

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, TO PRODUCE DOCUMENTS</p> <p style="text-align: right; font-size: 2em; font-weight: bold;">TTAB</p>
---	---

Pursuant to 37 C.F.R. § 2.120(e), TBMP § 523, and FRCP 37, Applicant United States Hispanic Chamber of Commerce Foundation (“Applicant”) hereby moves the Board for an order compelling Opposer The Chamber of Commerce of the United States of America (“Opposer”) to provide responses to Applicant’s First Set of Interrogatories Nos. 1-7, First Set of Request for Production of Documents and Things Nos. 1-39, and to produce documents responsive to those document requests – all without objections. Applicant also moves the Board for an order compelling Opposer to supplement its responses to Applicant’s Second Set of Interrogatories and Requests for Documents and Things. Specifically, Applicant’s motion seeks an order compelling Opposer to fully respond to Interrogatories Nos. 3, 4, 7 through 11, 13, 18 through 21, 23, 24, and 29 through 31 from Applicant’s Second Set of Interrogatories, as well as Document Requests Nos. 3, 4, 7, 8, 10, 11, 13, 16 through 20, 22 through 24, 30, 33 through 37, 39 through 41, 46, and 47 from Applicant’s Second Set of Requests for Documents and Things, and to produce documents responsive to those document requests – all without objections.

This motion to compel is made on the grounds that (1) Opposer failed to respond to Applicant's first set of discovery requests at all; (2) Opposer was seven weeks late responding to Applicant's second set of discovery requests; (3) as a result, Opposer waived all of its objections to all of Applicant's discovery requests; (4) Opposer failed to fully respond to the above-specified interrogatories and document requests from Applicant's second set of discovery requests based upon improper objections; and (5) all of the discovery requests at issue seek relevant and discoverable information.

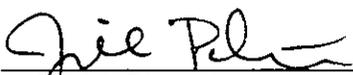
This motion is supported by the accompanying brief, declaration of Andrew Eliseev, and such other papers and argument as may be presented to the Board.

Applicant has attempted in good faith to resolve this discovery dispute with Opposer prior to filing these motions. However, Opposer asserted that it "is in no way deficient on any of its discovery responses," and that "there would not seem to be much to discuss." Thus, no resolution has been reached to prevent the necessity of filing the instant motion.

Respectfully Submitted,

MANATT, PHELPS & PHILLIPS, LLP

Dated: July 31, 2006

By:  _____
Jill M. Pietrini
Andrew Eliseev
Attorneys for Applicant United States Hispanic
Chamber of Commerce Foundation

BRIEF IN SUPPORT OF MOTION

I. STATEMENT OF FACTS

On April 11, 2003, Opposer filed this opposition against Applicant's application to register the mark UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design for providing educational and professional development classes, seminars, workshops, conferences, and camps to promote leadership and foster development of entrepreneurship and business acumen among youth ("Applicant's Mark"), alleging that Applicant's Mark resembles several of Opposer's alleged marks ("Opposer's Marks").

Since the inception of this opposition, the proceedings have been either extended or suspended seven times (all but once initiated by Opposer). Opposer's eighth request for a suspension was denied by the Board on April 26, 2006. Recently, Opposer submitted yet another request for extension, which this time was disguised as a motion to consolidate¹. On July 6, 2006, the Board denied Opposer's motion and kept the key dates as set forth in the latest order granting an extension.

On January 12, 2004, in an attempt to discover facts regarding Opposer's contentions in this case, Applicant propounded its first set of discovery to Opposer, consisting of interrogatories (Nos. 1-7) and requests for documents and things (Nos. 1-39). (Declaration of Andrew Eliseev in Support of Applicant's Motion to Compel ("Eliseev Decl."), Ex. 1.) Opposer's responses to Applicant's discovery requests were due on February 11, 2004. Opposer never responded to Applicant's first set of discovery and did not produce any responsive documents. Further, Opposer never requested an extension of time to respond to Applicant's first set of discovery, and no extension to respond has ever been granted. (Eliseev Decl. ¶ 4.)

Due to the various suspensions of this case, Applicant has not filed a motion to compel responses to the first set of discovery until now. In doing so, Applicant has not waived its rights to the discovery requested in the first discovery requests.

¹ On June 1, 2006, Opposer filed a cancellation of United States Hispanic Chamber of Commerce's Registration No. 2,886,207. Opposer's motion to consolidate sought consolidation of that cancellation and the present opposition.

On March 13, 2006, Applicant propounded its Second Set of Interrogatories to Opposer (Nos. 1-31) and Second Set of Requests for Documents and Things (Nos. 1-50). (Eliseev Decl., Exs. 2 and 3.) Opposer's responses to them were due on April 12, 2006. Although no extension of time to respond was requested, nor granted, Opposer did not serve its responses until over a month and a half past that date, namely on June 1, 2006. In addition to being tardy, most of those responses are simply objections or patently inadequate, as discussed in detail below. (Eliseev Decl., Exs. 4 and 5.)

On July 26, 2006, Applicant's counsel wrote a letter to Opposer's counsel, William M. Merone, which informed him that Applicant never received Opposer's responses to the first set of discovery, and that Opposer's responses to the two second sets of discovery were not only late, but most of them were also inadequate, and asked to meet and confer regarding Opposer's supplementation of its discovery responses and Opposer's production of documents and things responsive to Applicant's requests. (Eliseev Decl. ¶ 7, Ex. 6.) In response, Opposer's counsel sent a letter to Applicant's counsel, in which Opposer's counsel stated that "it is our position [that Opposer] is in no way deficient on any of its discovery responses. As such, there would not seem to be much to discuss." (Eliseev Decl., ¶ 8, Ex. 7.) Alleging concerns over Applicant's responses to Opposer's discovery, Opposer's counsel then stated that "perhaps a conference call should be scheduled." However, considering Opposer's position adamantly denying the possibility of any deficiencies in Opposer's discovery responses, and in light of the fast approaching Opposer's testimony period, Applicant was forced to forgo a likely futile meeting with Opposer's counsel, and go forward with the present motion.

