

# TTAB

TRADEMARK OPPOSITION  
15027.203

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

SINCLAIR OIL CORPORATION

Opposer,

v.

SUMATRA KENDRICK

Applicant.

Opposition No. 91152940

### CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1450, on this 13<sup>th</sup> day of September 2005:

- Motion to Amend the Pleadings and Memorandum in Support Thereof (19 pgs.)
- Motion to Suspend and Memorandum in Support Thereof (6 pgs.)
- Declaration of Robyn L. Phillips in Support of Motion to Amend the Pleadings (112 pgs.)
- Postcard

Respectfully submitted,



ROBYN L. PHILLIPS  
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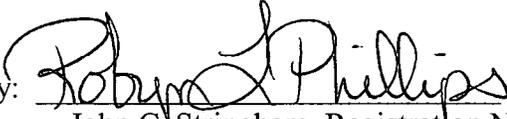


09-19-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72



DATED this 13<sup>th</sup> day of September, 2005.

By: 

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SINCLAIR OIL CORPORATION

## MEMORANDUM OF POINTS AND AUTHORITIES

Opposer Sinclair Oil Corporation (“Sinclair”) respectfully submits the following memorandum of points and authorities in support of its Motion to Amend the Pleadings.

### **I. INTRODUCTION**

By this Motion, Sinclair hereby moves the Court for leave to amend its Notice of Opposition pursuant to 37 C.F.R. § 2.107 and Fed. R. Civ. P. 15. The Amendment sought by this motion would add additional bases for Sinclair’s Opposition to be sustained and Application Serial No. 76/212,011 (the “Application”) refused. Specifically, the two additional bases are (1) Applicant’s mark does not meet the requirements for registration under § 1(a) of the Trademark Act (15 U.S.C. § 1051(a)) because Applicant has not used her mark in commerce, and thus, the application is void *ab initio*; and (2) Applicant’s Application is invalid because Applicant made false, material representations to the United States Patent and Trademark Office (“USPTO”) that Applicant knew to be false.

### **II. BACKGROUND**

Applicant filed the Application under § 1(a) of the Trademark Act on February 20, 2001. [Phillips Decl., Exh. A.] On June 6, 2003, Sinclair propounded discovery on Applicant including Sinclair’s First Set of Interrogatories to Applicant. [Phillips Decl., Exh. B.] Interrogatory No. 3 states “[i]f Applicant has used the name or mark STACCHI’S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, in interstate commerce, identify the exact date(s) of the first such use.” [*Id.*] On August 29, 2003, Applicant served Sinclair Sumatra Kendrick’s Second Set of Supplemental Answers to Interrogatories. [Phillips Decl., Exh. C.] In response to Interrogatory No. 3, Applicant states:

“The name and mark “STAACHI’S & CO. 1996” has never been used in commerce. This name and mark was registered as a Fictitious Business Name Statement in California in March 1996 to reserve the name and notice others that I intended to do business in the future under that name[.] Applicant in 1996 created about 25 sample products, none are now in existence, and this was a one time creation.”

[*Id.* at 6.] Further, in Response to Interrogatory No. 1, Applicant asserts:

“Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. **Applicant has not engaged in commerce**, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened. ”

[*Id.* at 1, no. 3) (emphasis added); *see also* Responses to Interrogatory Nos. 2-36.] Finally, in response to Interrogatory No. 4, Applicant asserts that it “has no invoices, documents, or writings that would establish “use” in commerce.” [*Id.* at 8.]

On October 17, 2003, Sinclair propounded Sinclair’s First Set of Request for Admissions on Applicant. [Phillips Decl., Exh. D.] Request for Admission No. 15 states: “Admit that the name and mark “STAACHI’S & CO. 1996” has never been used in commerce.” [*Id.* at 6.] Applicant responded with an admission. [Phillips Decl., Exh. E.] Similarly, Request for Admission No. 52 states: “Admit that Applicant has not engaged in commerce.” [Phillips Decl., Exh. D, at 11.] Applicant again responded with an admission. [Phillips Decl., Exh. E.]

Based on this information which Sinclair learned through the discovery process, it is clear that (1) the Application does not meet the requirements of § 1(a) under which it was filed; and (2) the Applicant made false material representations in the Application. Accordingly, Sinclair should be granted leave to amend the Notice of Opposition.

### III. ARGUMENT

#### A. Leave to Amend is to be Freely Granted

Amendments to pleadings are governed by 37 C.F.R. § 2.107(a) which states that “[p]leadings in an opposition proceeding may be amended in the same manner and to the same extent as in a civil action in a United States district court.” Therefore, Rule 15(a) of the Federal Rules of Civil Procedure also governs amendments to pleadings in opposition proceedings before this Board. Rule 15 states that “leave to amend ‘should be freely given when justice so requires;’ this mandate is to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1992) (citation omitted); *see generally Boral Ltd. v. FMC Corp.*, 59 U.S.P.Q.2d 1701 (TTAB 2000). Although the ability to amend a pleading is not automatic

and requires court approval, governing authorities have concluded that a court should freely grant leave to amend when justice requires, absent a substantial reason to deny. *Id.* Accordingly, in exercising its discretion, the Board should be guided by the underlying purpose of allowing amendments in order to facilitate a complete decision on the merits. *Filmtec Corp. v. Hydranautics*, 67 F.3d 931, 935 (Fed. Cir. 1995), *cert. denied*, 117 S. Ct. 62 (1996).

Consistent with the accepted principles of liberally allowing amendments to pleadings, one Circuit Court has clearly outlined the mandate of Rule 15(a) as follows:

This Court has noted “on several occasions . . . that the ‘Supreme Court has instructed the lower federal courts to heed carefully the command of Rule 15(a), Federal Rules of Civil Procedure, by freely granting leave to amend when justice so requires.’” Thus, “Rule 15’s policy of favoring amendments to pleadings should be applied with ‘extreme liberality.’” This liberality in granting leave to amend is not dependent on whether the amendment will add causes of action or parties. It is, however, subject to the qualification that amendment of the complaint does not cause the opposing party undue prejudice, is not sought in bad faith, and does not constitute an exercise in futility.

*DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987).

This Board liberally grants leave to amend pleadings at any stage of the proceedings when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party. TMEP § 507.02; *see Boral Ltd.*, 59 U.S.P.Q.2d at 1701. This is so even when a plaintiff seeks to amend its complaint to plead a claim other than that stated in the original complaint. *See, e.g., Marmark Ltd. v. Nutrexpa S.A.*, 12 U.S.P.Q.2d 1843, 1844 (TTAB 1989); *Fioravanti v. Fioravanti Corrado S.R.L.*, 230 U.S.P.Q. 36, 40 (TTAB 1986).

**B. The Proposed Amended Complaint Should Be Allowed**

Sinclair’s motion to amend falls well within the parameters set by 37 C.F.R. § 2.107(a). Opposer respectfully submits that there are no grounds for refusing its request for leave to amend the Notice of Opposition.

Applicant filed the Application under § 1(a) of the Trademark Act (15 U.S.C. § 1051(a)) on February 20, 2001, and asserted a first use of the mark in commerce on March 20, 1996. [Phillips Decl, Exh. A.] However, in Sumatra Kendrick's Second Set of Supplemental Answers to Interrogatories, Applicant asserts that "Applicant has not engaged in commerce." [Phillips Decl., Exh. C.] Obviously, if Applicant has not engaged in commerce, Applicant is not eligible for federal trademark registration under §1(a) of the Trademark Act. Sinclair's discovery that "Applicant has not engaged in commerce" raises serious questions regarding Applicant's representations to the United States Patent and Trademark Office ("USPTO") in the Application. Further, as it was impossible for Sinclair to know that Applicant would make such a blatant misrepresentation to the USPTO at the time of filing the Application (*i.e.* that Applicant had used the mark in commerce since March 20, 1996 when it admittedly did not), Sinclair should be allowed to amend its Notice of Opposition based upon this newly discovered information.

Likewise, Applicant's discovery responses raise serious questions as to Applicant's conduct before the USPTO. If Applicant has not engaged in commerce, Applicant's attempt to obtain a registration based upon representations of prior use in commerce would constitute fraud. *See Torres v. Cantine Torresella S.r.L.*, 1 U.S.P.Q.2d 1483, 1484 (Fed. Cir. 1986) (in order to prevail on a claim of fraud for misstating in an application that the mark is in use, opposer must plead and prove that respondent knowingly made false, material representations of fact in connection with application.)

To constitute fraud on the USPTO, a statement must be (1) false, (2) made knowingly, and (3) a material representation. The charge of fraud upon the Office must be established by clear and convincing evidence. *See Giant Food, Inc. v. Standard Terry Mills, Inc.*, 229 U.S.P.Q. 955, 962 (TTAB 1986). Critical to the present motion is the requirement that "[i]n all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." Fed. R. Civ. P. 9(b); *Intellimedia Sports Inc. v. Intellimedia Corp.*, 43 U.S.P.Q.2d 1203, 1205 (TTAB 1997); *see generally* 37 C.F.R.

2.116(a). Because all averments of fraud must be plead with particularity, it is necessary for Sinclair to amend the Notice of Opposition to incorporate the information learned in discovery which it asserts constitutes a fraud on the USPTO. Accordingly, the Board should grant Sinclair leave to amend the pleadings to plead fraud with particularity.

In the case at bar, Applicant's own admission that it has not engaged in commerce brings into question Applicant's (1) ability to register under §1(a) of the Trademark Act; and (2) intentions in making misrepresentations to the USPTO. As demonstrated above, both bases provide ample reason for this Board to grant leave to amend.

