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Filing date: **09/28/2018**

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

Proceeding	92058950
Party	Defendant Variety House Dist. LLC
Correspondence Address	VARIETY HOUSE DIST LLC 3450 S OCEAN BLVD PALM BEACH, FL 33480 UNITED STATES Kimmarieflores@outlook.com, kmullrichflores@gmail.com no phone number provided
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Filer's Name	/kimullrichflores/
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Sept. 28,2018 Corrected document

PROCEEDING: 92058950

DEFENDANT DEFENDANT

VARIETY HOUSE DIST. LLC

RESPONSE TO MOTION TO REOPEN TESTIMONY

THE PLAINTIFF FAILED TO MENTION THAT ON June 11,2018 DEFENDANT ARRIVED AT THE OFFICE OF MR. HERRERA AT 11:00 AM TO GIVE TESTIMONY. THE REGISTRANT HAD CONFIRMED BY TEXT THAT SHE WOULD BE THERE AS THE REPRESENTATIVE OF VARIETY HOUSE. PHONE VIDEO DATED AND STAMPED OUTSIDE AS PROOF. MR. HERERRERA STATED THAT THE COURT REPORTER WAS DISMISSED THE MATTER WAS CLOSED. THE COURT SHOULD TAKE NOTE OF THE TIMING OF THIS INCIDENT, THE WINDOW OF OPPORTUNITY WOULD BE CLOSED AS OF JUNE 13,2018. THE MOTION TO COMPEL WAS THEN FILED SHORTLY AFTER.

THE DEATH OF A BELOVED AUNT MADE IT IMPOSSIBLE FOR THE REGISTRANT TO ATTEND 8/23/18 REQUEST TO GIVE TESTIMONY.

THE PLAINTIFF HAS RECEIVED THE TESTIMONY WITHIN THE SCHEDULED TIME AND THE PLAINTIFF WOULD HAVE THE COURT BELIEVE THAT THE REGISTRANT IS RESPONSIBLE FOR THEIR LACK OF FOLLOW-UP WITH THEIR COURT REPORTER. HOW CAN THIS BE THE RESPONSIBILITY OF THE DEFENDANT?

THE ANSWER REGARDING THE REQUEST TO RE-OPEN TESTIMONY, SHOULD BE DENIED, IF THE COURT GAVE THE TIME NECESSARY IT SHOULD BE FOLLOWED.

THE UNDERSIGNED HEREBY CERTIFIES THAT A COPY OF THIS DOCUMENT HAS BEEN SERVED ON ALL PARTIES.

E-MAILED ON THIS DATE 9/28/18 (corrected document)