II. THE MOTION TO COMPEL SHOULD BE GRANTED IN ITS ENTIRETY

Opposer should be ordered to serve full and complete discovery responses, without objections, for the specific reasons given below.

A. Opposer's Responses to Applicant's First Set of Discovery

1. Opposer Waived All Objections to Applicant's First Set of Discovery

Opposer's responses to Applicant's first set of discovery were due on February 11, 2004 pursuant to 37 C.F.R. § 2.120(a). Opposer never asked for, and was not granted, an extension of time to respond to Applicant's first discovery requests. Opposer did not serve its discovery responses on such date nor at any time thereafter. The law is clear that if a party does not serve timely responses to the discovery requests at issue, all objections, including those based on attorney-client privilege and work product doctrine, are waived. *Environtech Corp. v. Compagnie Des Lampes*, 219 U.S.P.Q. 448, 449 (TTAB 1979); *Crane Co. v. Shimo Industrial Co., Ltd.*, 184 U.S.P.Q. 691 (TTAB 1975); FRCP, Rules 33(b)(4) and 34(b).

Opposer has refused to follow the rules of discovery that govern this opposition proceeding. It has completely failed to serve responses to Applicant's first set of discovery. Opposer has no excuse for this failure, as settlement discussions and suspensions of the proceedings do not toll the time for the parties to act in accordance with the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

Further, Opposer's argument that discovery requests somehow became stale finds no legal support. Opposer is represented by sophisticated counsel, which specializes in intellectual property cases. Its counsel is well aware of the obligations of the Federal Rules of Civil Procedure and the Trademark Rules of Practice. Apparently, Opposer decided unilaterally that it did not have to respond to Applicant's first discovery requests.

Accordingly, the Board should hold that Opposer waived all of its objections to Applicant's Interrogatory Nos. 1-7 and Request for Document and Things Nos. 1-39, and order that Opposer serve full and complete responses, without objections.

2. Applicant's First Set of Interrogatories and Document Requests Are Relevant and Discoverable

All of the information and documents requested in Applicant's interrogatories and document requests in the first set of discovery are relevant and discoverable. TBMP §§ 402.01, 414. Interrogatory Nos. 1 – 7 involve the following subjects:

- identification of Opposer's officers and directors;

- identification of Opposer's officers and other employees involved in initiatives or programs directed toward the Hispanic business community;
- corporate partners or sponsors affiliated with Opposer;
- the date and manner of Opposer's first becoming aware of Applicant's use of Applicant's Mark; and
- Opposer's having its headquarters within steps from Applicant's headquarters.

The document requests involve the following corresponding subjects:

Creation, selection, adoption and use of Opposer's Marks	Federal and state service mark applications for Opposer's Marks
Sales of goods/services under Opposer's Marks	Permission given/received by Opposer to use marks similar/identical to Opposer's Marks
Third-party use of Opposer's Marks	Litigation involving Opposer's Marks
Specimens of goods	Advertisement scope, expenditures and samples
Market surveys	Evidence of alleged confusion
Opinion of counsel regarding Opposer's Marks	Opposer's plans to expand to the Hispanic business community
Document retention policies	Expert statements

Even if Opposer contends that some of the information and/or documents are not discoverable, as discussed above, Opposer waived any objections that it had. Therefore, Opposer should be compelled to provide responses to those interrogatories and document requests without objections.

Applicant has also failed to produce any category of requested information and documents. This result is clearly contrary to the liberal policy for discovery established by the FRCP and the policy of this Board. *Johnston Pump/General Valve, Inc. v. Chromalloy American Corp.*, 10 U.S.P.Q.2d 1671, 1674 (TTAB 1988) ("Each party and its attorney has a duty not only to make a good faith effort to satisfy the discovery needs of its opponent, but also to make a good faith effort to seek only such discovery as is proper and relevant to the specific issues involved in the case"). Applicant has satisfied its duty by inquiring into areas that are relevant to the claims and defenses of this proceeding. Opposer must now honor its duty by allowing discovery on

such issues. The discovery sought by Applicant is relevant, not burdensome to produce, and discoverable. In short, the Board should compel Opposer to provide full responses to Applicant's first set of discovery, all without objection.

B. Opposer's Responses to Applicant's Second Sets of Interrogatories And Document Requests

1. Opposer Waived All Objections to Applicant's Second Set of Discovery

As is the case with Opposer's nonexistent responses to Applicant's first set of discovery, Opposer waived all objections that it might have to Applicant's second sets of interrogatories and document requests. Opposer's responses came over seven weeks past the statutory deadline for responses. Specifically, Applicant served the second sets of interrogatories and document requests on March 13, 2006 (thus setting the response deadline for April 12, 2006), but Opposer did not serve its responses until the last day of the discovery period, June 1, 2006. Under the Federal Rules of Civil Procedure and the TTAB case law, a party serving its discovery responses past the statutory 30-day period and not having secured any extensions, waives all of its objections to the subject discovery requests. *Enviroitech*, 219 U.S.P.Q. at 449; *Crane Co.*, 184 U.S.P.Q. at 691; FRCP, Rules 33(b)(4) and 34(b).

