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

Proceeding	91206212
Party	Plaintiff Carefusion 2200, Inc.
Correspondence Address	JOSEPH R DREITLER DREITLER TRUE LLC 19 E KOSSUTH STREET COLUMBUS, OH 43206 UNITED STATES mtrue@ustrademarklawyer.com, jdreitler@ustrademarklawyer.com, ttro- fino@ustrademarklawyer.com
Submission	Other Motions/Papers
Filer's Name	Mary R. True
Filer's e-mail	mtrue@ustrademarklawyer.com, jdreitler@ustrademarklawyer.com, ttro- fino@ustrademarklawyer.com
Signature	/Mary R. True/
Date	10/17/2014
Attachments	Carefusion-Entrotech Motion for Reconsideration.pdf(33842 bytes) CFN v Entrotech - Declaration of Mary True.pdf(11612 bytes) Exhibits to True Declaration.pdf(748258 bytes)

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

**IN THE MATTER OF Trademark Application Serial Nos. 85/499349; 85/499345;
85/499337 and 85/499332**

DATE OF PUBLICATION: May 29, 2012

Carefusion 2200, Inc.,		
	Opposer,	Combined Opposition No: 91- 206,212
v.		
Entrotech, Inc.		
	Applicant	

MOTION FOR RECONSIDERATION OF OCTOBER 7, 2014 ORDER

Pursuant to Rule 2.127(b) of the Trademark Rules of Practice and Section 518 of the TBMP, Opposer, CareFusion 2200, Inc. hereby requests that the October 7, 2014 Order of the Interlocutory Attorney denying the Consent Motion of Opposer and Applicant for Extension be reconsidered and the period for Discovery to close be reset for a period of sixty (60) days. Discovery in this combined opposition has been complex, and substantial document discovery has already been completed. However, as the following timeline will show, Opposer has been diligent in pursuing discovery, while endeavoring to act in the cooperative matter expected of attorneys practicing before the Board.

10/2/2012	Discovery opens
11/1/2012	Initial Disclosures exchanged
2/4/2013	Opposer serves first set of written discovery
2/9/2013	Parties consent to 90 day extension of all dates.

2/13/2013 Applicant serves first set of written discovery

2/19/2013 Opposer serves 30(b)(6) Notice of Deposition Duces Tecum

From March through July, 2013, Opposer compiled and reviewed nearly 100,000 documents for possible production, and the parties agreed to extend the time for written responses and production to mid-July, 2013. On July 15, 2013, the parties exchanged written discovery responses. Opposer served its written responses to Applicant's written discovery requests, and produced over 25,000 pages of documents.¹ Applicant provided unverified responses on July 15, 2013, and promised to produce its documents "within the week."² On July 25, 2013, verified responses were provided by Applicant, with a promise that the documents would be produced "by Monday" (July 29).³ The documents were finally produced on Tuesday, August 6, 2013 – 76 pages of password protected documents that Opposer was unable to open.⁴ Although Opposer requested Applicant to simply send hard copies of the documents, Applicant refused. The technical issues were finally resolved on August 14, 2013 – one month after Opposer had served its documents.⁵

Applicant's discovery responses were inadequate and on August 26, 2013, Opposer sent Applicant a detailed deficiency letter. In early September, the parties had a conference call to discuss the discovery, and Opposer submitted revised requests that Applicant responded to on November 8, 2013. Opposer scheduled the deposition of two of Applicant's witnesses for February, 2014, pending Applicant's responses to its revised discovery. These responses were likewise inadequate, and Opposer sent Applicant a

¹ See True Decl. at Ex. A

² See True Decl. at Ex. B

³ See True Decl. at Ex. C

⁴ See True Decl. at Ex. D

⁵ See True Decl. at Ex. E

deficiency letter on February 13, 2014. Opposer then filed its Motion to Compel on February 24, 2014 [Dkt. # 20] and the pending depositions were cancelled.⁶

Opposer's Motion to Compel was granted on March 12, 2014 and Applicant was ordered to supplement its production by April 12, 2014. [Dkt. # 23] Opposer continued to seek the depositions of Applicant's witnesses and was informed in early April that they would not be available until mid-June 2014.⁷ On April 8, 2014, counsel for Applicant informed Opposer that they had just received "about 8 boxes" of documents from Applicant, and sought an additional two weeks to review them prior to production.⁸ On April 28, 2014, Applicant produced an additional 17,000+ documents.

