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

Proceeding	91197856
Party	Plaintiff T-D Innovations, LLC
Correspondence Address	THOMAS J CONNELLY WILHELM LAW SC 100 W LAWRENCE STREET, THIRD FLOOR APPLETON, WI 54911 UNITED STATES tconnelly@wilhelmlaw.com
Submission	Other Motions/Papers
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Date	03/02/2011
Attachments	Resp_MotionDismiss_91197856.pdf (3 pages)(479003 bytes)

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

T-D Innovations, LLC, a limited liability company

Opposer,

In re Application Serial No. 85/100,747

v.

Opposition No.: 91197856

American Beer Company, Inc., a corporation,

Applicant.

RESPONSE TO THE MOTION TO DISMISS

UNITED STATES PATENT & TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir or Madam:

This motion is being filed with the Trademark Trial and Appeal Board in response to an e-mail dated March 1, 2011 addressed to attorney Thomas J. Connelly, trademark counsel to T-D Innovations, LLC. Attorney Thomas J. Connelly is employed by Wilhelm Law and the law firm's mailing address has not changed in years. Attorney Thomas J. Connelly's mailing address is still: 100 W. Lawrence Street, 3rd Floor, Appleton, WI 54911. Attorney Thomas J. Connelly's phone number is still (920) 831-0100 and fax number is still (920) 831-0101. Attorney Thomas J. Connelly's e-mail address is still: tconnelly@wilhelmlaw.com.

On Dec. 15, 2010, T-D Innovations, LLC filed a Notice of Opposition with the Trademark Trial and Appeal Board. Attorney Thomas J. Connelly sent notice by first class mail to American Beer Company,

Inc., 3055 N. Lindbergh Blvd., St. Louis, MO 63074 notifying them that T-D Innovations, LLC was opposing their trademark registration to: "LIMELIGHT BEER", Application Serial No. 85/100,747. Attorney Thomas J. Connelly, according to 37 CFR §2.119(b) Service and Signing of Papers, made service by first-class mail on an authorized representative of American Beer Company, Inc. It is clearly evidenced that American Beer Company, Inc. passed this "Notice of Opposition" onto their attorney, Morris E. Turek. Therefore, attorney Morris E. Turek received actual notice of the Notice of Opposition within the required time period.

Apparently, attorney Morris E. Turek filed a Motion to Dismiss on January 8, 2011, alleging that he himself did not directly receive the Notice of Opposition. However, attorney Morris E. Turek did receive it via his client, American Beer Company, Inc. Case law supports service in a timely manner on an authorized representative of the party being opposed.

Attorney Thomas J. Connelly never received a Motion to Dismiss from attorney Morris E. Turek.

Respectfully submitted,

T-D Innovations, LLC

By: /Thomas J. Connelly/

Dated: March 2, 2011

Thomas J. Connelly

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CERTIFICATE OF SERVICE

I hereby CERTIFY that this Response to Motion to Dismiss is being forwarded this 2nd day of March 2011, to Applicant via first class mail, postage prepaid and addressed to:

Attorney Morris E. Turek
YOURTRADEMARKATTORNEY.COM
167 Lamp and Lantern VLG #220
Chesterfield, MO 63017-8208

/Thomas J. Connelly/
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