In its July 27, 2006 letter to Applicant's counsel, Opposer's counsel attempted to justify its tardy responses by arguing that Opposer's *filing* of a motion to suspend on March 13, 2006 somehow suspended the proceeding until April 26, 2006, the date of the Board's Order denying the motion. Clearly, filing a motion to suspend does not actually suspend the proceeding. The fairness of any proceeding would be severely compromised if a mere filing of a motion to suspend would instantly suspend the proceeding any time the party felt the need for more time. Further, the parties do not have any power to suspend a proceeding before the Board. *See* TBMP § 510.02. According to Opposer, the proceeding was suspended between Opposer's filing of its motion on March 13, 2006 through the Board's denial of the motion on April 26, 2006. This argument should be rejected by the Board, as it has no legal support. The argument is illogical for many reasons including that Opposer's motion to suspend was denied by the Board.

However, even if Opposer's argument were accepted, Opposer's responses were still late: if, according to Opposer, Applicant's discovery was effectively served on April 26, 2006, Opposer's responses would still be due on May 31, 2006, not on June 1, 2006. Thus, either way, Opposer's responses are late and the objections are waived. Moreover, Opposer's excuse for Applicant's second set of discovery responses has no application to Applicant's first set of discovery requests, responses to which were due more than two years ago.

Even if Opposer did not waive all of its objections to Applicant's second sets of interrogatories and document requests, which it indisputably did, Opposer should still be ordered to supplement its responses to a number of interrogatories and document requests from Applicant's second sets of discovery because Opposer's objections are inappropriate and unsupportable and the requested information and documents are relevant and discoverable.²

2. Opposer's Inadequate Responses to Applicant's Second Set of Interrogatories

Opposer objected to many of Applicant's interrogatories on many grounds, very often including relevancy. As an initial matter, the relevancy objections are not reason enough for Opposer to deprive Applicant of the requested information. The Board has held that "the requirements of relevancy must be construed liberally and that discovery should, therefore, be generously allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding." *Varian Associates v. Fairfield-Noble Corp.*, 188 U.S.P.Q. 581, 583 (TTAB 1975), citing *La Chemise Lacoste v. The Alligator Co.*, 178 U.S.P.Q. 393 (D.C. Del. 1973). In any case, however, Opposer carries the burden of justifying each of its objections, see *Volkswagenwerk Aktiengesellschaft v. MTD Products, Inc.*, 181 U.S.P.Q. 471, 472 (TTAB 1974) ("the burden of persuasion is on the objecting party to show that the interrogatories should not be answered"), a burden that Opposer cannot meet. Because Opposer's objections to Applicant's interrogatories, including those based on relevancy, are unsupportable, Applicant requests that the Board order Opposer to fully

² A chart identifying the disputed discovery request and Opposer response thereto is attached as Exhibit 8 to the Eliseev Declaration.

respond to Interrogatories Nos. 3, 4, 7 through 11, 13, 18 through 21, 23, 24, and 29 through 31.³

Opposer Should Fully Respond to Interrogatory No. 3

Opposer's responses that it "uses the marks in channels of trade customarily associated with the offering of association services" is patently inadequate. Rather than make Applicant guess what channels are "customarily associated" with Opposer's services, Opposer should provide a direct response to this interrogatory. As explained above, Opposer's relevancy objection is improper, as are its objections on the grounds of breadth and burden. This is a simple interrogatory that should generally not require an unduly burdensome inquiry on the part of Opposer. Thus, Opposer should provide a full response to this interrogatory.

Opposer Should Fully Respond to Interrogatory No. 4

Similar to Opposer's response to Interrogatory No. 3, its response to Interrogatory No. 4 directs Applicant to guess what classes of customers are "customarily associated" with Opposer's services. As explained above, such a response is inadequate, and should be fully supplemented.

Opposer Should Fully Respond to Interrogatory No. 7

Opposer's response is clearly insufficient. In its Answer to Opposer's Notice of Opposition, Applicant asserted affirmative defenses of laches, estoppel and acquiescence. The crux of these defenses is Applicant's assertion that the entity that authorized the creation of Applicant, United States Hispanic Chamber of Commerce, has been known throughout the United States (including to Opposer) since at least 1979, and has peacefully coexisted with Opposer as a national chamber of commerce since that time. This interrogatory seeks information directly relevant to the issue of long-time knowledge and coexistence. Therefore, Opposer's partial response to this interrogatory that "it knew of the existence of Applicant prior to the August 29, 2001, filing date of [Applicant's application]" is evasive and should be

³ For the Board's convenience, the Second Set interrogatories and document requests at issue in this motion, along with Opposer's inadequate objections and responses to them, are attached as Ex. 8 to Eliseev Decl.

supplemented. Opposer's relevancy objection is, as in Opposer's other responses, improper. So are Opposer's objections on the grounds of indefiniteness, breadth and burden.

Opposer Should Fully Respond to Interrogatories Nos. 8, 10, 23 and 24

Opposer's responses requiring Applicant to guess the advertising ways "customarily associated" with Opposer's services is likewise inadequate. The method of marketing and advertising that Opposer employs or intends to employ to market Opposer's products and services to the public is relevant, clearly requested and discoverable. The Board has determined that information on advertising, and the people involved with the advertising of a product or service under a mark, may lead to the discovery of relevant information such as the circumstances surrounding the selection of the mark, its distinctiveness or lack thereof, or other information that may have a bearing on issues normally involved in inter partes proceedings before the Board. See *J.B. Williams Co., Inc. v. Pepsodent G.m.b.H.*, 188 U.S.P.Q. 577, 580 (TTAB 1975); TBMP § 414(18). Likewise, the Board has required parties, in response to interrogatories requesting information concerning the circumstances under which the public may see the involved mark *and the manner in which a product bearing an involved mark is marketed*, to supply information regarding how people who purchase the products may conceivably see the mark, and required responding parties to describe the manner in which the goods are packaged and distributed through channels of trade. See *Varian Associates*, 188 U.S.P.Q. at 583, *citing American Optical Corp.*, 181 U.S.P.Q. at 123.

