

TTAB

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

HERA, LLC,	)	
Opposer	)	Opposition Nos. 91161633
v.	)	91161648
EC&C TECHNOLOGIES, INC.,	)	
Applicant	)	

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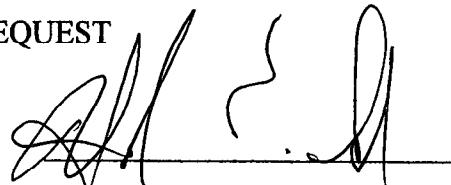
TRANSMITTAL LETTER (GENERAL)

(With Certificate of Mailing by Express Mail)

Transmitted herewith is the following document in triplicate:

- A. OPPOSER'S PROPOSED AMENDMENT TO APPLICANT'S PROTECTIVE ORDER (Footnote Identification POF 108140)
- B. OPPOSER'S FOLLOW UP SUPPLEMENTAL RESPONSE TO APPLICANT'S DOCUMENT PRODUCTION REQUEST

Dated: January 18, 2005



Howard E. Sandler, Esq.

Hera, LLC

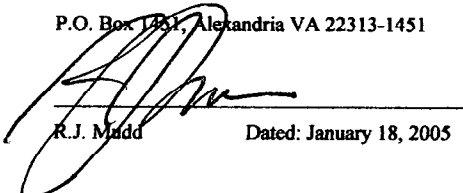
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Lake Forest, CA 92630

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I certify that this document is being deposited on January 18, 2005  
with the U.S. Postal Service "Express Mail Post Office to Addressee"  
service under 37 C.F.R.1.10 Express Mail Label No. ER 192067729  
and is addressed to Box TTAB NO FEE, Commissioner for Trademarks,  
P.O. Box 1451, Alexandria VA 22313-1451



R.J. Midd Dated: January 18, 2005



01-20-2005

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

HERA, LLC,	)	
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Opposer	)	Opposition Nos. 91161633
v.	)	91161648
	)	
EC&C TECHNOLOGIES, INC.,	)	Date: January 18, 2004
	)	
Applicant	)	

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- B. OPPOSER'S FOLLOW UP SUPPLEMENTAL RESPONSE TO APPLICANT'S DOCUMENT PRODUCTION REQUEST.

1 As to Subject "A" above:

- 1.1. Opposer has enclosed herewith two originally signed copies of a proposed Protective Order for the subject oppositions, and hereby requests that, if the Applicant's attorney finds it acceptable, that both copies be countersigned by, or on behalf of, the Applicant, and a fully signed copy be returned to Opposer.
- 1.2. Opposer has additionally enclosed a "redline" copy of Page 1 of the enclosed

agreement, so that Applicant may readily view the sole addition to Applicant's original draft. This change was made in view of the current discussions between the parties, wherein they have not reached a final agreement for an all encompassing Protective Order. In this regard, the currently amended Protective Order will be sufficient for Opposer for it only is drawn with respect to the current Document Production Request. This arrangement will take care of present problems and permit counsel for both parties to agree firmly as to protective measures for subsequent discovery matters.

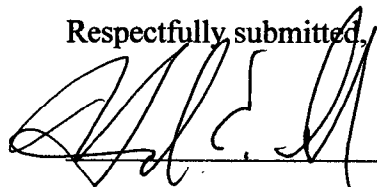
- 1.3 Opposer has noted Applicant's remarks with respect to its choice of outside counsel. In this regard, Opposer has not taken a "cavalier attitude" in this matter, but merely wished to make Applicant well aware of the fact that the outside attorney selected is the son-in-law of Opposer's in-house attorney and principal and, further, the Opposer is not turning over all legal matters to him, but only those matters which are for outside counsel's eyes only. Furthermore, Mr. Salvin will be made fully aware of his legal duty not to discuss confidential matters with any owners of Hera, or its inside counsel. As to Mr. Mueth's claim that Mr. Salvin has a financial interest in the outcome of the trademark oppositions, such a claim is absurd and has absolutely no sound basis in fact. Mr. Salvin has no ownership interest in Hera, nor has he been given any reason whatsoever to believe that he will benefit from the outcome of the instant Oppositions. Mr. Salvin will simply be paid on a hourly basis, in the same manner he has been paid in the past, when occasionally retained by Hera. Furthermore, if Mr. Mueth elects to proceed with this tact, Opposer requires case law from Mr. Mueth to support this position. In any event, in order to insure a current orderly response to matters outstanding, Applicant's counsel, at this time may merely identify documents he is not providing because of this familial relationship and the matter can thereafter be addressed after the issue of outside counsel is resolved.

2. As to Subject "B" above:

- 2.1. To satisfy Applicant's continuing objections to Opposer's prior responses to Applicant's Document Production Requests, Opposer is enclosing herewith complete, partially redacted copies of the License Agreement and Termination Agreement. The redactions are primarily royalty, technical, and territorial matters, which have nothing to do with trademark issues and are not mentioned, inferred, identified, or in any manner germane to such issues. Further, the License Agreement and Termination Agreement which, while being made available to Applicant's counsel, are of a confidential nature and should not be made available to others, including the Applicant and its owners.
- 2.2 For the record, Opposer once again makes reference to the fact that Applicant's counsel is simultaneously sending trademark and patent issue letters to third parties regarding the marks in questions, as well as patents allegedly covering the underlying product. Indeed, such letters have been very recently sent to a Licensee of Opposer and, as a result of such letters, such Licensee has expressed concern because of the nature of the tone and rhetoric in such letters. Opposer mentions this point, to express its concern that the Applicant's counsel may unintentionally use confidential information gained during the trademark oppositions, for matters relating to the aligned patents.

Dated: January 18, 2005

Respectfully submitted,



Howard E. Sandler, Esq.

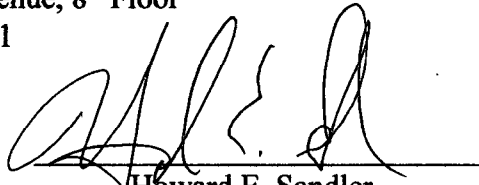
23792 Rockfield Blvd., Suite 140

Lake Forest, CA 92560

The undersigned hereby certifies that a true and complete copy of the foregoing OPPOSER'S PROPOSED AMENDMENT TO APPLICANT'S PROTECTIVE ORDER (Footnote Identification POF 108140) and OPPOSER'S FOLLOW UP SUPPLEMENTAL RESPONSE TO APPLICANT'S DOCUMENT PRODUCTION REQUEST is being served on Applicant this 18<sup>th</sup> day of January 2005, by forwarding same via Express Mail, postage prepaid addressed to:

Joseph E. Mueth, Esquire  
Joseph E. Mueth Law Corporation  
225 South Lake Avenue, 8<sup>th</sup> Floor  
Pasadena, CA 91101

Dated: 1/18/05

A handwritten signature in black ink, appearing to read 'H. Sandler', is written over a horizontal line.

Howard E. Sandler  
Hera, LLC  
23792 ROCKFIELD Blvd., Suite 140  
Lake Forest, CA 92630

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