

ESTTA Tracking number: **ESTTA233598**

Filing date: **08/29/2008**

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

Proceeding	92048700
Party	Plaintiff Mr.Edward Hise
Correspondence Address	Stephen H. Sturgeon, Jr., Esquire 11116 Hurdle Hill Drive Potomac, MD 20854 UNITED STATES shs@sturgeonfirm.com, sturgeons@aol.com
Submission	Response to Board Order/Inquiry
Filer's Name	Stephen H. Sturgeon
Filer's e-mail	shs@sturgeonfirm.com, shsturgeon@comcast.net, shsturgeon@earthlink.net
Signature	/shsturgeonesquire/
Date	08/29/2008
Attachments	3ffTTAB response to order.pdf (77 pages)(1719105 bytes)

2. The Orders and Judgment of the United States District Court, Central District of California (the "District Court") did not adjudicate the validity of the registration that is the subject of this Petition. The Orders and Judgment also did not address or make any adjudication with respect to the allegations and claims of Petitioner upon which this Petition to Cancel is based and supported. Copies of these Orders and Judgment of the District Court upon which Respondent bases its request (that this Proceeding be dismissed with prejudice) are attached hereto as follows:

- (a) The Order of the District Court issued on May 27, 2008 is attached as Exhibit B.
- (b) The Amended Order of the District Court entered on June 10, 2008 is attached as Exhibit C.
- (c) The Judgment of the District Court entered on June 24, 2008 is attached as Exhibit D

Petitioner now respectfully requests that the Proceeding not be dismissed with prejudice and that judgment in this proceeding should not be entered on respondent's behalf

Respectfully submitted,

/Stephen H. Sturgeon/
Stephen H. Sturgeon, Jr., Esquire
Dated: August 27, 2008
11116 Hurdle Hill Drive
Potomac, Maryland 20854
Tel: 301 983 6111
Fax: 202 595 7806
Email: shs@sturgeonfirm.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that, on August 27, 2008, a true copy of the foregoing Response To Board's Order To Show Cause was served by first Class Mail on counsel for Petitioner as follows:

Jenifer deWolf Paine
Proskauer Rose LLP
1585 Broadway
New York NY 10036

BY: /Stephen H. Sturgeon/
Stephen H. Sturgeon, Jr., Esquire

NOTE: Numerous electronic filing difficulties have been encountered. Some of the latest difficulties are documented in the "error reports" attached at the end of this filing

EXHIBIT A



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.