Depositions of three of Applicant's witnesses were scheduled for June 16-18, 2014. On Friday, June 13, 2014, counsel for Applicant informed counsel for Opposer that the witness Opposer had long planned to take first was not available on the date scheduled, ultimately necessitating the cancellation of one of the three depositions.⁹ At the depositions conducted in June 2014, counsel for Opposer asked counsel for Applicant to provide available dates for the remainder of Applicant's witnesses and asked Applicant to identify which of Opposer's witnesses it wanted to depose. Applicant's counsel was unable to do so and the following then transpired.

7/17/14 – Counsel for Applicant is "still trying to decide dates that work for us this summer, and I'll be giving you some options for dates early next week."¹⁰

9/10-9/11/14 – Counsel for Opposer attempts to contact counsel for Applicant regarding discovery scheduling.¹¹

⁶ See True Decl. at Ex. F

⁷ See True Decl. at Ex. G

⁸ See True Decl. at Ex. H

⁹ See True Decl. at Ex. I

¹⁰ See True Decl. at Ex. J

¹¹ See True Decl. at Ex. K.

9/12/14 – Counsel for the parties confer on the telephone regarding discovery and possible settlement

9/16/14 –Applicant serves second set of written discovery and (*for the first time*) serves a 30(b)(6) notice and states “I’m still trying to coordinate with [Applicant’s witnesses] regarding possible deposition dates, and I’ll be in touch later this week.”¹²

9/24/14 – Counsel for Opposer again contacts counsel for Applicant regarding deposition dates for Applicant’s witnesses

9/24/14 – Counsel for Applicant replies “With their work schedules, the holidays, travel schedules, etc., Jim and John won’t be available until January. . . Can you let me know who you’ll be designating in response to our 30(b)(6) Notice and can we calendar those depositions . . for the second or third week of December? Given the upcoming depositions and the holidays, I think we’ll need to extend all deadlines again. Do you agree?”¹³

9/26/14 – Counsel for Opposer responds “If your witnesses can’t be available until January then I guess we’d better get a 90 day extension of all dates, and let’s pencil in the week of January 19. The client is reviewing your [September 16] 30(b)(6) notice, which seeks testimony on topics that appear to be significantly outside the scope of this opposition, as do your discovery requests, so we’d like an extra 30 days to respond. Our witnesses will be available in February for deposition.”¹⁴

9/26/14 –Counsel for Applicant replies “I can’t agree to extend your client’s deadline for responding to our second sets of discovery. If you believe that certain topics are beyond the scope of this proceeding, then you can object. . . . I also can’t agree to February for your client’s deposition. I noticed the deposition in September [of 2014]; February is almost six months later. I’ll need to depose your witnesses this year, so please let me know who the witnesses will be and what their availability is in December.”¹⁵

9/26/14 – Counsel for Opposer responds “I noticed your witnesses a year ago. We will not make them available until after your witnesses are deposed. If you would like to schedule your witnesses for depositions in November, I will see if our witnesses can be available in December.”¹⁶

10/1/14 – Counsel for Applicant responds, offering dates for Applicant’s witnesses the week of January 20, 2015, and asking for dates the second week in

¹² See True Decl. at Ex. L.

¹³ See True Decl. at Ex. M

¹⁴ See True Decl. at Ex. N

¹⁵ See True Decl. at Ex. O

¹⁶ See True Decl. at Ex. P

February, 2015 to depose Opposer's witnesses. Counsel for Applicant also suggests seeking 120 day extension of all dates.¹⁷

10/6/14 – Request for Extension is submitted [Dkt. # 30].

10/7/14 – Request for Extension is denied [Dkt. #31].