Opposer should be required to disclose its method of marketing and advertising in this proceeding. Such information is discoverable and relevant to the circumstances surrounding Opposer's choosing its Opposer's Marks, the distinctiveness and/or Opposer's perception of the distinctiveness of those marks, and other information such as how Opposer uses or intends to use the mark in commerce.

Opposer Should Fully Respond to Interrogatory No. 9

The price or fee of each of Opposer's product bearing Opposer's Marks is relevant to whether Opposer's services under those marks are similar to, and likely to be confused with, Applicant's services bearing Applicant's Mark. That is, if the respective services are not priced

similarly, there is a lower likelihood of confusion. Also, the price of the services is relevant to the sophistication of the parties' customers. *Omicron Capital, LLC v. Omicron Capital, LLC*, 2006 WL 1562392, p. 11 (S.D.N.Y. 2006). The Board has repeatedly held that sales figures for the goods bearing the mark involved in an opposition proceeding are proper matters for discovery because such information may well have bearing on the issues of registrability and likelihood of confusion. *See Varian Associates*, 188 U.S.P.Q. at 583; *see also Sunkist Growers, Inc. v. Benjamin Ansehl Co.*, 229 U.S.P.Q. 147, 149 (TTAB 1985). Because Opposer's sales figures, including the price of Opposer's services at issue, are relevant to registrability and likelihood of confusion, Opposer should be required to provide that information. TBMP § 414(18).

Opposer's vague and ambiguous objection does not pass muster. Applicant could not state the information requested with any more clarity.

Opposer Should Fully Respond to Interrogatory No. 11

Opposer's relevancy objection is improper: the Board has often held that advertising figures for specific goods or services bearing the involved mark are proper matters for discovery since the information may well have a bearing on the issues in the opposition proceeding. *See Sunkist Growers*, 229 U.S.P.Q. at 148-49; *see also Varian Associates*, 188 U.S.P.Q. at 583; TBMP § 414(18). The information requested in this interrogatory is relevant to issues such as likelihood of confusion and registrability of Opposer's Marks. *Id.* Opposer's burden objection is also inappropriate here, as Opposer is referring Applicant to one page that Opposer intends to produce to Applicant. Extracting data from such a document cannot reasonably be considered "unduly burdensome." In any case, this one-page document is likely not sufficient to provide all the responsive information, and Opposer should be compelled to fully respond to this interrogatory.

Opposer Should Fully Respond to Interrogatories Nos. 13 and 30

The discussion related to Opposer's response to Interrogatory No. 8 is fully applicable here. Opposer's reference of its response to Interrogatory No. 4 is improper. *See Scaife v. Boenne*, 191 F.R.D. 590, 594 (an answer to an interrogatory should be complete in itself and

should not refer to, among other things, another interrogatories). This is particularly true in view of Opposer's inadequate response to Interrogatory No. 4. Opposer's response to that interrogatory was incomplete, and even if it was sufficient, it would not by itself constitute a sufficient response to Interrogatory No. 13. More importantly, discovery regarding the classes of customers is discoverable. TBMP § 414(3).

Opposer Should Fully Respond to Interrogatory Nos. 18, 19 and 20

Opposer refers Applicant to Opposer's document production. Opposer's apparent reliance upon FRCP 33(d) in response to these and other interrogatories is misplaced. As stated in the Advisory Committee Notes, "[t]he Committee is advised that parties upon whom interrogatories are served have occasionally responded by directing the interrogating party to a mass of business records or by offering to make all of their records available, justifying the response by the option provided by this subdivision. Such practices are an abuse of the option." Therefore, the Committee stated, it is proper to invoke Rule 33(d) only where "the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served." Because these interrogatories seek information regarding Opposer's gross revenues, profits, and surveys and polls conducted by Opposer, it would be far easier for Opposer to provide this information than for Applicant to glean such information from Opposer's production documents (even assuming that such information may in fact be discerned from Opposer's production documents).

Further, the Board has held that sales figures for the goods or services bearing the mark involved in an opposition proceeding are proper matters for discovery because such information may well have bearing on the issues of registrability and likelihood of confusion. *See Varian Associates*, 188 U.S.P.Q. at 583; *see also Sunkist Growers, Inc. v. Benjamin Ansehl Co.*, 229 U.S.P.Q. 147, 149 (TTAB 1985); TBMP § 414(18). These interrogatories are stated clearly and seek a narrow category of information. Opposer therefore should be compelled to fully respond to these interrogatories.

Opposer Should Fully Respond to Interrogatory No. 21

Opposer's response to this interrogatory only consists of objections. These objections are misplaced. The requested information is relevant at least to Applicant's counterclaim for cancellation of Opposer's Marks as being generic. TBMP § 414(9). The interrogatory further specifically seeks identification of all relevant third parties "of which Opposer is aware." Therefore, Opposer's objection on the grounds of breadth, indefiniteness and burden as inappropriate, and Opposer should be compelled to provide the requested information.

Opposer Should Fully Respond to Interrogatory No. 29

Through this interrogatory, Applicant seeks the information upon which Opposer may rely to support its allegation, whether made now or later in the proceeding, that Applicant acted with the intent to trade on Opposer's goodwill in any of Opposer's Marks. Opposer objected to this interrogatory on the basis that it is allegedly premature. This proceeding is entering Opposer's testimony stage, and therefore Applicant is fully entitled to such information at this point. Therefore, Opposer should be compelled to provide it to Applicant now.