**C. Applicant Bears the Burden of Showing Prejudice**

It is a well-accepted principle of law that "the party opposing the amendment bears the burden of showing prejudice." *See DCD Programs*, 833 F.2d at 187. Inasmuch as Sinclair is not requesting that the discovery period be lengthened as a result of its proposed amendments, Applicant cannot claim any undue prejudice that it may suffer due to the proposed amendments. Rather, Sinclair seeks to have the Notice of Opposition amended and the parties engage in discovery for the same period of time as remains from the filing date of the present motion. Accordingly, Sinclair respectfully submits that there are no facts supporting any allegation of bad faith or dilatory motive on the part of Sinclair. On the contrary, since Applicant's own admissions raise serious questions of misrepresentation to the USPTO, justice requires that Sinclair's motion be granted.

Further, Sinclair does not wish to significantly increase the length of the proceedings. On the contrary, as stated in Sinclair's Motion to Suspend, filed concurrently herewith, Sinclair is only requesting that the status quo be maintained and that the Scheduling Order in the present case dated July 25, 2005, be suspended until a decision can be rendered by the Board on the present Motion to Amend. More specifically, in its Motion to Suspend, Sinclair only seeks that once a decision is made on its Motion to Amend, the discovery period be reset to allow as much time for completion of discovery as is remaining at the time of the filing of

the motions (i.e. the difference between September 13, 2005 and October 21, 2005 or over five weeks).

Finally, the procedural requirement that fraud must be plead, and plead with particularity requires that Sinclair amend the Notice of Opposition accordingly. Because Sinclair only discovered the facts regarding Applicant's misrepresentations to the USPTO through the discovery process, Sinclair will be prejudiced if it is not permitted to amend the pleadings. Absent a factual showing by Applicant otherwise, the request for leave to amend should be granted.

#### IV. CONCLUSION

Based on the foregoing, justice requires that Sinclair be given leave to amend its Notice of Opposition in the manner proposed. Accordingly, Sinclair's Motion should be granted.

DATED this 13<sup>th</sup> day of September, 2005.

By:   
John O. Stringham, Registration No. 40,831  
Robyn L. Phillips, Registration No. 39,330  
James B. Belshe

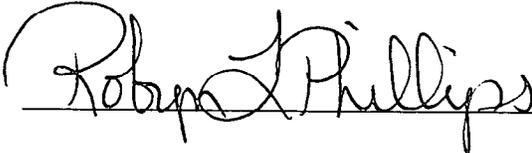
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Attorneys for Opposer  
SINCLAIR OIL CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **MOTION TO AMEND THE PLEADINGS AND MEMORANDUM IN SUPPORT THEREOF** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 13<sup>th</sup> day of September, 2005, in an envelope addressed as follows:

Sumatra Kendrick  
P.O Box 434  
Berkeley, California 94701

  
\_\_\_\_\_

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

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SINCLAIR OIL CORPORATION	)	Opposition No. 152,940
Opposer,	)	
v.	)	<b>[PROPOSED] AMENDED NOTICE</b>
SUMATRA KENDRICK	)	<b>OF OPPOSITION</b>
Applicant.	)	

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Opposer SINCLAIR OIL CORPORATION ("Sinclair"), a Wyoming corporation, believes that it will be damaged by registration of the mark shown in Application Serial No. 76/212,011 in International Class 35 and hereby opposes the same. The grounds for the opposition are as follows:

1. Sumatra Kendrick, an individual, whose address is P.O Box 434 Berkeley, California 94701 ("Applicant"), seeks to register STAACHI'S CO. 1996 & DESIGN as a trademark to be used in connection with "retail store services featuring bath products, gift products, candy products" as evidenced by the publication of such mark in the Official Gazette on page TM 497 of the May 28, 2002, issue.

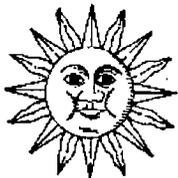
2. Applicant filed an application for registration under 15 U.S.C. § 1051(a), on February 20, 2001, alleging a date of first use of March 1996 and a date of first use in commerce of March 20, 1996 for International Class 35.

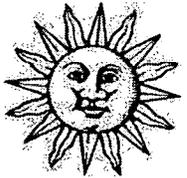
3. Since at least 1961 and long prior to the effective filing date of the subject application, Opposer has been engaged in providing and offering a wide variety of goods

and services in association with registered, pending and common law trademarks of Opposer. The goods and services offered by Opposer in association with such registered, pending and common law marks are such that the consuming public will likely be confused as to the source of goods offered by the Applicant.

4. Opposer is the owner of the following relevant trademark registrations which have been duly and legally issued by the United States Patent and Trademark Office:

**REGISTRATIONS**

Registration	Mark	Goods and Services
929,749	SUN DESIGN  	Sale, leasing and management of real estate apparel and gift store services (International Class 35); Providing recreational and entertainment services and facilities therefore, namely providing instruction in various outdoor sports activities, such as skiing, tennis and golf; arrangement and organization of sporting contests and exhibitions, namely ski races (International Class 41).
929,750	SUN VALLEY & SUN DESIGN  	Restaurant, hotel, lodging, and night club services (International Class 42); Sale, leasing and management of real estate; retail apparel and gift store services (International Classes 36, 42); Providing recreational and entertainment services facilities therefore, namely providing instruction in various outdoor sports activities, such as skiing, tennis and golf; arrangement and organization of sporting contests and exhibitions, namely ski races (International Class 41).
2,897,067	SUN VALLEY & RISING SUN DESIGN	Gift store services; retail store services; retail food and delicatessen services (International Class 35); Real estate agency services, namely leasing

		<p>of real property and condominium management; leasing of shopping mall space (International Class 36)  Transportation services, namely transportation of passengers by van or bus (International Class 39); Providing recreational and entertainment services and facilities for skiing, snowboarding, snowshoeing, golfing, tennis, ice skating, horseback riding, mountain biking; trap shooting. Providing instruction in various outdoor sports, namely, skiing, snowboarding, snowshoeing, golfing, tennis, ice skating; swimming, trap shooting. Arrangement and organization of sporting contests and exhibitions, ice skating shows and exhibitions. Entertainment services in the nature of hayride and sleigh rides. Movie theatres, ice rink, bowling alley, swimming pool, and playground facilities and services. Rental of sporting equipment, namely skis, snowboards, snowshoes, ice skates, bicycles, tennis rackets, golf clubs and related accessories (International Class 41); Resort services; restaurant services; hotel and lodging services; night club services; banquet and catering services and facilities; travel agency services; namely making reservations and booking for temporary lodging and transportation (International Class 43)</p>
2,978,288	<p>SUN DESIGN</p> 	<p>Goods made of metal (International Class 6); Decorative magnets (International Class 9); Jewelry and pins (International Class 14); Posters, postcards, note pads, stationery, pens, magazines and telephone directories (International Class 16); Non-metal key chains, key rings, key tags and plastic banners (International Class 20); Cups, mugs and glassware, namely glasses and plates</p>

		<p>(International Class 21); Clothing, namely t-shirts, shirts, gold shirts, polo shirts, hats, baseball caps, gold caps, sweatshirts, sweaters, coats, vests, gloves, scarves and ties (International Class 25); Embroidered and ornamental clothes patches (International Class 26); Sporting goods, golf balls, golf ball makers, golf tees, golf towels, head covers, golf clubs, exercise equipment (International Class 28); Gift store services; retail store and services; retail food and delicatessen services (International Class 35); Real estate agency services, namely leasing of real property and condominium management; leasing of shopping space (International Class 36); Transportation services; namely transportation of passengers by van or bus (International Class 39); Providing recreational and entertainment services and facilities for skiing, snowboarding, snowshoeing, golfing, tennis, ice skating, horseback riding, mountain biking; trap shooting. Providing instruction in various outdoor sports, namely, skiing, snowboarding, snowshoeing, golfing, tennis, ice skating; swimming, trap shooting. Arrangement and organization of sporting contests and exhibitions, namely ski races and exhibitions, ice skating shows and exhibitions. Entertainment services of the nature of hayrides and sleigh rides. Movie theaters, ice rink, bowling alley, swimming pool, and playground facilities and services. Rental of sporting equipment, namely skis, snowboards, snowshoes, ice skates, bicycles, tennis rackets, golf clubs and related accessories (International Class 41); Resort services; restaurant services; hotel and lodging services</p>
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DESIGN marks and that the public associates these marks with Opposer and/or its goods or services. Opposer has built up extensive goodwill with the sale of goods and services under its SUN DESIGN, SUN VALLEY & SUN DESIGN and SUN VALLEY & RISING SUN DESIGN marks.

10. Notwithstanding the inherent distinctiveness of the SUN DESIGN, SUN VALLEY & SUN DESIGN and SUN VALLEY & RISING SUN DESIGN marks, said SUN DESIGN, SUN VALLEY & SUN DESIGN and SUN VALLEY & RISING SUN DESIGN marks have also acquired secondary meaning to the public indicating Opposer as the source of goods and services bearing any of Opposer's SUN VALLEY & RISING SUN DESIGN marks, said SUN DESIGN, SUN VALLEY & SUN DESIGN and SUN VALLEY & RISING SUN DESIGN marks.

11. Applicant's marks wholly incorporates Opposer's trademark SUN DESIGN and is the design portion of Applicant's mark and closely resembles Opposer's mark in appearance. The mark proposed for registration by Applicant, namely STAACHI'S CO. 1996 & DESIGN is applied to goods that are closely related to the goods and services provided by Opposer. Applicant's mark coupled with the goods for which registration is sought so nearly resembles one or more of the Opposer's marks and goods and services as to be likely to be confused therewith and mistaken therefore and to confuse, mislead and deceive the consuming public as to the source of origin of Applicant's goods.

