

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

Gustafson, LLC

Petitioner,

vs.

Circle One International, Inc.

Registrant

Cancellation No. 92041710

CONSOLIDATED WITH

Circle One International, Inc. and
Smart World Organics

Petitioner,

vs.

Gustafson, LLC

Registrant

Cancellation No. 92043663

BOX TTAB

NO FEE

United States Patent and Trademark Office

Trademark Trial and Appeal Board

P.O. Box 1451

Arlington, VA 22313-1451

COMES NOW Gustafson, LLC (“Gustafson”), by and through its counsel of record, and files this its response to the Trademark Trial and Appeal Board’s (the “TTAB”) order to show cause; and would respectfully show as follows:

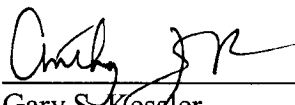


02-14-2006

U.S. Patent & TMC. c/TM Mail Rcpt Dt.

1. On or about January 3, 2005, the TTAB combined and consolidated Cancellation Number 92041710 together with Cancellation Number 92043663 (the "Consolidation Order").
2. The Consolidation Order indicates that Smart World Organics is the "party plaintiff".
3. The Consolidation Order then goes on to list deadlines involved in the Discovery Period.
4. Based on the Consolidation Order, Gustafson believed that the "party plaintiff" was Smart World Organics and Circle One International, Inc., and that they were the party that needed to file the first brief pursuant to.
5. On or about January 4, 2006, the TTAB sent a correspondence to Gustafson in which it states that the petitioner has thirty (30) days to show that it is not conceding this case. Upon review of the TTAB's January 4th, 2006 correspondence, Gustafson learned for the first time that it (and not Smart World/Circle One) was the "party plaintiff".
6. Gustafson certainly does not concede this case. Gustafson requests that it be given time, not shorter than thirty (30) days from February 3, 2006, to file a brief pursuant to Trademark Rule 2.128(a).

KESSLER & COLLINS, P.C.



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ATTORNEYS FOR APPLICANT
GUSTAFSON, LLC

Date: February 3, 2006


Please direct all telephone calls to:

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Certification of Mailing

I hereby certify that this document is being deposited with the United States Postal Services as on the deposit date below in an envelope with sufficient postage addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Arlington, VA 22313-1451.

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