This is not a case that has been languishing for two years. This is not a case where Opposer has done nothing and waited until the close of the Discovery period to begin Discovery and ask the Board for additional time. See *National Football League v. DNH Management LLC*, 85 USPQ2d 1852, 1854-55 (TTAB 2008). This is not a case where either party objects to the extension of discovery. In fact, the consented request for extending discovery that was denied was filed by *Applicant's* attorney, not Opposer. This is not a case where either party will be prejudiced by the granting of an additional period of sixty days. This is a case of "good cause" for an additional sixty days to complete Discovery, especially since neither party had been given any prior warning by the Board that no further extensions of time on Discovery would be considered. Not granting such additional time will certainly prejudice Opposer, especially since it was publicly announced on October 6, 2014 that Opposer is being acquired in a \$12.2 Billion takeover by Becton Dickinson Co., requiring Opposer's legal and business management to engage in all of the necessary document production involved in such a large takeover. The parties have been engaged in extensive discovery, produced and exchanged tens of thousands of pages of documents and have conducted depositions, and had depositions tentatively scheduled to conclude in mid-February. The fact that Opposers' counsel is in Columbus, Ohio, its witnesses are in Chicago, Applicant's counsel is in San Diego and its witnesses are in San Francisco and Columbus has added to the challenges in scheduling

¹⁷ See True Decl. at Ex. Q

depositions. In addition, at this point trying to schedule and conduct the remaining depositions of (at least) four more witnesses in Chicago and San Diego before December 8, 2014 is difficult for counsel and the witnesses.

Opposer has been diligent in pursuing discovery, despite Applicant's difficulty in scheduling the depositions of its witnesses, and its very-belated identification of the wide-ranging topics and witnesses for which it is now seeking discovery. See *Miss America Pageant v. Petite Productions, Inc.*, 17 USPQ2d 1067, 1070 (TTAB 1990). As was stated in *National Football League v. DNH Management LLC*, 85 USPQ2D 1852 (TTAB 2008)

The appropriate standard for allowing an extension of a prescribed period prior to the expiration of the term is "good cause." See Fed. R. Civ. P. 6(b) and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") §509 (2d ed. rev. 2004) and cases cited therein. Generally, the Board is liberal in granting extensions of time before the period to act has elapsed so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. The moving party, however, retains the burden of persuading the Board that it was diligent in meeting its responsibilities and should therefore be awarded additional time. See *Sunkist Growers, Inc. v. Benjamin Ansehl Company*, 229 USPQ 147 (TTAB 1985).

Under these circumstances, Opposer has shown "good cause" that it has been diligent in prosecuting this case and would be prejudiced by having to respond to additional discovery, supplement its production and prepare witnesses in a span of less than three months. See, *Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Spoletoducali SCRL*, 59 USPQ2d 1383, 1384 (TTAB 2001) Accordingly, Opposer requests that all dates in this matter be extended 60 days, with no further extensions or suspensions for any reason.

Dated: October 17, 2014.

Respectfully Submitted,

DREITLER TRUE LLC

/Mary R. True/

Joseph R. Dreitler
Mary R. True
19 E. Kossuth St.
Columbus, OH 43206
Telephone: 614-449-6677
E-mail: jdreitler@ustrademarklawyer.com
E-mail: mtrue@ustrademarklawyer.com

*Attorneys for Opposer
CareFusion 2200, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2014, a true and correct copy of the foregoing was served via electronic mail upon Erin Hickey at hickey@fr.com.

/s/ Mary R. True

Mary R. True

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

**IN THE MATTER OF Trademark Application Serial Nos. 85/499349; 85/499345;
85/499337 and 85/499332**

DATE OF PUBLICATION: May 29, 2012

Carefusion 2200, Inc.,

Opposer, Combined Opposition No: 91-206,212

v.

Entrotech, Inc.

Applicant

DECLARATION OF MARY R. TRUE, ESQ.

1. I am a partner in the law firm Dreitler True LLC and am one of the counsel representing Opposer Carefusion 2200, Inc. in the above captioned combined opposition.
2. The documents attached hereto are true and accurate copies of electronic communications contained in my files.
3. Attached hereto as Exhibit A is a July 15, 2013 letter from Opposer's vendor to counsel for Applicant enclosing Opposer's document production.
4. Attached hereto as Exhibit B is a copy of a July 15, 2013 email from Erin Hickey, counsel for Applicant, to Mary True.
5. Attached hereto as Exhibit C is a copy of a July 25, 2013 email from Erin Hickey to Mary True.
6. Attached hereto as Exhibit D is a copy of an August 6, 2013 email which I instructed my legal assistant, Tom Trofino, to send to Erin Hickey
7. Attached hereto as Exhibit E is an email thread dated August 13, 2013 between Erin Hickey and Mary True.
8. Attached hereto as Exhibit F is a copy of a February 25, 2014 email from Erin Hickey to Mary True.
9. Attached hereto as Exhibit G is a copy of an April 2, 2014 letter from Erin Hickey to Mary True.
10. Attached hereto as Exhibit H is a copy of an email thread dated April 8- 9, 2014 between Mary True and Erin Hickey.