12. The likelihood of confusion in the marketplace exists between Opposer's trademarks when applied to the good sand services of the respective parties and Applicant's trademark.

13. Applicant's mark does not meet the requirements for registration because, upon information and belief, Applicant has not used Applicant's mark in commerce as is required under § 1(a) of the Trademark Act and, thus, the application is void *ab initio*.

14. Applicant's mark is invalid because Applicant made false, material representations to the USPTO that Applicant knew to be false. Specifically, in Application Serial No. 76/212,011 ("Application"), Applicant represented to the USPTO that Applicant first used Applicant's mark STAACHI'S CO. 1996 & DESIGN in commerce on March 20, 1996. Applicant, by its own admission, has never used Applicant's mark in commerce, and accordingly, had not used the mark when the Application was filed.

15. Registration of Applicant's trademark will result in damage to the Opposer's trademarks and Opposer's business.

16. If Applicant is permitted to register its mark for its goods as specified in the application herein opposed, such use and registration would result in confusion in the trade by reason of the similarity between Applicant's mark and one or more of Opposer's marks thereby damaging and injuring Opposer. Any such confusion may result in the loss of business to Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed under the STAACHI'S CO. 1996 & DESIGN mark may reflect upon and injure the reputation which Opposer has established for its goods and services in association with one or more of Opposer's marks.

17. If Applicant is granted the registration herein Opposed, it would thereby obtain at least a prima facie exclusive right to use of its mark. Such registration would be a further source of damage to Opposer.

18. In view of the foregoing, Applicant is not entitled to federal registration of its claimed mark because Applicant does not have a right to exclusive use of said mark in commerce on Applicant's goods and further, Applicant's claimed mark does not and cannot function to identify such goods and to distinguish them from similar goods and services offered by Opposer.

WHEREFORE, Opposer prays that the registration sought by Applicant be refused and that this Opposition be sustained.

DATED this 13<sup>th</sup> day of September, 2005.

By: 

John C. Stringham, Registration No. 40,831  
Robyn L. Phillips, Registration No. 39,330  
James B. Belshe

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Attorneys for Opposer  
SINCLAIR OIL CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **[PROPOSED]** **AMENDED NOTICE OF OPPOSITION** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 13<sup>th</sup> day of September, 2005, in an envelope addressed as follows:

Sumatra Kendrick  
P.O Box 434  
Berkeley, California 94701

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

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SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
Opposer,	)	
v.	)	<b>MOTION TO SUSPEND AND</b>
SUMATRA KENDRICK	)	<b>MEMORANDUM IN</b>
Applicant.	)	<b>SUPPORT THEREOF</b>

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Pursuant to 37 C.F.R. § 2.117(c), Sinclair Oil Corporation ("Sinclair") hereby requests that the present Opposition proceeding be suspended pending the decision on Sinclair's Motion to Amend the Pleadings filed on September 13, 2005, concurrently herewith. In addition, Sinclair requests that the discovery period to be reset to allow the same amount of time for discovery as is currently remaining in the discovery period at the time of the filing of the present motion.

The present motion is supported by the Memorandum filed herewith.

DATED this 13<sup>th</sup> day of September, 2005.

By: 

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Robyn L. Phillips, Registration No. 39,330

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Attorneys for Opposer

SINCLAIR OIL CORPORATION

## MEMORANDUM

### **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 2.117(c), Sinclair Oil Corporation (“Sinclair”) hereby requests that (1) the Opposition proceedings be suspended pending the decision of Sinclair’s Motion to Amend the Pleadings filed on September 13, 2005, concurrently herewith; and (2) the discovery schedule be reset to provide for the same amount of time to complete discovery as is currently remaining in the discovery period at the time of the filing of the present motion (*i.e.* the period of time from September 13, 2005 until October 21, 2005). The bases for Sinclair’s Motion to Amend the Pleadings are (1) Applicant’s mark does not meet the requirements for registration under § 1(a) of the Trademark Act (15 U.S.C. § 1051(a)) because Applicant has not used her mark in commerce, and thus, the application is void *ab initio*; and (2) Applicant’s mark is invalid because Applicant made false, material representations to the USPTO that Applicant knew to be false. [*See generally* Motion to Amend the Pleadings.]

Because it would be improper for Sinclair to conduct discovery related to the new causes of action in its [Proposed] Amended Notice of Opposition until a decision is rendered regarding Sinclair’s Motion to Amend the Pleadings, Sinclair respectfully requests that the Board suspend the present Opposition proceedings until the Board issues such a decision.

### **III. ARGUMENT**

#### **A. The Board May Suspend Proceedings for Good Cause**

Opposition “[p]roceedings may ... be suspended, for good cause, upon motion or a stipulation of the parties approved by the Board.” 37 CFR § 2.117(c); *see Opticians Ass’n of America v. Independent Opticians of America Inc.*, 734 F. Supp. 1171, 1181 (D.N.J. 1990); *see generally* TBMP § 510.01. The power to stay proceedings flows from the power inherent in the Board to schedule disposition of the cases on its docket with the goal of promoting fair and efficient adjudication. *Opticians Ass’n of America*, 734 F. Supp. at 1181.

**B. Sinclair Has Good Cause for Requesting a Suspension of the Proceedings**

During the discovery process, Sinclair learned that (1) Applicant's mark does not meet the requirements for registration under § 1(a) of the Trademark Act because Applicant has not used her mark in commerce, and (2) Applicant made false, material representations to the USPTO that Applicant knew to be false. Specifically, Sinclair learned that although Applicant represented to the USPTO in Application Serial No. 76/212,011 that Applicant had used the mark STAACHI'S CO. 1996 & DESIGN since March 20, 1996, Applicant admittedly never actually used the mark in commerce. [*See generally* Motion to Amend the Pleadings.] Consequently, because of learning these facts during the discovery process, particularly those relating to Applicant's fraud on the USPTO, Sinclair was forced to file a motion to amend the pleadings to bring new causes of action.

Opposer respectfully submits that suspending these proceedings would be the most efficient course of action for the parties and the Board. The Discovery Period is currently set to close on October 21, 2005. It will take some time for the briefing to be completed regarding Sinclair's Motion to Amend. Further, the Board has numerous cases pending before it and before the Board could even consider Sinclair's Motion to Amend, the discovery period would likely be over. In addition, the parties will need to perform additional discovery related to any new causes of action as well as complete all remaining discovery. To avoid objections from Applicant based upon the relevancy of discovery relating to these new claims, however, Sinclair needs the Board to decide the pending Motion to Amend and determine whether, or to what extent, it will allow Sinclair to amend its Notice of Opposition. Once the Board has made its decision, all discovery can be completed in an orderly fashion by the parties.

**C. Applicant Will Not be Prejudiced by a Suspension of the Proceedings**

Inasmuch as Sinclair is not requesting by this motion that the discovery period be lengthened, Applicant should not be prejudiced. Instead, Sinclair is only requesting that the status quo be maintained and that the Scheduling Order in the present case mailed July 25, 2005, be suspended until a decision can be rendered by the Board on the present Motion to Amend.

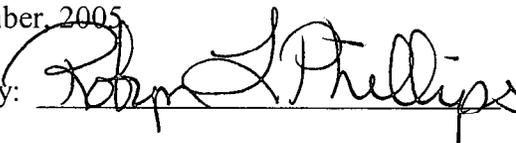
Once a decision is made on Sinclair's Motion to Amend, Sinclair only seeks to have the discovery period reset to allow as much time for completion of discovery as is remaining at the time of the filing of the present motion (i.e. the difference between September 13, 2005 and October 21, 2005 or over five weeks). This will allow discovery on all the issues to be completed at once.

Sinclair respectfully submits that there are no facts supporting any allegation of bad faith or dilatory motive on the part of Sinclair in seeking a suspension of the proceedings. On the contrary, since Applicant's own admissions raise serious questions of misrepresentation to the USPTO, justice requires that Sinclair's motion be granted and that Sinclair have an opportunity to utilize the remaining period of discovery in accordance with the Board's decision relating to Sinclair's Motion to Amend the Pleadings.

#### IV. CONCLUSION

Based on the foregoing, Opposer respectfully submits that it is proper to suspend the present Opposition proceeding pending a decision by the Board regarding Sinclair's Motion to Amend and that the Scheduling Order be reset upon issuance of the Board's decision. Accordingly, Sinclair's Motion should be granted.

DATED this 13<sup>th</sup> day of September, 2005

By: 

John C. Stringham, Registration No. 40,831  
Robyn L. Phillips, Registration No. 39,330  
James B. Belshe

WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

Attorneys for Opposer  
SINCLAIR OIL CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **MOTION TO SUSPEND AND MEMORANDUM IN SUPPORT THEREOF** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 13<sup>th</sup> day of September, 2005, in an envelope addressed as follows:

Sumatra Kendrick  
P.O Box 434  
Berkeley, California 94701

  
\_\_\_\_\_

J:\15027203\017 Motion to Suspend.doc

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

---

SINCLAIR OIL CORPORATION	)	Opposition No. 91152940
Opposer,	)	
v.	)	<b>DECLARATION OF ROBYN L.</b>
SUMATRA KENDRICK	)	<b>PHILLIPS IN SUPPORT OF</b>
Applicant.	)	<b>MOTION TO AMEND THE</b>
	)	<b>PLEADINGS</b>

---

I, Robyn L. Phillips, hereby state:

1. I am a shareholder in the firm Workman Nydegger, counsel for the Opposer, Sinclair Oil Corporation ("Sinclair").
2. Attached hereto as Exhibit A is a true and correct copy of Applicant's trademark application 76/212,011 for the mark "STAACHI'S CO. 1996."
3. Attached hereto as Exhibit B is a true and correct copy of Sinclair's First Set of Interrogatories to Applicant.
4. Attached hereto as Exhibit C is a true and correct copy of Sumatra Kencrick's Second Set of Supplemental Answers to Interrogatories.
5. Attached hereto as Exhibit D is a true and correct copy of Sinclair's First Set of Requests for Admissions.

