

SUPPORTING EVIDENCE

It must be noted that any reasonable law firm contesting an infringement would;

- a). Send a demand or cease letter or,
- b). If no response sent an additional demand or cease letter,
- c). Use the assistance of a carrier or,
- d). Send a certified demand or cease letter(s),
- e). Attempt to resolve the matter through verifiable documented communication,
- f). No vague or ambiguous demand or cease letter(s),
- g). Specifically address any and "**ALL**" contested marks "**SPECIFICALLY**".

Claim

Plaintiff did not attempt to correctly and properly **rectify the matter** before taking Defendant to Court their by violating Defendant due process **right to respond**. This matter could have been settled with simple "COMMUNICATION" with out the assistance of the Courts.

Plaintiff did not attach any specific demand or cease letters to his opposition because there were none; there was no communication, no letters of communication specifically **addressing EACH** mark(s) sought in the lawsuit.

PLAINTIFFS LAWSUTE FILING WAS PREMATURE.

There are no "**disputed**" material facts to decide WITHOUT FRIST ATTEMPTING TO RECTIFY THE MATTER. The sole basis for the motion for judgment to dismiss is based on Plaintiff's unnecessary filing with out as much as an informal round table **or any correspondence** this is not conducive to **basic due process** and therefore, Defendant contends that Plaintiff's complaint be respectfully traversed.

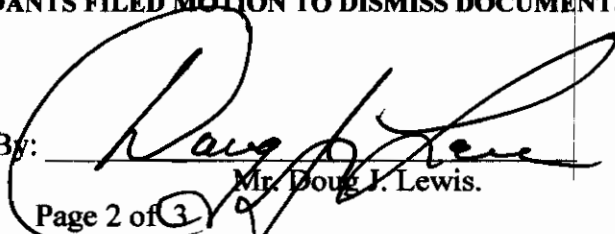
WHEREFORE, Defendant prays that Case # 407CV00473CEJ

be dismissed; and for such other and further relief as the court may deem proper.

IT IS REQUESTED THAT DEFENDANTS SIGNATURE BE ACCEPTED FOR THIS DOCUMENT AND FOR DEFENDANTS FILED MOTION TO DISMISS DOCUMENT.

Dated: May 11, 2007

By:



Mr. Doug J. Lewis.

CERTIFICATE OF MAILING AND SERVICE

I certify that on of before May 11, 2007 an original of Defendants Motion to Dismiss is being deposited with the United States Postal Service as First Class Mail in an envelope to:

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Dated: May 11, 2007

By: 
Mr. Doug J. Lewis.