Opposer Should Fully Respond to Interrogatory No. 31

Applicant's counterclaim seeks cancellation of Opposer's Marks based on their genericness. This interrogatory seeks information directly bearing on this issue. Opposer's relevancy objection therefore is unsupportable. Opposer's objection that it does not use the phrase "Chambers of Commerce" in its marks is a semantic game. It is clear that the word "Chambers" contains a typographical error, and that at issue is the phrase "Chamber of Commerce," not "Chambers of Commerce." Opposer's breadth, burden and vagueness are similarly inappropriate because the interrogatory simply seeks the meaning of one phrase. Accordingly, Opposer should be compelled to provide a response to this interrogatory.

3. Opposer's Inadequate Responses to Applicant's Second Set of Document Requests

Opposer Should Fully Respond to Document Requests Nos. 3 and 10

These simple requests seek documents relating to the meaning, and Opposer's use, of the phrase "Chamber of Commerce" as used in Opposer's Marks and in general parlance. The

responsive documents contain information, which is directly relevant to the likelihood of confusion and Opposer's Marks' genericness issues. Opposer's vagueness, breadth, and burden objections are inappropriate here because the requested category of documents is narrow and the responsive documents could likely easily be located in Opposer's files upon a reasonable search. Therefore, Opposer should be compelled to provide such responsive documents.

Opposer Should Fully Respond to Document Request No. 4

This request seeks all search reports conducted by Opposer in connection with Opposer's Marks. Such reports may yield information regarding the strength of the marks (or, likely, lack thereof), which is the first factor in the likelihood of confusion inquiry. *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 841, n.5 (9th Cir. 2002). Applicant is not seeking through this request any attorney product associated with such research, and therefore, Opposer's objection on that basis is unsupported. Any search reports in Opposer's possession should be produced to Applicant. TBMP § 414(6).

Opposer Should Fully Respond to Document Requests Nos. 7, 8, 22, 36 and 37

Opposer's methods of marketing, promotion and distribution are relevant to the issues in this proceeding, clearly requested and discoverable. As pointed out above in connection with Opposer's interrogatory responses, the Board has determined that information on the methods of advertising of a product or service under a mark, may lead to the discovery of relevant information such as the circumstances surrounding the selection of the mark, its distinctiveness or lack thereof, or other information that may have a bearing on issues normally involved in inter partes proceedings before the Board. *See J.B. Williams Co., Inc. v. Pepsodent G.m.b.H.*, 188 U.S.P.Q. 577, 580 (TTAB 1975). Likewise, the Board has required parties, in response to interrogatories requesting information concerning the circumstances under which the public may see the involved mark and the manner in which a product bearing an involved mark is marketed, to supply information regarding how people who purchase the products may conceivably see the mark, and required responding parties to describe the manner in which the goods are packaged and distributed through channels of trade. *See Varian Associates*, 188 U.S.P.Q. at 583, *citing American Optical Corp.*, 181 U.S.P.Q. at 123. Thus, the requested documents are discoverable

and relevant to the circumstances surrounding Opposer's choosing its Opposer's Marks, the distinctiveness and/or Opposer's perception of the distinctiveness of those marks, and other information such as how Opposer uses, or intends to use, the marks in commerce. Lastly, Opposer's confidentiality concerns can be readily addressed through a protective order, which Applicant would consider entering with Opposer.

Opposer Should Fully Respond to Document Requests Nos. 11, 33, 34 And 35

The Board has held that the kind of information sought in this request is relevant in an opposition proceeding and should be produced. In *Johnson & Johnson v. Rexall Drug Co.*, 186 U.S.P.Q. 167, 172 (TTAB 1975), the Board held that "information pertaining to opposer's contacts with third parties, as through ... written or oral agreements, based on opposer's pleaded mark ... may have some relevance herein, inasmuch as it might tend to show limitations on opposer's rights or inconsistencies with opposer's statements in this proceeding, and that interrogatories seeking such information should accordingly be answered." *See also* TBMP § 414(10). Thus, Opposer's relevancy objection is unsupportable. Further, any of Opposer's confidentiality concerns can be addressed through a protective order, which Applicant is willing to consider.

Opposer Should Fully Respond to Document Request No. 13

This issue of channel of distribution is directly relevant to the alleged likelihood of confusion between Opposer's Marks and Applicant's Mark. Opposer's relevancy objection is clearly misplaced. As to its objections on the grounds of breadth, definiteness and burden, they are similarly inappropriate: the request is clear, concise, and only seeks "representative samples." Thus, Opposer should be compelled to produce such documents.

Opposer Should Fully Respond to Document Requests Nos. 16 Through 20, and 39

These requests seek financial information related to Opposer's Marks. As discussed above in connection with Opposer's responses to the interrogatories seeking related information, the Board has repeatedly held that sales figures for the goods bearing the mark involved in an opposition proceeding are proper matters for discovery because such information may well have bearing on the issues of registrability and likelihood of confusion. *See Varian Associates*, 188

U.S.P.Q. at 583; *see also Sunkist Growers, Inc. v. Benjamin Ansehl Co.*, 229 U.S.P.Q. 147, 149 (TTAB 1985); TBMP § 414(18). Thus, the relevancy objection is inappropriate. Because the requests are tailored to a specific and narrow category of documents, Opposer's definiteness, breadth and burden objections are similarly unsupportable.