6. Attached hereto as Exhibit E is a true and correct copy of Applicant's Response to Opposer, Sinclair's Request for Admissions.

I declare under penalty of perjury under the laws of the United States of America that the statements set forth hereinabove are true and correct to the best of my knowledge and understanding.

DATED this 13<sup>th</sup> day of September, 2005.

  
Robyn L Phillips

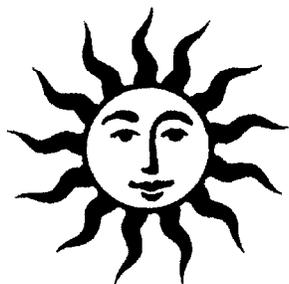
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **DECLARATION OF ROBYN L. PHILLIPS IN SUPPORT OF MOTION TO AMEND THE PLEADINGS** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 13<sup>th</sup> day of September, 2005, in an envelope addressed as follows:

Sumatra Kendrick  
P.O Box 434  
Berkeley, California 94701

  
\_\_\_\_\_

*STaaCHi'S Co.1996*



02-20-2001

U.S. Patent & TMO/c/TM Mail Ropt Dt. #26

**TRADEMARK**



76212011

76212011

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

02/23/2001 SWILSON 00000012 76212011

01 FC:361

325.00 OP

TR A REGI	MARK (Word(s) and/or Design) <b>STAACHI'S Co. 1996</b> Design	CLASS NO. (If known)
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TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT'S NAME: STAACHI'S Co. 1996

APPLICANT'S MAILING ADDRESS: 1900 Ascot Parkway #1718  
Vallejo, California 94591  
(Display address exactly as it should appear on registration)

APPLICANT'S ENTITY TYPE: (Check one and supply requested information)

Individual - Citizen of (Country): USA -

Partnership - State where organized (Country, if appropriate): \_\_\_\_\_  
Names and Citizenship (Country) of General Partners: \_\_\_\_\_

Corporation - State (Country, if appropriate) of Incorporation: \_\_\_\_\_

Other (Specify Nature of Entity and Domicile): \_\_\_\_\_

**GOODS AND/OR SERVICES:**

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (**SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE**):

Intended for Advertisements on retail goods,  
Bags, Boxes, Labels, clothing, Brochures, Business cards,  
Letterhead, envelopes,

**BASIS FOR APPLICATION:** (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)

Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): \_\_\_\_\_
- Specify the type of commerce: U.S.  
(for example, interstate or between the U.S. and a specified foreign country)
- Date of first use anywhere (the same as or before use in commerce date): 03-1996
- Specify intended manner or mode of use of mark on or in connection with the goods/services: Labels, Business Cards, Brochures, Bottles, Letterheads, Bags, Clothing, Retail products Applied  
(for example, trademark is applied to labels, service mark is used in advertisements) to any products.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

- Specify manner or mode of use of mark on or in connection with the goods/services: \_\_\_\_\_  
(for example, trademark will be applied to labels, service mark will be used in advertisements)

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

- Country of foreign filing: \_\_\_\_\_
- Date of foreign filing: \_\_\_\_\_

Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services and, accompanying this application, submits a certification or certified copy of registration in accordance with 15 U.S.C 1126(e), as amended

- Country of registration: \_\_\_\_\_
- Registration number: \_\_\_\_\_

**CANCELLED**

**NOTE: Declaration, on Reverse Side, MUST be Signed**

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or if the application is being filed under 15 U.S.C. 1051(b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

December 7, 2000  
DATE

*Sumatra Kendrick*  
SIGNATURE

1-888-SIA-ACHI  
TELEPHONE NUMBER

Sumatra Kendrick - owner  
PRINT OR TYPE NAME AND POSITION

INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed FEE (<sup>325.00</sup>~~\$245.00~~) for each class of goods/services listed in the application;
2. A **DRAWING PAGE** displaying the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, **THREE (3) SPECIMENS** (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be the same. Examples of good specimens include: (a) labels showing the mark which are placed on the goods; (b) photographs of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
4. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the following persons may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

CANCELLED

U.S. Patent & TMO/c/TM Mail Rpt Dt. #58

0/2

Assistant Commissioner for Trademarks  
Box New App/Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

1/2



02-20-2001

U.S. Patent & TMO/c/TM Mail Rpt Dt. #26

Additional information concerning the requirements for filing an application entitled **Basic Facts About Registering a Trademark**, which may be obtained by writing to the above address or by calling: (703) 308-HELP.

76212011

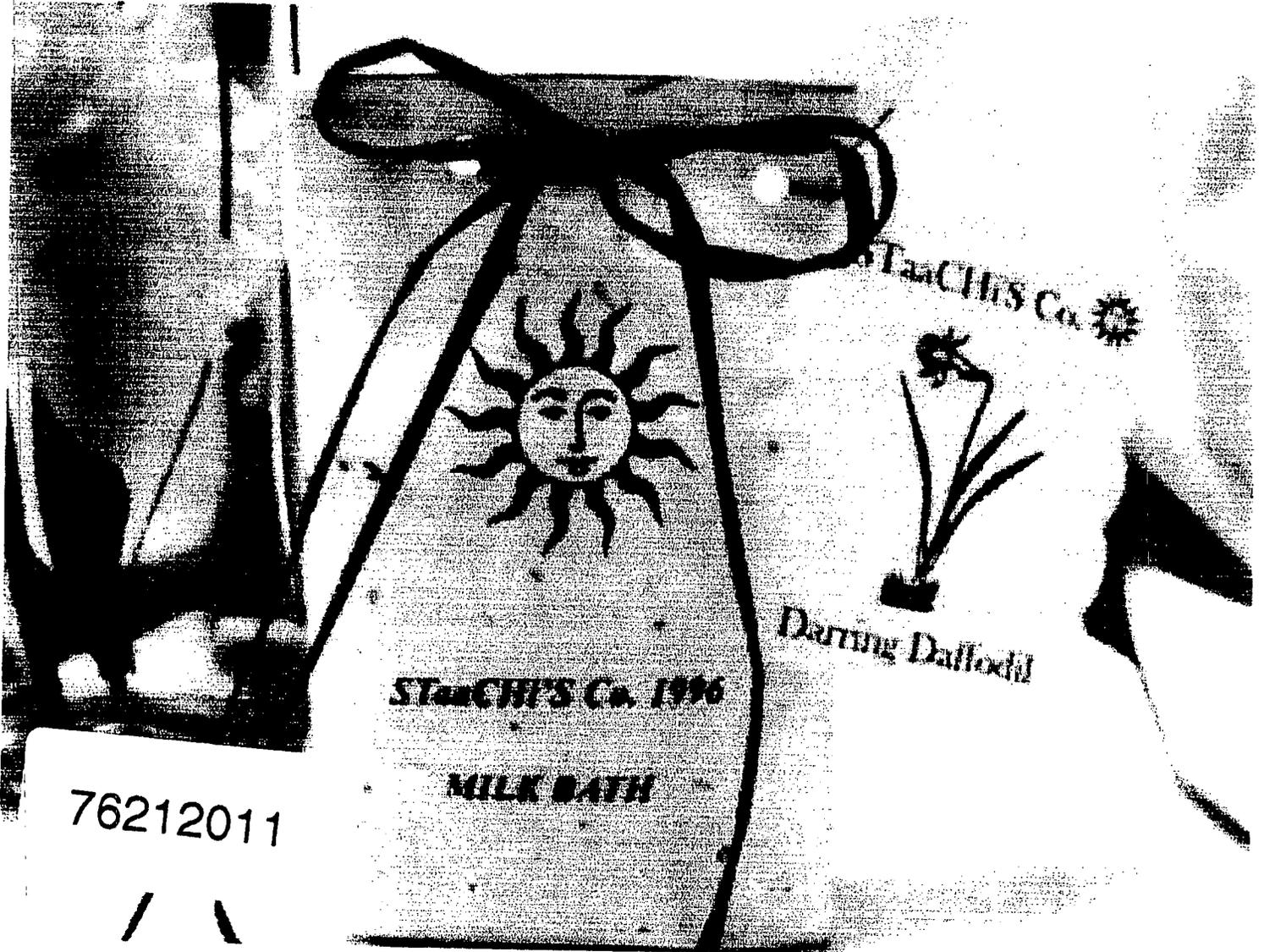
This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding information, recordkeeping, and actually providing the information. Any comments on this form, including the amount should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce. Do NOT send completed forms to this address.

Sample for  
Trademark Office

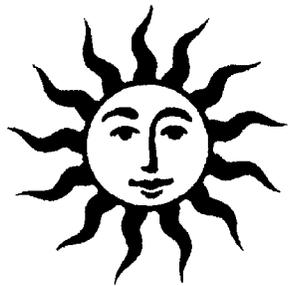
02-20-2001

U.S. Patent & TMO's/TM Mail Rcpt Dt. #26

Sample of Bag w/  
Name = Lusu.



