

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: July 20, 2005

Opposition No. 92044067

REPLY! INC.

v.

J.D. POWER CLUBS, INC.

David Mermelstein, Attorney:

It is noted that Reply! Inc. and J.D. Power Clubs, Inc. are represented by the same attorney, namely, Allyn Taylor, Esq. As a general rule, an attorney may not represent parties with conflicting interests in proceedings before the PTO. See Patent and Trademark Rule 10.66, 37 CFR § 10.66, and TBMP § 114.08; see also Rules 1.7 and 1.9 of the American Bar Association's Model Rules of Professional Conduct.

In accordance with Trademark Rule 2.61(c), 37 CFR § 2.61(c), the parties and their attorney are hereby notified of the possible conflict of interest. It is the responsibility of counsel to insure that there is no violation of the cited rules. If an impermissible conflict

Opposition No. 92044067

exists, counsel should take appropriate action immediately, failing which counsel may be subjected to disciplinary action. See Patent and Trademark Rule 10.20(b), 37 CFR § 10.20(b).

.oOo.

cc:

Allyn Taylor
DLA Piper Rudnick Gray Cary LLP
2000 University Avenue
East Palo Alto CA 94303-2248

J.D. POWER CLUBS, INC.
221 MAIN STREET, SUITE 250
SAN FRANCISCO, CA 94105

Reply! Inc.
3000-F Danville Blvd., Suite 151
Alamo, CA 94507