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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)

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

In the Matter of Registration no. 3,167,446

Edward Hise, an individual,)	
)	
Petitioner,)	
)	
V)	Cancellation No. 92048700
)	Mark: GOPETS
)	
GOPETS, Ltd (Republic of Korea Limited)	
Liability Corporation),)	
)	
Registrant)	
)	
)	

PETITIONER’S RESPONSE TO BOARD’S ORDER TO SHOW CAUSE

On June 30, 2008 Respondent filed a Notification of Disposition of Civil Action alleging that “the Civil Action between the Parties has been resolved in Respondent’s favor” and requesting that the Proceeding be dismissed with prejudice.

Petitioner respectfully submits that the Proceeding should not be dismissed with prejudice and that judgment in this proceeding should not be entered on Respondent’s behalf for the following reasons:

1. The Civil Action that prompted suspension of this case has NOT been finally determined. Appeal to the Ninth Circuit Court of Appeals has been duly filed and has not yet been reviewed, considered or adjudicated by the Ninth Circuit Court of Appeals. Attached hereto as Exhibit A is a true and correct copy of the appeal documents and confirmations that have been filed in this case.

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

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