*STaaCHI'S Co.1996*



02-20-2001

U.S. Patent & TMOft/TM Mail Ropt Dt. #20

**TRADEMARK**



76212011



**NOTICE OF INCOMPLETE TRADEMARK APPLICATION**

**Mailing Date:** 01/08/2001  
**Applicant's Name:** STAACHI'S CO. 1996  
**Mark:** STAACHI'S CO. 1996  
**Missassigned Serial No.:**

**Correspondent's Name:** STAACHI'S CO. 1996  
**Correspondent's Address:** 1900 ASCOT PARKWAY #1718  
VALLEJO, CALIFORNIA 94591

Returned herewith are the above-referenced application papers received on 12/11/2000. They do not meet the minimum requirements for receiving a filing date for the reason(s) stated below.

The papers depict multiple marks. Therefore, the requirement for a clear depiction of a single mark has not been met.

Please note:

To re-file your application papers, re-submit the entire application package, with any necessary modifications, including: 1) the written application; and 2) the filing fee to:

Assistant Commissioner for Trademarks  
Box New App/Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513.

**Instructions for applications returned in error:** If you believe that this application was returned to you in error, please resubmit within sixty (60) days of the mailing date of this notice:

1) the application papers, as originally filed; 2) the filing fee; and 3) a copy of this Notice of Incomplete Trademark Application to the:

Office of the Assistant Commissioner for Trademarks  
2900 Crystal Drive,  
Arlington, VA 22202-3513  
Attn: FILING DATE.

DENISE OWUSU-ANSAH  
703-308-9401 EXT. 118  
LEAD LEGAL INSTRUMENTS EXAMINER  
PRE-EXAMINATION SECTION, OFFICE OF TRADEMARK SERVICES

42

July 11, 2001

Applicant # 76/212011

**Attention: Pamela Willis**

**Trademarks Attorney, Law Office 106**

Request for re-submitted copy of STaaCHI'S Co.1996 w/logo  
Documentation.

**STaaCHI'S Co. 1996**



2001 JUL 11 P 1:33  
PAMEL

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

---

SINCLAIR OIL CORPORATION

Opposer,

v.

SUMATRA KENDRICK

Applicant.

---

Opposition No. 152,940

**SINCLAIR'S FIRST SET OF  
INTERROGATORIES TO APPLICANT**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120(d), Opposer, SINCLAIR OIL CORPORATION ("SINCLAIR") by and through its attorneys, hereby requests that Applicant, SUMATRA KENDRICK ("Applicant") answer under oath the interrogatories hereinafter propounded within thirty (30) days after services hereof.

## DEFINITIONS AND INSTRUCTIONS

1. "Opposer" or "SINCLAIR" means SINCLAIR OIL CORPORATION, its predecessors in interests, its present and former officers, directors, agents, representatives and employees, and any other person acting on behalf of any of the foregoing.
2. "Applicant," "you," or "your" means SUMATRA KENDRICK the Applicant of United States Trademark Application Serial No. 76/212,011 for the mark STAACHI'S CO. 1996 & DESIGN, or any assignee, predecessor in interest, successor in interests, its present and former directors, agents, representatives, employees, divisions, subsidiaries, and/or any other party acting on behalf of or in concert with any of the foregoing.
3. The "Mark" shall refer to the mark STAACHI'S CO. 1996 & DESIGN.
4. "DESIGN" refers to the graphical portion of the mark STAACHI'S CO. 1996 & DESIGN excluding letters and numbers.
5. "Any portion" of the name or mark means the text "STAACHI'S CO. 1996" and/or the graphical "DESIGN" used either alone or in combination.
6. "Document" or "Documents" means, without limitation, the following items, whether printed or recorded, filmed, stored in a data processing system, or reproduced by any process, or written or produced by hand, and whether claimed to be privileged against discovery on any ground, and whether an original, master or copy, namely: agreements, communications, including intercompany communications and correspondence, cablegrams, radiograms and telegrams, notes and memoranda, summaries, minutes and records of telephone conversations; meetings and conferences, including lists of persons attending the meetings or conferences; summaries and records of personal conversations or interviews; books, manuals, publications and diaries; charts; plans, sketches and drawings; photographs; reports and/or summaries of

investigations and/or surveys; opinions and reports of consultants; opinions of counsel; reports and summaries of negotiations; brochures; pamphlets, catalogs and catalog sheets; advertisements, including story book and/or scripts for television and radio commercials; circulars and trade letters; press publicity in trade and product releases; drafts of original or preliminary notes on, and marginal comments appearing on, any documents; other reports and records; and any other information containing paper, writing, or a physical thing. This definition of the term "Document" or "Documents" includes all such documents whether or not a particular document is privileged or within Applicant's possession, custody or control.

7. "Person" shall include not only natural persons, but also all firms, partnerships, associations, joint ventures, corporations, governmental entities and other entities and each division, department, and other unit thereof.

8. Reference to any corporate or other business entity includes each of the past or present directors, officers, partners, managing agents, employees, agents, servants, representatives, subsidiaries, divisions, or affiliates, wherever located and whether or not owned, either wholly or in part, by such entity.

9. "Statement" means any representation made by word or deed. The representation may be written or oral, expressed, or implied. Statements, by way of example and without limitation, include everything contained in a document as previously defined, anything written in any form, any oral utterance of any type, and any gesture made. The absence of these may also be a statement.

10. As used herein, the words "identify" or "identification," when used in reference to a natural person, means to state his or her full name, present or last known address, present or last known position and business affiliation and each of his or her positions during the applicable

time period as hereinafter defined; when used in reference to a statement, "identify" or "identification" means to state the exact language or nature of the statement, the person who made the statement, the person to whom the statement was made, and how the statement was conveyed; when used in reference to a document, "identify" or "identification" means to state the document's date, its subject and substance, its author, the type of document (e.g., letter, tape recording, memorandum, telegram, chart, computer input or printout, photograph, sound reproduction, etc.) or, if the above information is not available, some other means of identifying the document, its present location, and the name of each of its present custodians. If any such document was, but is no longer, in your possession or subject to your control or in existence, state whether it is (i) missing or lost, (ii) has been destroyed, (iii) has been transferred, voluntarily or involuntarily, to others, or (iv) has been otherwise disposed of, and, in each instance, explain the circumstances surrounding an authorization for such dispositions thereof, state the date or approximate date of disposition, state the name of the person who authorized the disposition, and state the name of all persons having knowledge of the disposition. If privilege is claimed, state the specific basis therefore along with a log identifying the date, author, recipient(s), and descriptions of each such document.

11. "Trademark" and "mark" shall refer to both trademarks and service marks.
12. All other terms not otherwise defined are to be given their ordinary and common meaning.
13. In producing documents and things, indicate the paragraph and subparagraph to which a produced document or thing is responsive.
14. In producing documents and things, furnish all documents or things known or available to you, regardless of whether such documents or things are possessed directly by you or

your directors, officers, agents, employees, representatives, investigators, or by your attorneys or their agents, employees, representatives or investigators.

15. If any requests cannot be answered in full, answer them to the extent possible, specifying each reason for your inability to answer in full and stating what information, knowledge or belief you have concerning the unanswered portion.

16. This set of interrogatories is deemed to be continuing in nature. If after responding, you are aware of any further documents, things or information responsive to these interrogatories, you are required to produce to SINCLAIR such additional responses, documents, and things, and/or provide SINCLAIR with such additional information.

## INTERROGATORIES

### INTERROGATORY NO. 1:

Identify the date of Applicant's first use of the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

### INTERROGATORY NO. 2:

Identify the exact date that Applicant actually first used the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, to publicly display, advertise, promote, sell, distribute, and/or offer goods or services.

### INTERROGATORY NO. 3:

If Applicant has used the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, in interstate commerce, identify the exact date(s) of the first such use.

### INTERROGATORY NO. 4:

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever, upon which Applicant will rely to establish the date(s) specified in response to Interrogatory Nos. 1, 2 and 3.

### INTERROGATORY NO. 5:

With respect to the dates of actual use, if any, as stated in response to Interrogatory No. 2, state:

- (a) The identity of the goods or services which were so first displayed, advertised, promoted, sold, distributed, and/or offered;

- (b) The manner in which the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, was used, *e.g.*, by affixation to containers, or labels, etc;
- (c) The various media used in connection with the display, advertisement, promotion, sale, distribution, and/or offer of the goods or services;
- (d) Whether the goods or services were actually sold;
- (e) Whether the goods or services were displayed, advertised, promoted, sold, distributed and/or offered free of charge;
- (f) The names, addresses and telephone numbers of the person(s) or organization(s) that participated in any way with the display, advertisement, promotion, sale, distribution and/or offer of goods or services;
- (g) Who manufactured each of the goods, or performed the services, sold or distributed under the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.
- (h) Whether the display, advertisement, promotion, sale, distribution and/or offer of goods or services under the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, has been continuous from the date(s) specified in Interrogatory Nos. 1 and 2 to the present;

- (i) For each affirmative response to Interrogatory No. 5(h), state whether the circumstances described in answer to Interrogatories Nos. 5(b), 5(c), 5(d), 5(e), 5(f), 5(g) prevailed throughout the period identified in Interrogatory No. 5(h);
- (j) If the circumstances described in answer to Interrogatory Nos. 5(b), 5(c), 5(d), 5(e), 5(f), 5(g) did not prevail throughout the period identified in Interrogatory No. 5(h), state how they changed, providing specific dates and names wherever requested; and
- (k) For each negative response to Interrogatory No. 5(h), state the periods of time during which any element of the name or mark STAACHI'S CO. 1996 & DESIGN was not used by Applicant in connection with the display, advertising, promotion, sale distribution and/or offer of any of the goods and/or services.