Opposer Should Fully Respond to Document Requests Nos. 23 and 24

Opposer's communications related to Opposer's rights to use and/or register Opposer's Marks or the phrase "Chamber of Commerce" are clearly relevant to the issues of registrability and genericness of Opposer's Marks. TBMP § 414(10). Opposer's relevancy and definiteness objections are therefore inappropriate. As to its privilege objection, they are similarly unsupportable. The request does not seek communications with, or strategies of, Opposer's counsel.

Opposer Should Fully Respond to Document Request No. 30

The documents sought in this request seeks documents relevant to the issue of genericness of Opposer's Marks. Further, if such documents in fact exist, it is unlikely that they are so high in number that Opposer would be overburdened to collect and produce them. Therefore, all of Opposer's objections should be removed, and Opposer should be compelled to produce the responsive documents.

Opposer Should Fully Respond to Document Request No. 40

In its Answer to Opposer's Notice of Opposition, Applicant asserted affirmative defenses of laches, estoppel, and acquiescence. The requested documents are directly relevant to these three affirmative defenses. The request also seeks very specific documents, and does not seek communications with, or strategies of, Opposer's counsel. Therefore, all of Opposer's objections are unsupportable, and Opposer should be ordered to produce all the documents responsive to this request.

Opposer Should Fully Respond to Document Requests Nos. 41 and 42

The documents upon which Opposer relied in responding to Applicant's interrogatories and requests for admission would clearly be relevant to the issues in this proceeding. Opposer's

boilerplate objections are inapplicable here, and Applicant is entitled to the responsive documents.

Opposer Should Fully Respond to Document Requests Nos. 46 and 47

If Opposer retains experts to testify in this proceeding, Applicant is entitled to review all documents provided to such experts by Opposer or its counsel.

Opposer's belated offer to produce its documents at its counsel's office in Washington, D.C. (Eliseev Decl., Ex. 7) does not satisfy its obligation to produce documents. First, such documents would not be produced as they are kept in Opposer's ordinary course of doing business. Second, Applicant specifically asked Opposer to mail such documents to Applicant's counsel in Los Angeles. (Eliseev Decl., Ex. 3, p. 1.) Third, the offer appears to be a tactic to increase the cost of this case to Applicant, and otherwise delay discovery.

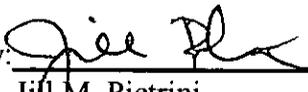
Therefore, Opposer should be ordered to produce all responsive documents by mail to Applicant's counsel in Los Angeles, California.

III. CONCLUSION

For the reasons stated above, Applicant respectfully requests that the Board grant its motion to compel in its entirety.

Respectfully submitted,

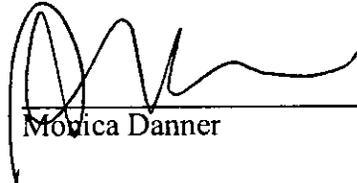
MANATT, PHELPS & PHILLIPS, LLP

By: 

Jill M. Pietrini
Attorneys for Applicant
UNITED STATES HISPANIC
CHAMBER OF COMMERCE
FOUNDATION

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, Attn: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 2313-1451, on this 31st day of July, 2006.



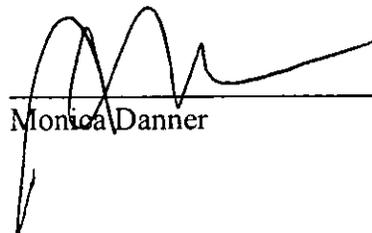
Monica Danner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, TO PRODUCE DOCUMENTS, AND, IN THE ALTERNATIVE, TO EXCLUDE EVIDENCE** has been served upon the attorney for Opposer by depositing a copy thereof in an envelope addressed to:

William Merone
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005

on this 31st day of July, 2006.



Monica Danner

41023159.1

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p> Opposer,</p> <p> vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p> Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>DECLARATION OF ANDREW ELISEEV IN SUPPORT OF APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, TO PRODUCE DOCUMENTS</p>
---	---

I, Andrew Eliseev, declare as follows:

1. I am over the age of 18, I have personal knowledge of the facts set forth herein, and I could and would competently testify about these matters if called upon to do so. I submit this declaration in support of Applicant United States Hispanic Chamber of Commerce Foundation's ("Applicant") motion to compel responses to interrogatories and requests for production of documents and things, to produce documents, and, in the alternative, to exclude evidence.
2. I am one of the attorneys representing Applicant in this proceeding.
3. On January 12, 2004, former counsel representing Applicant propounded a First Set of Discovery to Opposer The Chamber of Commerce of The United States of America ("Opposer"), consisting of interrogatories (Nos. 1-7) and requests for documents and things (Nos. 1-39). Attached hereto as **Exhibit 1** is a true and correct copy of Applicant's First Set of Discovery.

4. Although Opposer's responses to Applicant's First Set of Discovery were due on February 11, 2004, Opposer never served responses to those requests nor produced any responsive documents. Further, Opposer never requested an extension of time for its responses, and no extension to respond has ever been granted by Applicant or its counsel.

5. On March 13, 2006, Applicant propounded its Second Set of Interrogatories to Opposer (Nos. 1-31) and Second Set of Requests for Documents and Things (Nos. 1-50). Attached hereto as **Exhibits 2** and **3** are true and correct copies of Applicant's Second Set of Interrogatories to Opposer and Applicant's Second Set of Requests for Production of Documents and Things, respectively.

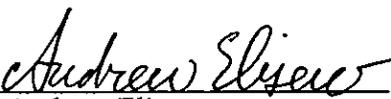
6. Although no extension of time to respond was requested, nor granted, Opposer did not serve its responses until over a month and a half past the due date of April 12, 2006. Attached hereto as **Exhibits 4** and **5** are true and correct copies of Opposer's responses to Applicant's Second Set of Interrogatories and Applicant's Second Set of Requests for Production of Documents and Things, respectively.