11. Attached hereto as Exhibit I is a copy of an email thread dated June 13, 2014 between Erin Hickey and Mary True.
12. Attached hereto as Exhibit J is a copy of an email thread dated July 16-17, 2014 between Erin Hickey to Mary True.
13. Attached hereto as Exhibit K is a copy of a September 11, 2014 email from Mary True to Erin Hickey.
14. Attached hereto as Exhibit L is a copy of a September 16, 2014 email from Erin Hickey to Mary True.
15. Attached hereto as Exhibit M is a copy of a September 24, 2014 email from Erin Hickey to Mary True.
16. Attached hereto as Exhibit N is a copy of a September 26, 2014 email from Mary True to Erin Hickey.
17. Attached hereto as Exhibit O is a copy of a September 26, 2014 email from Erin Hickey to Mary True.
18. Attached hereto as Exhibit P is a copy of a September 26, 2014 email from Mary True to Erin Hickey.
19. Attached hereto as Exhibit Q is a copy of an October 1, 2014 email from Erin Hickey to Mary True.

I declare under penalty of perjury under the laws of the United States of America that the statements set forth above are true and correct to the best of my knowledge and understanding.

10/17/2014
Date

/Mary R. True/
Mary R. True

Exhibit A



Date: July 15, 2013

To: Lisa M. Martens
Erin M. Hickey
Fish & Richardson PC
12390 El Camino Real
San Diego, CA 92130

From: TERIS
2455 Faber Place, Suite 200
Palo Alto, CA 94303

Subject: Production CF001

Dear Lisa, Erin,

Under the instruction of Mary True and Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, please find enclosed Opposer CareFusion 2200, Inc.'s documents produced in response to Applicant Entrotech Life Sciences, Inc.'s First Set of Requests for Production of Documents and Things to Opposer, consisting of ___ discs containing documents bearing Bates numbers CF00000001 - CF00025212.

Regards,

Pamela D. Ringer-Britz | TERIS Professional Services
M.650.427.9641 - E. pamela@TERIS.com

CC:
Michael Frazier, CareFusion, 3750 Torrey View Court, San Diego, CA 92130
Mary R True, Dreitler True LLC, 137 E. State Street, Columbus, OH 43215

Exhibit B

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Monday, July 15, 2013 10:14 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Nancy Ly; Tony Dylan-Hyde
Subject: CareFusion 2200, Inc. v. Entrotech Life Sciences, Inc.
Attachments: 07-15-2013_Responses to First Set of Interrogatories.pdf; 07-15-2013_ELS_Responses to First Set of Document Requests.pdf

Hi Mary,

Attached are Applicant's responses to Opposer's First Sets of Interrogatories and Requests for Production of Documents and Things. I will follow up this week with the Verification page for Applicant's interrogatory responses; our client has a hectic travel schedule and isn't near a scanner! If this is an issue, please let me know. Also, we will be sending you our production within the week.

Many thanks,
Erin

Erin M. Hickey
Associate
~ **Fish & Richardson P.C.**
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858)-678-4327
Facsimile: (858)-678-5099
E-mail: hickey@fr.com

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Checked by AVG - www.avg.com
Version: 2014.0.4335 / Virus Database: 3705/7145 - Release Date: 03/03/14

Exhibit C

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Thursday, July 25, 2013 11:32 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Nancy Ly; Tony Dylan-Hyde
Subject: RE: CareFusion 2200, Inc. v. Entrotech Life Sciences, Inc.
Attachments: 201307221316.pdf

Hi Mary,

Attached is a copy of our responses to Opposer's First Set of Interrogatories, with the executed Verification page. I expect you'll have our documents by Monday, but I'll confirm the day tomorrow.

Thanks,
Erin

From: Erin Hickey
Sent: Monday, July 15, 2013 7:14 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Nancy Ly; Tony Dylan-Hyde
Subject: CareFusion 2200, Inc. v. Entrotech Life Sciences, Inc.

