

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: December 19, 2003

Concurrent Use No. 94002055

**Rocky Mountain Soda Brew
Company, Inc., The**

V.

Pinnacle Rawhide, L.L.C.

**To: Steven C. Petersen
Chrisman Bynum & Johnson PC
1900 15th Street
Boulder, Colorado 80302**

**Re: Serial No.: 75302149
Filed: 6/03/1997**

Janice D. Hyman, Paralegal:

A concurrent use proceeding involving your above-identified application is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946. The proceeding will be conducted in accordance with the Rules of Practice in Trademark Cases, as set out in Title 37 of the Code of Federal Regulations.

The Rocky Mountain Soda Brew Company, Inc., the registrant referred to in your application, is being notified on this date of the institution of the concurrent use proceeding and is being supplied with a copy of your application, in accordance with the provisions of Rule 2.99. As the owner of a registration (nos. 1,169,697 and 1,167,730), The Rocky Mountain Soda Brew Company, Inc. is not required to file an answer but may do so under Rule 2.99. The Trademark Trial and Appeal Board has set **January 28, 2004** as the due date for any such answer.

You are requested to advise the Board of any relevant applications or registrations, other than those already referenced herein, which should be included in this

concurrent use proceeding. Your response, if any, should be in writing and must be filed on or before **January 28, 2004**.

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party WITHIN THIRTY DAYS after completion of the taking of testimony. Rule 2.125.

Discovery to open: **January 8, 2004**

Discovery to close: **July 6, 2004**

Testimony period for party in
position of plaintiff to close: **October 4, 2004**
(opening thirty days prior thereto)

Testimony period for party in
position of defendant to close: **December 3, 2004**
(opening thirty days prior thereto)

Rebuttal testimony period to close: **January 17, 2005**
(opening fifteen days prior thereto)

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.

CC:

TODD R. NISSLE
TODD R. NISSLE, P.C.
P.O. BOX 55630
PHOENIX, AZ 85078