret, Secretary of Louisiana Economic Development;
- (ii) Jeff Lynn, Executive Director of Louisiana FastStart; and
- (iii) Carole Dupré, Director of Marketing and Communication

INTERROGATORY NO. 3: For each of Applicant's Marks,

a. state the date on which you first used each of Applicant's Marks and, if applicable, the date on which you ceased using each of Applicant's Marks; and

b. identify the channels of trade through which each service is marketed.

RESPONSE TO INTERROGATORY NO. 3:

Applicant objects to the defined term Applicant's Marks. Applicant further objects to the term "used" since this term is subject to overly broad interpretation and no context is provided to narrow the intended meaning to the production of relevant information. Subject to its objections, Applicant responds regarding its LOUISIANA FASTSTART mark as follows:

a. Applicant began publicly using its LOUISIANA FASTSTART mark on or about November 18, 2008 and continues to use this mark.

b. Applicant markets its services through its website, press releases, email push via Biz Wire to Biz Wire subscribers, stories published in Applicant's quarterly magazine, EQ, advertisements and through presentations and media interviews.

INTERROGATORY NO. 4: Describe the facts (including the identity of each person involved), circumstances, and processes that led to your selection and adoption of each of Applicant's Marks, including, but not limited to, the reasons for selection, the date of adoption, the meaning or impression intended to be conveyed, the basis for any assumption that the intended meaning or impression would be conveyed, and identify any word(s), symbol or design considered or selected by Applicant as an alternative to its adoption and use of Applicant's Marks and identify all documents which refer or relate thereto.

RESPONSE TO INTERROGATORY NO. 4:

Applicant objects to the defined term Applicant's Marks. Subject to its objections, Stephen Moret approved the LOUISIANA FASTSTART mark based primarily on a desire to affiliate the program with Louisiana. Prior to selection of the LOUISIANA FASTSTART mark, Applicant had also been contacted by Opposer and advised of Opposer's concerns that Applicant had selected a name similar to Opposer's QUICK START mark so Applicant also intended to select a mark that would not offend Opposer and/or be viewed as being similar to Opposer's mark. The LOUISIANA FASTSTART mark was selected on or about April 7, 2008.

INTERROGATORY NO. 5: Identify the persons who have primary responsibility for the selection, adoption and use of Applicant's trademarks and service marks.