Hi Mary,

Attached are Applicant's responses to Opposer's First Sets of Interrogatories and Requests for Production of Documents and Things. I will follow up this week with the Verification page for Applicant's interrogatory responses; our client has a hectic travel schedule and isn't near a scanner! If this is an issue, please let me know. Also, we will be sending you our production within the week.

Many thanks,
Erin

Erin M. Hickey
Associate
~ **Fish & Richardson P.C.**
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858)-678-4327
Facsimile: (858)-678-5099
E-mail: hickey@fr.com

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Exhibit D

Mary True

From: Tom Trofino <ttrofino@ustrademarklawyer.com>
Sent: Tuesday, August 06, 2013 3:17 PM
To: martens@fr.com; hickey@fr.com
Cc: Mary True
Subject: Entrotech production

Dear Lisa and Erin,

We received the disc of Entrotech's document production, ELS0000001-ELS0000076, today via FedEx. However, it appears that all of the documents are password protected. Can you please let us know the password to get access to the documents?

Thanks so much.

Sincerely,
Tom

Tom Trofino
Legal Assistant
Dreitler True, LLC
137 E. State St.
Columbus, OH 43215
614-545-6357
ttrofino@ustrademarklawyer.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4765 / Virus Database: 4040/8399 - Release Date: 10/16/14

Exhibit E

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Tuesday, August 13, 2013 5:21 PM
To: Mary True
Subject: RE: Entrotech production (Our Ref.: 36883-0003PP1)

Hi Mary,

Jim Taylor from our office just spoke with Jeff, who I believe works for the vendor that is hosting your documents, and he's planning to load the documents for you tomorrow. We don't want to incur the unnecessary costs of having to print the 76 pages and ship them to you when you already have them. I believe we produced the documents in the same format as you produced yours, so I'm not sure what the problem is?

Thanks,
Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Tuesday, August 13, 2013 1:47 PM
To: Erin Hickey
Subject: RE: Entrotech production (Our Ref.: 36883-0003PP1)

Erin – Is there really a problem with just sending us hard copies?

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Tuesday, August 13, 2013 3:06 PM
To: Tom Trofino ; Lisa Martens
Cc: 'Mary True'; James Taylor; April R. Morris
Subject: RE: Entrotech production (Our Ref.: 36883-0003PP1)

Great, thanks. Jim, can you go ahead and contact Jeff today?

From: Tom Trofino [mailto:ttrofino@ustrademarklawyer.com]
Sent: Tuesday, August 13, 2013 11:57 AM
To: Erin Hickey; Lisa Martens
Cc: 'Mary True'; James Taylor
Subject: RE: Entrotech production

Hi Erin,

Our litigation support contact is Jeff Roush (jroush@gnoesisgroup.com), whom we just gave the documents to. Jim can contact him regarding opening the files.

Thanks,
Tom

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Friday, August 09, 2013 3:44 PM
To: Tom Trofino ; Lisa Martens
Cc: 'Mary True'; Joseph Dreitler; James Taylor
Subject: RE: Entrotech production

Exhibit F

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Monday, February 24, 2014 1:56 PM
To: Tom Trofino ; Lisa Martens
Cc: Joseph Dreitler; Mary True; Nancy Ly; April R. Morris
Subject: RE: CareFusion v. Entrotech - Motion to Compel

Thanks, Tom. Mary, just to confirm, do we agree to cancel Dr. Foor's deposition, which is currently scheduled for this Friday, and re-schedule it, along with any others, after the Board decides this matter and advises us of the parameters of discovery?

From: Tom Trofino [<mailto:ttrofino@ustrademarklawyer.com>]
Sent: Monday, February 24, 2014 9:08 AM
To: Erin Hickey; Lisa Martens
Cc: Joseph Dreitler; Mary True
Subject: CareFusion v. Entrotech - Motion to Compel

Dear Erin and Lisa,

Please see the attached, which was filed today with the TTAB.