INTERROGATORY NO. 6:

State per year all income Applicant has received, if any, to date from the sale or distribution of goods and/or services under the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, and state Applicant's projected annual income from the sale or distribution of such goods and services for the next five (5) years.

INTERROGATORY NO. 7:

Identify each and every marketing channel that Applicant has used, or intends to use, to sell and/or distribute goods or services under any element of the STAACHI'S CO. 1996 & DESIGN mark or name such as, but not limited to, television and radio advertising, print advertising, retail or wholesale outlets and trade shows.

INTERROGATORY NO. 8:

Identify the type of consumers that are intended to or have actually purchased, received or obtained goods or services under the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, including, but not limited to, age, gender, income, and personal or business-related purchases.

INTERROGATORY NO. 9:

Identify the names, addresses and relationship to Applicant, if any, of any witness including, but not limited to expert witnesses, Applicant may or will use in this opposition proceeding through direct examination, deposition, affidavit and/or declaration, and identify the topic(s) regarding which each such witness may or will provide testimony.

INTERROGATORY NO. 10:

Identify each cease and desist letter, challenge, or warning that Applicant has sent to or received from any person or organization relating to the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

INTERROGATORY NO. 11:

Identify those persons employed or connected with Applicant who have the best knowledge of the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, as used or intended to be used in connection with Applicant's goods or services.

INTERROGATORY NO. 12:

For each use of the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, state the geographic region where such mark has been used and the date of first use thereof in each geographic region.

INTERROGATORY NO. 13:

Identify the grounds for Applicant's selection and adoption, including without limitation all proposals, resolutions, memorandums, correspondence, marketing research, trade name or mark search results, legal opinions, art work, and press releases of:

- (a) The text portion "STACCHI'S CO. 1996" of the mark STAACHI'S CO. 1996 & DESIGN both alone and in combination with either the "DESIGN" portion of the name or mark STAACHI'S CO. 1996 & DESIGN, and/or any other name or mark similar thereto; and/or
- (b) The grounds for Applicant's selection and adoption of the "DESIGN" portion of the mark STAACHI'S CO. 1996 & DESIGN both alone and in combination with either the text portion "STACCHI'S CO. 1996" of the name or mark STAACHI'S CO. 1996 & DESIGN, and/or any name or mark similar thereto.

INTERROGATORY NO. 14:

State whether Applicant will make available for inspection and copying the writings identified in response to Interrogatory No. 13.

INTERROGATORY NO. 15:

If the response to Interrogatory No. 14 is in the negative, state why.

INTERROGATORY NO. 16:

Identify every grant of authority or permission granted to you or given by you relating to the use of the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, to or from any person, firm, corporation or other business entity.

INTERROGATORY NO. 17:

Set forth the basis for any consideration of, decisions about, or activities concerning the intended use or actual use by Applicant of the name or mark STAACHI'S CO. 1996 & DESIGN, and/or any portion thereof, either alone or in combination, and/or any name or mark similar thereto as a mark and/or trade name in connection with retail store services featuring bath products, gift products, and candy products.

INTERROGATORY NO. 18:

Identify, by description and amount, all expenditures made by Applicant in identifying, creating, adapting, using and/or promoting the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, and/or any name or mark similar thereto as a mark or trade name, and all documents pertaining thereto, including, without limitation, all invoices, brochures, or ordering documentation containing the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, and/or any term and/or design similar thereto and all invoices related to advertising expenses involving the mark STAACHI'S CO. 1996 & DESIGN, and/or any portion thereof, either alone or in combination, and/or any name or mark similar thereto.

INTERROGATORY NO. 19:

Identify all communications, agreements, or understandings between Applicant, its agents or employees, and any person, entity or corporation concerning the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

INTERROGATORY NO. 20:

Identify by name and title, any and all officers, directors, agents, employees, whether full time, part time or specially retained, as well as any attorneys, in fact or law, and any person,

entity or corporation associated with Applicant having knowledge, communications, agreements, or understandings concerning the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, including but not limited to, the creation, adoption, use or intended use of by Applicant of the mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination. Individuals whose knowledge does not extend beyond the fact that Applicant does use the mark need not be identified in response to this Interrogatory.

INTERROGATORY NO. 21:

Identify any instances of actual confusion involving the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, of which Applicant, its agents, or employees have become aware.

INTERROGATORY NO. 22:

State every basis for Applicant's plans for future expansion insofar as that expansion involves or pertains to the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, or Applicant's use thereof.

INTERROGATORY NO. 23:

State whether Applicant ever conducted a trademark search or other investigation or study regarding the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

INTERROGATORY NO. 24:

If the response to Interrogatory No. 23 is in the affirmative, identify the exact date(s) that the search, investigation, or study was conducted, and set forth the results referring or relating to each trademark search or other investigation or study regarding the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

INTERROGATORY NO. 25:

State whether Applicant had knowledge, e.g. an opinion or evaluation regarding whether the selection and/or use by Applicant of the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination, would be, was, or is in conflict with Opposer's use of its SUN DESIGN, SUN VALLEY & SUN DESIGN and/or SUN VALLEY & RISING SUN DESIGN marks.

INTERROGATORY NO. 26:

Describe in detail Applicant's present and/or anticipated distribution system for goods or services offered in association with the name or mark STAACHI'S CO. 1996 & DESIGN and/or any portion thereof, either alone or in combination.

INTERROGATORY NO. 27:

If any of the interrogatories 1-26 was answered on the basis of the DESIGN being used exclusive of the other portions of the name or mark STAACHI'S CO. 1996 & DESIGN, identify such interrogatories.

INTERROGATORY NO. 28:

Identify the date of Applicant's first use or intended date of first use of the DESIGN apart from other portions of the name or mark STAACHI'S CO. 1996 & DESIGN.

INTERROGATORY NO. 29:

Identify the exact date that Applicant intends to use or date Applicant actually first used the DESIGN apart from other portions of the name or mark STAACHI'S CO. 1996 & DESIGN in the public display, advertising, sale, promotion and/or offer of goods and/or services.

INTERROGATORY NO. 30:

If Applicant has used the DESIGN apart from other portions of the name or mark STAACHI'S CO. 1996 & DESIGN in interstate commerce, identify the exact date(s) of first such use.

INTERROGATORY NO. 31:

Identify all documents, purchase orders, invoices, labels, or any writing whatsoever, which Applicant will rely upon to establish the date(s) specified in response to Interrogatory Nos. 28, 29 and 30.

INTERROGATORY NO. 32:

For each use of the DESIGN apart from other portions of the name or mark STAACHI'S CO. 1996 & DESIGN, state each geographic region of such use and the date of first use thereof for each geographic region.

INTERROGATORY NO. 33:

Identify any instances of actual confusion involving the DESIGN apart from other portions of the name or mark STAACHI'S CO. 1996 & DESIGN which Applicant, its agents, or employees have become aware.

INTERROGATORY NO. 34:

Identify by Interrogatory Number the name or names of all persons who prepared responses to this set of Interrogatories.

INTERROGATORY NO. 35:

Identify by Request Number the name or names of all persons who prepared responses to the Requests for Production of Documents served concurrently herewith.

DATED this 6<sup>th</sup> day of June, 2003.

By: Robyn L Phillips  
John C. Stringham, Registration No. 40,831  
Robyn L. Phillips, Registration No. 39,330

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
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Facsimile: (801) 328-1707

Attorneys for Opposer  
SINCLAIR OIL CORPORATION

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing SINCLAIR'S FIRST SET OF INTERROGATORIES TO APPLICANT was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 6<sup>th</sup> day of June, 2003, in an envelope addressed as follows:

Sumatra Kendrick  
11760 San Pablo Ave. #3-202  
El Cerrito, California 94530

Robyn L Phillips



RESPONSE TO INTERROGATORY NO.1 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

1. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
2. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
3. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
4. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

5. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:.

*The name and mark "STACCHI'S & CO. 1996" has never been used in commerce.*

*This name and was registered as a Fictitious Business Name Statement in March 1996 to reserve the name and notice others that I intended to do business in the future under that name.*

*Applicant in 1996 created about 25 sample products, none are now in existence, and this was a one time creation.*

RESPONSE TO INTERROGATORY NO. 2 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

6. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
7. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
8. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
9. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-

recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

10. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving it's general and specific objections Applicant responds as follows:

*The name and mark "STACCHI'S & CO. 1996" has never been used in commerce.*

*This name and mark was registered as a Fictitious Business Name Statement in California in March 1996 to reserve the name and notice others that I intended to do business in the future under that name.*

*Applicant in 1996 created about 25 sample products, none are now in existence, and this was a one time creation.*

RESPONSE TO INTERROGATORY NO.3 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

11. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
12. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
13. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
14. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in BAD FAITH and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's trickery questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

15. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

*The name and mark "STACCHI'S & CO. 1996" has never been used in commerce.*

*This name and mark was registered as a Fictitious Business Name Statement in California in March 1996 to reserve the name and notice others that I intended to do business in the future under that name*

*Applicant in 1996 created about 25 sample products, none are now in existence, and this was a one time creation.*

RESPONSE TO INTERROGATORY NO. 4 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

16. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
17. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
18. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
19. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

20. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has no invoices, documents, or writings that would establish "use" in commerce.*

RESPONSE TO INTERROGATORY NO.5 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

21. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
22. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
23. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
24. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards

would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

25. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges.

