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Via E-Mail and U.S. Mail

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Re: TTAB Cancellation Proceeding No. 92048736

Dear Ms. Goodman:

It was a pleasure speaking to you yesterday regarding the above-referenced proceeding. As we discussed on the phone, the Respondent in this matter has been consistently uncooperative, to the point where I fear it will become difficult to comply with the litigation deadlines set forth in the TTAB Order entered March 19, 2008 absent intervention by the Board. I have attempted several times to schedule a Discovery conference with Mr. Holmes – the results of those attempts have not been rewarding.

Absent your specific request, I will spare you the details of Mr. Holmes earlier consistent harassment of both myself and my client. Instead, I attach merely the string of e-mails between Mr. Holmes and my assistant, Jessica, which specifically relate to the attempted scheduling of a Discovery conference on or before the deadline of May 18, 2008, along with the correspondence referenced therein for April 22 and April 23, 2008, respectively.

I would appreciate your intervention in scheduling the Discovery conference. Not only does Mr. Holmes refuse to engage us in a constructive manner, but he has now placed me in an ethical bind. He has stated that he is represented by counsel. The rules of professional responsibility forbid me from communication with a represented party – yet Mr. Holmes refuses to disclose the name of his attorney.

Please advise as to whether the Board can intervene, whether I may begin unilaterally scheduling dates, or whether you have some alternative in mind.

Very Truly Yours,



Marc J. Randazza
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MJR/ja
Encls. E-mails between Respondent and
Jessica Aponte, Legal Assistant.
cc: Brad Holmes (via ~~U.S. Mail~~ only)
email