Sincerely,

Tom Trofino
Legal Assistant
Dreitler True, LLC
137 E. State St.
Columbus, OH 43215
614-545-6357
ttrofino@ustrademarklawyer.com

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Exhibit G

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

12390 El Camino Real
San Diego, California
92130

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com

Erin M. Hickey
858 678-4327

Email
Hickey@fr.com

BY E-MAIL

April 2, 2014

Mary R. True, Esq.
Dreitler True, LLC
137 E. State Street
Suite 101
Columbus, OH 43215
mtrue@ustrademarklawyer.com



Re: *CareFusion 2200, Inc. v. Entrotech Life Sciences, Inc.* (Opposition
Proceeding No. 91-206,212)
(Our Ref.: 36883-0003PP1)

ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Dear Mary:

Thank you for your patience while we spoke with our client about the availability of Dr. Foor, Mr. Booth, and Mr. Gotro for depositions in Columbus, Ohio in the upcoming months. (In your letter, you requested the deposition of "George Booth," but I am assuming you meant Gregory Booth. If, instead, you meant Mr. George Holinga, please advise.) Unfortunately, given their current schedules, none of them will be available in May, and we will need to move their depositions to June. If it works for you, we propose the following schedule: Dr. Foor, June 16, 2014; Mr. Booth, June 17, 2014; and Mr. Gotro, June 18, 2014. Please let us know if these dates are acceptable to you. Of course, I realize that the close of discovery in this matter currently expires June 11, 2014. Would you consent to extending this date by 90 days to allow us both to complete discovery in a timely manner? If so, we intend to notice the deposition of your client under Rule 30(b)(6) of the Federal Rules of Civil Procedure, and we would propose the week of July 14, 2014 for that deposition, but are generally open that month, should that week not work for you or your client. We also do not have a problem with you amending your client's Notice of Opposition to include the two newly issued registrations for your client's CHLORASHIELD mark.

I am happy to discuss further by telephone, if you would like. Otherwise, I look forward to hearing from you soon.

Sincerely yours,

Erin M. Hickey

Exhibit H

Mary True

From: Mary True <mtrue@ustrademarklawyer.com>
Sent: Wednesday, April 09, 2014 12:24 PM
To: 'Erin Hickey'
Subject: RE: CFN v. Entrotech

Erin – We are okay with another 2 weeks, but really can't go beyond that with the depositions coming up in June (and a couple other things to get done in the meantime!).

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Tuesday, April 08, 2014 7:07 PM
To: Mary True
Subject: RE: CFN v. Entrotech

Hi Mary,

Yes, we should be able to send you these at the end of next week. Also, we just received about 8 boxes of documents from the client that we are in the process of uploading and reviewing. Would you mind giving us a two-week extension from this Friday to produce the documents? We'll send you our responses by Friday, but I think we're going to need a little more time to get these reviewed, designated, and over to you.

Let me know!

Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Tuesday, April 08, 2014 1:59 PM
To: Erin Hickey
Subject: Re: CFN v. Entrotech

Erin - when will you be able to send us the topics for the 30(b)(6) notice? We need to make sure that the appropriate witness(es) will be available in July.

Sent from my iPhone

On Apr 2, 2014, at 6:36 PM, Erin Hickey <Hickey@fr.com> wrote:

Hi Mary,

Exhibit I

Mary True

From: Mary True <mtrue@ustrademarklawyer.com>
Sent: Friday, June 13, 2014 12:07 PM
To: 'Erin Hickey'
Subject: RE: Upcoming Depositions

Erin – We had planned on doing Dr. Foor first, so if Mr. Booth isn't available on Monday, then we can go for Thursday, or just try to reschedule.

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Friday, June 13, 2014 11:25 AM
To: Mary True
Subject: RE: Upcoming Depositions

Hi Mary. Unfortunately, Greg isn't available at all on Wednesday and will be traveling. Should we leave him for Monday?

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Friday, June 13, 2014 5:38 AM
To: Erin Hickey
Subject: Re: Upcoming Depositions

Erin - no problem. Could we just move Booth to Weds, since I don't imagine either he or Gotro will take a full day.

Sent from my iPhone

On Jun 13, 2014, at 8:32 AM, Erin Hickey <Hickey@fr.com> wrote:

Hi Mary,

I apologize for the short notice, but I just learned that Dr. Foor has an unexpected scheduling conflict this Monday, and is wondering if we could hold his deposition on Tuesday at 9:30 a.m. instead of Monday. Mr. Booth is available on Monday at 9:30 a.m., so he could make the switch. Would you be amenable to this scheduling change? Again, I apologize.