Subject to and without waiving it's general and specific objections Applicant responds as follow:

- A. Sample bath beads.
- B. Labels on sample
- C. None
- D. None were sold-free samples
- E. Given away free of charge
- F. No one other than myself
- G. Applicant made the sample beads

- H No. That was a one time project.
- I NONE
- J. No changes, this was a one time experimental project
- K. Approximately April 1996 to present

**RESPONSE TO INTERROGATORY NO.6 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

- 26. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
- 27. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
- 28. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
- 29. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other

Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

30. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges
31. Applicant objects to this Interrogatory to the extent it is requesting financial information that is irrelevant to these proceedings and it is asking for speculations that Applicant cannot reasonable do.

Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce and has not had any income. It has been over 6 years and Applicant has not been able to do business, therefore, Applicant does not anticipate any income in the next 5 years. Applicant anticipates that due to the financial burden of this proceedings and other intangibles, it will suffer losses for the next five years.*

RESPONSE TO INTERROGATORY NO.7 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

32. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
33. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
34. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage

of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

35. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

36. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce and has not done any marketing. Applicant would anticipate utilizing introduction letters and brochures. .*

RESPONSE TO INTERROGATORY NO.8 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

37. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
38. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
39. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has

only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

40. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.
41. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

*All races and ages with an emphasis on age group from birth to 72*

RESPONSE TO INTERROGATORY NO. 9 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

42. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
43. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
44. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
45. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other

Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

46. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*None known at this time.*

RESPONSE TO INTERROGATORY NO.10 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

47. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
48. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
49. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
50. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

51. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant has not received any cease and desist letters, warning or objections to her attempting to be an entrepreneur and start her own business. The only opposition, harassment and intimidation she has received in reference to her trying to join the free enterprise market has been from Sinclair*

**RESPONSE TO INTERROGATORY NO.11 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

52. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
53. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
54. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
55. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a

single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

56. Applicant objects to this Interrogatory to the extent it request information that is protected by attorney-client privilege and work-product doctrine and other privileges Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and she is still working on planning and design of her business. Applicant has not engaged in commerce and does not have any employees and knows of no persons that have DIRECT or best knowledge of Applicant's business.*

**RESPONSE TO INTERROGATORY NO. 12 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

57. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
58. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
59. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
60. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no

training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

61. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows.

*Any use will be in the Bay are of California. The one time project was in the Bay area.*

**RESPONSE TO INTERROGATORY NO 13 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

62. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
63. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
64. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
65. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence,

Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

66. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:.

- (a) Applicants sole grounds for the text part of her business is an idea and thought that she created herself. She had no professional, research and/or any other form of assistance .*
- (b) Applicants sole grounds for the "design" part of her business is family related. The face is that of her cousin, the eyes are that of her niece and the rays are that of her mother.*

**RESPONSE TO INTERROGATORY NO. 14 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

67. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for

Applicant to be able to reasonably ascertain as to what specifically is meant by the Interrogatory.

68. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
69. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
70. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this

discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

71. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant will make available for inspection and copying writings, if any, identified in Interrogatory 13.*

**RESPONSE TO INTERROGATORY NO. 15 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

72. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
73. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).

74. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

75. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate

Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

76. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving it's general and specific objections Applicant responds as follows:

*Applicant answered Interrogatory 14 positive.*

**RESPONSE TO INTERROGATORY NO. 16 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

77. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
78. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
79. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate,

manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

80. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

81. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not conducted her business in commerce. Applicant has not engaged in commerce and she has not granted or been granted any authority in reference to her business. She has filed the name as a fictitious business name.*

RESPONSE TO INTERROGATORY NO. 17 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

82. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
83. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
84. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has

only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

85. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.
86. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has no basis at this time for intended use and can not anticipate any basis until funding is found and Applicant. Applicant sole focus, other than fighting Sinclair, is seeking funding to engage in commerce.. It has been over 6 years and Applicant has not been able to do business, therefore, Applicant does not anticipate any retail store services being used.*

RESPONSE TO INTERROGATORY NO. 18 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

87. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
88. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
89. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to

conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

90. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.
91. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

Not sure of question, but none to the best of my knowledge in answering this question.

RESPONSE TO INTERROGATORY NO 19 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

92. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
93. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
94. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
95. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in BAD FAITH and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other

Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

96. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*None*

RESPONSE TO INTERROGATORY NO.20 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

97. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
98. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
99. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
100. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

101. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and said business will be a sole proprietorship. There are no other persons, officers or individuals with knowledge or information in regards to this not yet started business.*

RESPONSE TO INTERROGATORY NO. 21 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

102. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
103. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
104. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
105. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a

single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

106. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and has not had met any opposition, confusion or concerns in reference to her business from anybody other than Sinclair. Sinclair is the sole and proximate cause of any and all confusion, if any.*

**RESPONSE TO INTERROGATORY NO. 22 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

107. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
108. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
109. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
110. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement,

Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

111. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce.. It has been over 6 years and Applicant has not been able to do business, therefore, Applicant has no future plans for expansion and it would be pure speculation to anticipate any expansion. Applicant at this time does not anticipate any expansion.*

**RESPONSE TO INTERROGATORY NO. 23 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

112. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
113. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
114. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
115. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence,

Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

116. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant had no knowledge or information available that indicated that her design would be in conflict with Sinclair.*

**RESPONSE TO INTERROGATORY NO. 24 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

117. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.

118. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
119. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
120. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's trickery questions when Sinclair knew that they would in all

likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in GOOD FAITH Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

121. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*My response is in the negative to Interrogatory 23.*

RESPONSE TO INTERROGATORY NO.25 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

122. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
123. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
124. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and

complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

125. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would

act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

126. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant had no prior knowledge of Sinclair and/or its affiliates design.*

RESPONSE TO INTERROGATORY NO.26 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

127. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
128. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
129. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to

conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

130. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's trickery questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

131. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce and anticipates when and if this business is ever engaged in commerce that the goods will be distributed from Applicants home based business and flea markets. .*

**RESPONSE TO INTERROGATORY NO.27 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

132. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
133. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
134. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to

conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.

135. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.
136. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges

Subject to and without waiving its general and specific objections Applicant responds as follows:

*None of interrogatories 1-26 answers were based on the use of the "design" exclusive of other parts..*

RESPONSE TO INTERROGATORY NO. 28 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

137. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
138. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
139. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
140. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the

Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

141. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant has never used or intends to use the Design apart from the name or any other part.*

RESPONSE TO INTERROGATORY NO. 29 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

142. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
143. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
144. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
145. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards

would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

146. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not used or intends to use the Design apart from other portions of the name or mark.*

RESPONSE TO INTERROGATORY NO. 30 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

147. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
148. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
149. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
150. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

151. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce.  
Applicant has not used or intends to use the Design apart from other portions of the name or mark in commerce..*

RESPONSE TO INTERROGATORY NO 31 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

152. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
153. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
154. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. . Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
155. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This

Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

161. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not used or intends to use the Design apart from other portions of the name or mark in commerce or in any region. Any commerce of the name and mark would be in the California bay area.*

*Applicant is in the formation stage of her business and said business will be a sole proprietorship. There are no other persons, officers or individuals with knowledge or information in regards to this not yet started business.*

RESPONSE TO INTERROGATORY NO. 33 :

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

162. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
163. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
164. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
165. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a

single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

166. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*Applicant is in the formation stage of her business and has not had met any opposition, confusion or concerns in reference to her business from anybody other than Sinclair. Sinclair is the sole and proximate cause of any and all confusion, if any.*

**RESPONSE TO INTERROGATORY NO. 34 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

167. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.
168. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
169. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
170. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement,

Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

171. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*A minister friend, George Long, prayed and helped to explain the tricky questions and gave ideas on answering Interrogatory 1-35 and the 12 or so subparts..*

**RESPONSE TO INTERROGATORY NO. 35 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

172. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.

173. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
174. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
175. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's trickery questions when Sinclair knew that they would in all

likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

176. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:

*A minister friend, George Long, prayed and helped to explain the tricky questions and gave ideas on answering Document Requests 1-42 .*

**RESPONSE TO INTERROGATORY NO. 36 :**

Applicant supplements and clarifies her response to this INTERROGATORY subject to any objections and without waiving such objections. Applicant objects to this Interrogatory in the following specifically noted and outlined objections:

177. Applicant objects to this Interrogatory in that the question is vague, ambiguous and not stated in a clear, concise and understandable manner in it's wording to allow for Applicant to be able to reasonable ascertain as to what specifically is meant by the Interrogatory.