7. On July 26, 2006, I wrote a letter to Opposer's counsel, William M. Merone, informing him that Applicant never received Opposer's responses to the First Set of Discovery, and that Opposer's responses to the two Second Sets of discovery were not only late, but most of them were also inadequate, and asking to meet and confer regarding Opposer's supplementation of its discovery responses and Opposer's production of documents and things responsive to Applicant's requests. Attached hereto as **Exhibit 6** is a true and correct copy of my letter to Mr. Merone dated July 26, 2006.

8. On July 27, 2006, I received a letter from Opposer's counsel, Erik C. Kane, in which he stated that "it is our position [that Opposer] is in no way deficient on any of its discovery responses. As such, there would not seem to be much to discuss." Attached hereto as **Exhibit 7** is a true and correct copy of Mr. Kane's letter to me dated July 27, 2006.

9. Attached hereto as **Exhibit 8** is a chart containing the interrogatories and document requests from the second sets of discovery requests at issue in Applicant's motion, as well as Opposer's responses to those interrogatories and document requests.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 31st day of July, 2006 in Los Angeles, California.

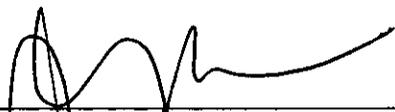


Andrew Eliseev

41025249.1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, Attn: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 2313-1451, on this 31st day of July, 2006.



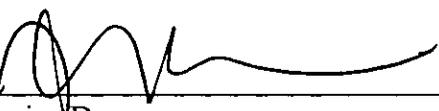
Monica Danner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DECLARATION OF ANDREW ELISEEV IN SUPPORT OF APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, TO PRODUCE DOCUMENTS** has been served upon the attorney for Opposer by depositing a copy thereof in an envelope addressed to:

William Merone
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005

on this 31st day of July, 2006.



Monica Danner

EXHIBIT 1

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

THE CHAMBER OF COMMERCE)
OF THE UNITED STATES OF AMERICA)
)
Opposer,)
)
v.)
)
UNITED STATES HISPANIC)
CHAMBER OF COMMERCE,)
)
)
Applicant.)

Opposition No. 91156321

**APPLICANT'S FIRST SET OF DISCOVERY TO OPPOSER
(INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS)**

Applicant, United States Hispanic Chamber of Commerce, by and through its attorneys, hereby requests pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure and Section 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, that Opposer, The Chamber of Commerce of the United States, respond to the interrogatories and produce the documents and things listed below for inspection and copying, within thirty (30) days following the date of service of this Request upon Opposer, at the offices of Armstrong Teasdale LLP, One Metropolitan Square, Suite 2600, St. Louis, MO 63102.

DEFINITIONS AND INSTRUCTIONS

1. The term "Applicant" shall refer to Applicant United States Hispanic Chamber of Commerce, its predecessors, successors, parents, subsidiaries, and affiliates, as well as any present or former officer, director, attorney, representative, investigator, agent, privy, consultant, contractor, subcontractor, servant, or employee acting or authorized to act on its behalf.

2. The term "Opposer" shall refer to Opposer, The Chamber of Commerce of the United States, and its predecessors, successors, parents, subsidiaries, and affiliates, as well as any present or former officer, director, attorney, representative, investigator, agent, privy, consultant, contractor, subcontractor, servant, or employee acting or authorized to act on its behalf.

3. The term "Opposer's Marks" shall refer to the Opposer's alleged trademarks including Registration No. 1,686,865; Registration No. 1,522,157; Registration No. 1,436,813, and Registration No. 1,430,627, for the following goods and services: *association services; namely, promoting the interests of business men and women* in Class 42.

4. The term "Applicant's Mark" shall refer to Applicant's application, U.S. Serial No. 78/081,731, for the goods and services set forth in the aforesaid application.

5. The term "person" refers to both natural persons and to corporate or other business entities, partnerships, groups, associations, governmental entities, or other organizations.

6. The term "document" shall include material of every type and description within the scope of Fed. R. Civ. P. 26 and 34, however produced, reproduced, and/or stored, including electronically, and including, but not limited to, the original and all copies (carbon, photocopy, photographic, microfilm or otherwise) of any advertising or of any advertising or promotional material (including, without limitation, art work, copies of drafts thereof, proofs, tear sheets, scripts, storyboards, etc.), brochures, business cards, travel tickets, lodging confirmations, lists of customers, lists of customer inquiries, rate schedules, letters, correspondence, customer or other complaints, books, journals, ledgers, working papers, invoices, contracts, purchase orders, estimates, reports, memoranda, interoffice communications, records, studies, appraisals, papers, charts, recordings of or memoranda of any conversation (by telephone or otherwise), meeting or

conference, or any other writing however produced or reproduced; all other handwritten, typed, printed, or otherwise visually or aurally reproduced materials, whether copies or originals, including, but not limited to, letters, cables, wires, memoranda and interoffice communications; reports, notes, minutes and recordings; drawings, blueprints, sketches, charts, photographs, microfilm records, data compilations and movies; copyrights, copyright registration applications, patents, trademarks, patent applications, trademark applications, assignments, contracts, agreements, licenses and other official documents and legal instruments; published material of any kind; annual reports, reports to shareholders and minutes or reports of meetings of directors or executive boards or committees; advertising or promotional literature and press releases; engineering notebooks and data; and ledgers, bills, orders, books, records, and files that are in the possession, custody or control of Opposer or any of its officers, agents, or employees and/or Opposers attorneys. The term "document" or "documents" also includes all copies that are not identical with the original.