Thanks,
Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Friday, June 06, 2014 8:27 AM
To: Erin Hickey
Cc: 'Tom Trofino '
Subject: RE: Upcoming Depositions

Dear Erin – Yes, the depositions of Dr. Foor, and Messrs. Booth and Gotro will be taking place as scheduled and if we haven't issued deposition notices, I will make sure they go out today with 9:30 start times. It will be good to see my old friends at Carpenter Lipps (I worked there back when it was Zeiger & Carpenter). My recollection of our conversation was that we would leave our discussion of the location of Mr. McGuire's deposition to another day, however. We can discuss further when you are in town.

Exhibit J

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Thursday, July 17, 2014 1:36 PM
To: Mary True
Subject: RE: CFN - entrotech

Hi, Mary. I agree. I'm still trying to decide dates that work for us this summer, and I'll be giving you some options for dates early next week. How about we extend the deadlines by 90 days again? I hope you and Joe survived the move!

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Wednesday, July 16, 2014 1:07 PM
To: Erin Hickey
Subject: CFN - entrotech

Hi Erin – What are your thoughts on scheduling discovery? I don't think we can get everything done by 9/9. Let me know.

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4716 / Virus Database: 3986/7917 - Release Date: 07/25/14

Exhibit K

Mary True

From: Mary True <mtrue@ustrademarklawyer.com>
Sent: Thursday, September 11, 2014 12:06 PM
To: Erin Hickey (Hickey@fr.com)
Cc: jdreitler@ustrademarklawyer.com; 'ttrifino@ustrademarklawyer.com'
Subject: CFN v. Entrotech

Dear Erin –

I left you a voice mail yesterday as well. Please give me a call to discuss the status of this matter, and please give me some dates in October or early November for the depositions of your witnesses in SFO.

Best –

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

Exhibit L

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Tuesday, September 16, 2014 8:16 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Kathy Tsai; Tony Dylan-Hyde; April R. Morris
Subject: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)
Attachments: 2014-16-09 - Applicant's Second Set of RFPs to Opposer.pdf; 2014-16-09 - Notice of 30(b)(6) Deposition.pdf; 2014-16-09 - Applicant's Second Set of Interrogatories to Opposer.pdf

Hi Mary,

Please see attached. I'm still trying to coordinate with Jim and John regarding possible deposition dates, and I'll be in touch later this week.

Thanks,
Erin



Erin M. Hickey | Principal
12390 El Camino Real
San Diego, CA 92130
Direct Dial: 858-678-4327
Fax: 858-678-5099

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4765 / Virus Database: 4015/8228 - Release Date: 09/17/14

Exhibit M

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Wednesday, September 24, 2014 7:54 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

With their work schedules, the holidays, travel schedules, etc., Jim and John won't be available until January. That month is largely open, so let me what dates work for you, and I'll confirm they work for us, too. Either San Francisco or San Diego would work for the location of the depositions.

Can you let me know who you'll be designating in response to our 30(b)(6) Notice and can we calendar those depositions (assuming you'll be designating more than one witness) for the second or third week of December?

Given the upcoming depositions and the holidays, I think we'll need to extend all deadlines again. Do you agree?

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Wednesday, September 24, 2014 12:52 PM
To: Erin Hickey
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – any word on dates for your witnesses?

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Tuesday, September 16, 2014 8:16 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Kathy Tsai; Tony Dylan-Hyde; April R. Morris
Subject: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Please see attached. I'm still trying to coordinate with Jim and John regarding possible deposition dates, and I'll be in touch later this week.

Thanks,
Erin



Erin M. Hickey | Principal
12390 El Camino Real
San Diego, CA 92130
Direct Dial: 858-678-4327
Fax: 858-678-5099

Exhibit N

Mary True

From: Mary True <mtrue@ustrademarklawyer.com>
Sent: Friday, September 26, 2014 10:37 AM
To: 'Erin Hickey'
Cc: 'Kathy Tsai'; 'April R. Morris'; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin –

If your witnesses can't be available until January, then I guess we'd better get a 90 day extension of all dates, and let's pencil in the week of January 19. The client is still reviewing your 30(b)(6) notice, which seeks testimony on topics that appear to be significantly outside the scope of this opposition, as do your discovery requests, so we'd like an extra 30 days to respond. Our witnesses will be available in February for deposition.

Let me know if you would like me to file the extension.

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Wednesday, September 24, 2014 7:54 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

With their work schedules, the holidays, travel schedules, etc., Jim and John won't be available until January. That month is largely open, so let me what dates work for you, and I'll confirm they work for us, too. Either San Francisco or San Diego would work for the location of the depositions.