178. Applicant objects to this Interrogatory in that it is burdensome, repetitive, and in combination with the other Interrogatories and subparts are more than 25 in number as outlined Federal Rule 33 (a).
179. Applicant objects to this Interrogatory, 26 other Interrogatories and the additional 10 subpart questions as burdensome and unreasonable in relation to the severity and complexity of this case. The burden of answering these Interrogatories is outweighed by the likely benefit, taking into account the controversy, the resources of the parties (particularly Applicant) and the issues at stake. Sinclair's sole purpose in propounding this exorbitant number of Interrogatories is to harass, intimidate, manipulate, confuse and frustrate the Applicant. Applicant is in the formation stage of her business and has not been able to acquire any additional funding to allow her to conduct her business in commerce. Applicant has not engaged in commerce, but has only attempted to reserve the name and sought a trademark to protect the utilization of the mark when and if her business is opened.
180. Applicant objects to this Interrogatory and the other Interrogatories in that they are presented in **BAD FAITH** and they do not carry out the purpose and spirit of the Federal Rules of Discovery. Sinclair in this Interrogatory and the 26 other Interrogatories and subparts has purposely complicated and stated questions that they knew were objectionable, unclear and vague. Sinclair is represented by a well-recognized and qualified law firm that has a very good rating among law firms. This firm has a degree of expertise in the field of Trademarks and by judicial standards would be qualified to handle complex matters in this area of law. Applicant is a single mom living near the poverty level. Applicant finished high school and has no training or experience in the law. Applicant in **GOOD FAITH** used the same structure and wording (as Sinclair had used in their Interrogatory request to her) in asking her Interrogatories to Sinclair. To Applicants' shock and amazement, Sinclair has objected to every Interrogatory presented by Applicant. In essence, Sinclair has objected (in theory) to the wording, vagueness and substance of its own Interrogatories. The Applicant objects to Sinclair's **BAD FAITH** dealings in this discovery procedure. Applicant has at all times acted in **GOOD FAITH** and answered Sinclair's tricky questions when Sinclair knew that they would in all

likelihood confuse, scare, intimidate and cause delay in this discovery process. Applicant now realizes that Sinclair can utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant if Applicant does not object to such tactics. Applicant acting as an ordinary, reasonable and prudent person believed in **GOOD FAITH** Sinclair would act in good faith and answered the Interrogatories previously to the best of her knowledge not knowing that Sinclair's strategy and plan of action was to utilize trickery, deceitfulness and unscrupulous conduct to confuse, intimidate, harass, burden, scare and frustrate Applicant in the discovery procedure.

181. Applicant objects to this Interrogatory to the extent it request information that is protected by work-product doctrine and other privileges  
Subject to and without waiving its general and specific objections Applicant responds as follows:.

DATED this 29th day of August, 2003.

By:   
SUMATRA KENDRICK

P.O. Box 434  
Berkeley, CA 94701  
(510) 799-6447

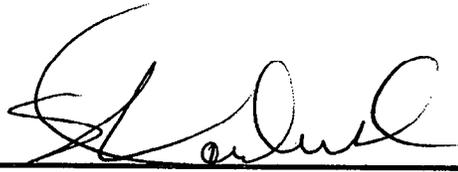
PRO SAE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing SUMANTRA KENDRICK'S SECOND SET OF SUPPLEMENTAL ANSWERS TO INTERROGATORIES was served on Opposer by mailing a true copy thereof to Opposer, by Certified Mail, postage prepaid, this 29th, Day of August, 2003.

MAILED TO:

MR. JOHN C. STRINGHAM  
WORKMAN, NYDEGGER,  
& SEELY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT. 84111



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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, on page TM 497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

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SINCLAIR OIL CORPORATION	)	Opposition No. 152,940
	)	
Opposer,	)	
	)	
v.	)	<b>SINCLAIR'S FIRST SET OF</b>
	)	<b>REQUESTS FOR ADMISSIONS</b>
SUMATRA KENDRICK	)	
	)	
Applicant.	)	

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Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120(d),  
Opposer, SINCLAIR OIL CORPORATION ("SINCLAIR") by and through its attorneys, hereby  
requests that Applicant, SUMATRA KENDRICK ("Applicant") admit under oath the following  
requests for admission propounded herein within thirty (30) days after services hereof.

**REQUEST FOR ADMISSION NO. 12:**

Admit that Applicant has not acquired funding sufficient to conduct any business using the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 13:**

Admit that Applicant has not engaged in commerce with products bearing the mark "STAACHI'S & CO. 1996" with DESIGN.

**REQUEST FOR ADMISSION NO. 14:**

Admit that Applicant has not "used" the name or mark "STAACHI'S & CO. 1996" and DESIGN in regular business.

**REQUEST FOR ADMISSION NO. 15:**

Admit that the name and mark "STAACHI'S & CO. 1996" has never been used in commerce.

**REQUEST FOR ADMISSION NO. 16:**

Admit that Applicant did create some sample products in 1996.

**REQUEST FOR ADMISSION NO. 17:**

Admit that in 1996 Applicant created sample products bearing the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 18:**

Admit that the sample products created in 1996 by Applicant bearing the mark "STAACHI'S & CO. 1996" and DESIGN were bath beads.

**REQUEST FOR ADMISSION NO. 47:**

Admit that Applicant has no basis at this time for intended use of the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 48:**

Admit that Applicant cannot anticipate any basis of intended use of the mark "STAACHI'S & CO. 1996" and DESIGN until funding is found.

**REQUEST FOR ADMISSION NO. 49:**

Admit that it has been over 6 years and Applicant has not been able to do business using the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 50:**

Admit that Applicant does not anticipate any retail store services being used under the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 51:**

Admit that Applicant has no future plans for expansion using the mark "STAACHI'S & CO. 1996" and DESIGN.

**REQUEST FOR ADMISSION NO. 52:**

Admit that Applicant has not engaged in commerce.

**REQUEST FOR ADMISSION NO. 53:**

Admit that Applicant anticipates when and if her business is ever engaged in commerce using the mark "STAACHI'S & CO. 1996" and DESIGN the goods will be distributed from Applicant's home based business and flea markets.

DATED this 17<sup>th</sup> day of October, 2003.

By: Robyn L Phillips

John C. Stringham, Registration No. 40,831

Robyn L. Phillips, Registration No. 39,330

WORKMAN, NYDEGGER & SEELEY

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 328-1707

Attorneys for Opposer  
SINCLAIR OIL CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **SINCLAIR'S FIRST SET OF REQUESTS FOR ADMISSION** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, this 17<sup>th</sup> day of October, 2003, in an envelope addressed as follows:

Sumatra Kendrick  
P.O. Box 434  
Berkeley, CA 94701

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**TRADEMARK OPPOSITION**  
File No. 15027.203

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

In the matter of Trademark Application Serial No. 76/212,011  
Published in the Official Gazette of May 28, 2002, at page TM 1497, Int'l Class 35  
Filed: February 20, 2001  
Mark: STAACHI'S CO. 1996 & DESIGN

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SINCLAIR OIL CORPORATION

Opposer,

Opposition No. 152,940

v.

APPLICANT'S RESPONSE TO  
OPPOSER, SINCLAIR'S  
REQUEST FOR ADMISSIONS

SUMATRA KENDRICK

Applicant.

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**RESPONSE**

Applicant, Sumatra Kendrick files this her response and objections to the Request for Admissions filed by the Opposer, Sinclair Oil Corporation. Applicant responds as follows:

**OBJECTION:** Applicant objects to this request for admission in that it is a duplication of prior request and repetitive. Subject to Applicants objection Applicant would respond as follows:

**RESPONSE: ADMIT**

**9. RESPONSE TO REQUEST FOR ADMISSION # 9**

**OBJECTION:** Applicant objects to this request for admission in that it is a duplication of prior request and repetitive. Subject to Applicants objection Applicant would respond as follows:

**RESPONSE: ADMIT**

**10. RESPONSE TO REQUEST FOR ADMISSION # 10**

**RESPONSE: ADMIT**

**11. RESPONSE TO REQUEST FOR ADMISSION # 11**

**RESPONSE: ADMIT**

**12. RESPONSE TO REQUEST FOR ADMISSION # 12**

**RESPONSE: DENY**

**13. RESPONSE TO REQUEST FOR ADMISSION # 13**

**RESPONSE: ADMIT**

**14. RESPONSE TO REQUEST FOR ADMISSION # 14**

**RESPONSE: ADMIT**

**15. RESPONSE TO REQUEST FOR ADMISSION # 15**

**RESPONSE: ADMIT**

**16. RESPONSE TO REQUEST FOR ADMISSION # 16**

**RESPONSE: ADMIT**

**17. RESPONSE TO REQUEST FOR ADMISSION # 17**

**RESPONSE: ADMIT**

RESPONSE: DENY

48. RESPONSE TO REQUEST FOR ADMISSION # 48

RESPONSE: DENY

49. RESPONSE TO REQUEST FOR ADMISSION # 49

RESPONSE: ADMIT

50. RESPONSE TO REQUEST FOR ADMISSION # 50

RESPONSE: ADMIT

51. RESPONSE TO REQUEST FOR ADMISSION # 51

RESPONSE: DENY

52. RESPONSE TO REQUEST FOR ADMISSION # 52

RESPONSE: ADMIT

53. RESPONSE TO REQUEST FOR ADMISSION # 53

RESPONSE: ADMIT

54. RESPONSE TO REQUEST FOR ADMISSION # 54

RESPONSE: ADMIT

55. RESPONSE TO REQUEST FOR ADMISSION # 55

RESPONSE: ADMIT

56. RESPONSE TO REQUEST FOR ADMISSION # 56

RESPONSE: ADMIT

57. RESPONSE TO REQUEST FOR ADMISSION # 57

RESPONSE: ADMIT

58. RESPONSE TO REQUEST FOR ADMISSION # 58

RESPONSE: ADMIT

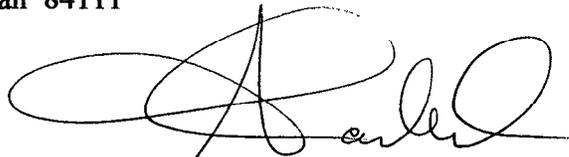


BY SUMATRA KENDRICK

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing APPLICANT'S  
RESPONSE TO OPPOSER SINCLAR'S REQUEST FOR ADMISSION was served on  
Opposer by mailing a true copy herein by certified mail, return receipt requested, ,  
prepaid, on this the 17 day of November, 2003, in an envelope addressed as follows:

Robyn L. Phillips  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111



SUMATRA KENDRICK