

ESTTA Tracking number: **ESTTA584150**

Filing date: **01/28/2014**

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

Proceeding	91200001
Party	Plaintiff Drew Estate Holding Company LLC
Correspondence Address	ROBERTA JACOBS-MEADWAY ECKERT SEAMANS CHERIN & MELLOTT LLC TWO LIBERTY PLACE , 50 SOUTH 16th STREET 22d FLOOR PHILADELPHIA, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, dwilfong@eckertseamans.com, thenderson@eckertseamans.com, blabutta@eckertseamans.com, jmetzger@ekertseamans.com
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Signature	/Roberta Jacobs-Meadway/
Date	01/28/2014
Attachments	NOTICE OF HEARING TO TTAB [PDF] (M1216621).pdf(26863 bytes )

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

DREW ESTATE HOLDING COMPANY LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91200001
	:	
FANTASIA DISTRIBUTION, INC.,	:	
	:	
	:	
Applicant.	:	

**NOTICE OF EVIDENTIARY HEARING IN CIVIL ACTION**

Opposer Drew Estate Holding Company LLC (“Drew”), through its undersigned counsel, provides notice to the Board that on January 15, 2014, Drew and Applicant Fantasia Distribution, Inc. (“Fantasia”) participated in an evidentiary hearing before the U.S. District Court for the Southern District of Florida, in Case No. 11-cv-21900. A copy of the relevant portions of the hearing transcript is attached hereto.

At the evidentiary hearing, the district court confirmed that the Court of Appeals for the Eleventh Circuit ordered a remand that was limited in nature and scope, by stating: **“This – this case is closed. It’s over. We’re having an evidentiary hearing on the issue of profits award.”** Jan. 15 Hearing Transcript, Pg. 59, Lines 22-24. In other words, the district court will not conduct any further review of the Final Judgment and Permanent Injunction entered against Fantasia on July 6, 2012. Given that the district court’s Final Judgment and Permanent Injunction provided the grounds for the Board’s Default Judgment entered against Fantasia, the Board’s final judgment should not be disturbed.

Respectfully submitted,

Dated: January 28, 2014

By: /s/ Roberta Jacobs-Meadway\_\_\_\_\_

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**ATTORNEYS FOR OPPOSER**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this Notice was served on counsel for Applicant on the dated listed below via U.S. Mail and email:

James W. Denison  
General Counsel  
Fantasia Distribution, Inc.  
1556 W. Embassy St.  
Anaheim, CA 92802  
James.d@fantasiadistribution.com

Dated: January 28, 2014

By: /s/ John Metzger\_\_\_\_\_



1 THE COURT: Thank you.

2 (A recess was taken from 10:35 a.m. to 10:37 a.m.)

3 THE COURT: Please be seated. Yes, Mr. Denison.

4 MR. DENISON: Well, opposing counsel does not agree to  
5 what I propose, so we agree with them not agreeing with us,  
6 that they would like to adjourn the proceeding and we'll  
7 continue after this further discovery.

8 MS. JACOBS-MEADWAY: To be clear, Your Honor, we would  
9 prefer not to adjourn. We would prefer to have the documents  
10 stricken and just move forward and finish this hearing today,  
11 but we understand Your Honor's option to the defendant's  
12 counsel and we abide by it.

13 THE COURT: Very well. You all let me know when you  
14 want to have part 2 of this evidentiary hearing resumed. All  
15 right? I won't calendar it, you need to both reach out to my  
16 courtroom deputy and let her know what's an available date for  
17 both sides.

18 MS. JACOBS-MEADWAY: Your Honor, can we have a  
19 schedule for the request and production of all of the  
20 underlying documents for the document so that we can at least  
21 get that far and then schedule Mr. Bahbah's deposition?

22 THE COURT: This -- this case is a closed case. It's  
23 over. We're having an evidentiary hearing on the issue of  
24 profits award. I suggest you both work amicably with each  
25 other to streamline the process and finalize it.