Can you let me know who you'll be designating in response to our 30(b)(6) Notice and can we calendar those depositions (assuming you'll be designating more than one witness) for the second or third week of December?

Given the upcoming depositions and the holidays, I think we'll need to extend all deadlines again. Do you agree?

Thanks,
Erin

Exhibit O

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Friday, September 26, 2014 2:17 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

If you would be willing to file the 90-day extension, that would be great; if not, we can handle.

The week of January 19 works for me, and I'll confirm with Jim and John that they also are available that week. Would you prefer San Francisco or San Diego for the location of the depositions?

I can't agree to extend your client's deadline for responding to our second sets of discovery. If you believe that certain topics are beyond the scope of this proceeding, then you can object. I'll consider your position at that time, and move to compel your client's responses and production, if necessary. I also can't agree to February for your client's deposition. I noticed the deposition in September; February is almost six months later. I'll need to depose your witnesses this year, so please let me know who the witnesses will be and what their availability is in December.

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Friday, September 26, 2014 7:37 AM
To: Erin Hickey
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin –

If your witnesses can't be available until January, then I guess we'd better get a 90 day extension of all dates, and let's pencil in the week of January 19. The client is still reviewing your 30(b)(6) notice, which seeks testimony on topics that appear to be significantly outside the scope of this opposition, as do your discovery requests, so we'd like an extra 30 days to respond. Our witnesses will be available in February for deposition.

Let me know if you would like me to file the extension.

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

Exhibit P

Mary True

From: Mary True <mtrue@ustrademarklawyer.com>
Sent: Friday, September 26, 2014 2:23 PM
To: 'Erin Hickey'
Cc: 'Kathy Tsai'; 'April R. Morris'; 'jdreitler@ustrademarklawyer.com'; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – I noticed your witnesses a year ago. We will not make them available until after your witnesses are deposed. If you would like to schedule your witnesses for depositions in November, I will see if our witnesses can be available in December.

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Friday, September 26, 2014 2:17 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

If you would be willing to file the 90-day extension, that would be great; if not, we can handle.

The week of January 19 works for me, and I'll confirm with Jim and John that they also are available that week. Would you prefer San Francisco or San Diego for the location of the depositions?

I can't agree to extend your client's deadline for responding to our second sets of discovery. If you believe that certain topics are beyond the scope of this proceeding, then you can object. I'll consider your position at that time, and move to compel your client's responses and production, if necessary. I also can't agree to February for your client's deposition. I noticed the deposition in September; February is almost six months later. I'll need to depose your witnesses this year, so please let me know who the witnesses will be and what their availability is in December.

Thanks,
Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Friday, September 26, 2014 7:37 AM
To: Erin Hickey
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin –

If your witnesses can't be available until January, then I guess we'd better get a 90 day extension of all dates, and let's pencil in the week of January 19. The client is still reviewing your 30(b)(6) notice, which seeks testimony on topics that appear to be significantly outside the scope of this opposition, as do your discovery requests, so we'd like an extra 30 days to respond. Our witnesses will be available in February for deposition.

Let me know if you would like me to file the extension.

Mary

Exhibit Q

Mary True

From: Erin Hickey <Hickey@fr.com>
Sent: Wednesday, October 01, 2014 8:15 PM
To: Mary True
Cc: Nancy Ly; Tony Dylan-Hyde; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Sorry my delay; I was trying to nail down exact dates for you! We'll make John available 1/20/15 and Jim available 1/22/15 for their depositions. Do these dates work for you? I'll get back to you about location (San Diego vs. San Francisco) shortly.

Can we calendar the second week in February for our 30(b)(6) deposition? If you have two witnesses, I'd prefer to depose them both that week, if possible. Please also confirm the location of the deposition(s).

Given that we have to extend these depositions into the New Year, I'd like to request a 120-day extension of all deadlines, as opposed to our typical 90-day extension. If you agree, we can file that with the Board tomorrow.

Thanks,
Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Monday, September 29, 2014 12:06 PM
To: Erin Hickey
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

I have no preference either way.

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Monday, September 29, 2014 3:04 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Can you let me know if you're amenable to deposing Jim and John in either San Francisco or San Diego?

Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Friday, September 26, 2014 11:23 AM
To: Erin Hickey
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)