7. The term "identify" as used herein means:

- (a) in the case of a natural person, to state for each person his or her: (i) full name; (ii) present residence address and telephone number; (iii) present business address and telephone number; (iv) present position, business affiliation and job description; and (v) if any of the information set forth in (i) through (iv) is unknown, so state and set forth the corresponding last known information;
- (b) in the case of a corporation or other business entity, to state for each corporation or business entity: (i) its full name; (ii) its legal form (i.e., corporation, partnership, etc.) and state of incorporation or legal formation; (iii) its address and principal place of business; (iv) the identity of its officers or other persons having knowledge of the matter with respect to which the corporation or entity is name; and (v) the connection to Opposer's response; and
- (c) in the case of a document, to state for each document: (i) the identify of the person(s) originating and preparing it and the sender; (ii) its general type (e.g., letter, memo, report, invoice, etc.), title, identifying number and the general nature of its subject matter; (iii) the identity of the addressees and distributees, if any; (iv) its date of preparation; (v) its date and manner of transmission, distribution

and publication, if any: (vi) the location of each copy (including title, index number and location of the file in which it is kept or from which it was removed) and the identity of the present custodian or persons responsible for its filing or other disposition; and (vii) the identity of the persons who can authenticate or identify it.

8. The term "thing" as used herein refers to any tangible object other than a document, and includes objects of every kind and nature such as, but not limited to, prototypes, models, specimens, computer disks and tapes, videotapes and audiotapes.

Instructions

1. Applicant requests, pursuant to Fed. R. Civ. P. 34(b), that Opposer's written responses to this request state, with respect to each item or category, that inspection, copying, testing or sampling will be permitted as requested, and if a request is objected to, that the reason for the objection be stated.

2. A request for documents shall be deemed to include a request for all drafts, revisions and modifications thereto, in addition to the document itself

3. If more than one copy of a document is in existence and any copies bear notations, whether handwritten or otherwise, that do not appear on all copies, each such annotated copy shall be produced.

4. The words "and" and "or" shall be construed either conjunctively or disjunctively, as necessary to make the sentence inclusive rather than exclusive; the word "including" shall be construed to mean "without limitation."

5. Any word written in the singular shall be construed as plural or vice versa when necessary to fulfill a document response.

6. Should Opposer withhold any document requested by any of the following

requests, Opposer shall, in its written response, describe such document by specifying the following for each such document:

- (a) The date appearing on the document and if no date appears thereon, so state and give the date or approximate date on which the document was prepared;
- (b) The identifying number, letter, or combination thereof, if any, and the significance of meaning of such;
- (c) The general nature or description of the document (*i.e.*, whether it is a letter, memorandum, minutes of a meeting, etc.), and the number of pages of which it consists;
- (d) The name of the person who signed the document and if it was not signed, so state and give the name of the person or persons who prepared it;
- (e) The name of the person to whom the document was addressed and the name of each person, other than such addressee, to whom the document, or a copy thereof, was sent;
- (f) The subject matter to which the document relates; and
- (g) The specific claim relied on for withholding production of the document.

7. Each request should be construed independently. No request should be construed by reference to any other request for the purpose of limiting the scope of response to such request.

8. Each document shall separately identify the request number pursuant to which it is being produced.

A written response to this request is required pursuant to Federal Rule 34.

INTERROGATORIES

1. Identify each present and former officer and director of Opposer and indicate the periods of service in such capacity.
2. Identify each person involved in initiatives or programs directed towards the Hispanic business community.
3. Identify each person who has approached Applicant and the National Coalition of Hispanic Chambers of Commerce.
4. Identify each corporate partner or sponsor affiliated with Opposer.
5. Identify the person that serves as Opposer's contact person at each corporate partner or sponsor.
6. State the first date on which and the manner in which Opposer became aware of Applicant's use of its Mark and trade name and identify the person connected or associated with Opposer who first learned of such use.
7. State the date Opposer first opened its offices at its current location at 1615 H Street, NW, Washington, DC 20062.

REQUESTS

1. All documents identified in the responses to Interrogatories No. 1-7.
2. All documents and things referring or relating to the creation and selection of Opposer's Marks, including correspondence with and memoranda between Opposer and any name consultant, design firm, advertising agency, advertising media, suppliers and printers.

3. All documents and things referring or relating to the adoption and use (including Opposer's first use in intrastate and interstate commerce) of Opposer's Marks, including correspondence with and memoranda between Opposer and any name consultant, design firm, advertising agency, advertising media, suppliers and printers.

4. All search reports and investigation reports prepared by or for Opposer which refer to, relate to, or comment upon Opposer's Marks or trade name or Applicant's Mark.

5. All federal and state service mark applications filed by or on behalf of Opposer for Opposer's Marks, and all documents referring or relating to any such applications.

6. All documents referring or relating to Opposer's sale of goods or services under Opposer's Marks.

7. All documents and things referring or relating to, or comprising any permission given by Opposer to any third party to use a trademark, or trade name which Opposer considered or considers to be similar or identical to Opposer's Marks, including all franchise agreements, licenses, and other documents permitting such use, and all documents relating thereto.

8. All documents and things referring or relating to, or comprising any permission received by Opposer from any third party to use a trademark, or trade name which Opposer considered or considers to be similar or identical to Opposer's Marks or trade name, including all franchise agreements, licenses, and other documents permitting such use, and all documents relating thereto.

9. All documents and things pertaining to use by third parties of a service mark, trademark, or trade name including or consisting of Opposer's Marks.

10. All documents and things referring or relating to, or comprising any challenges Opposer has ever made to any third party, and any third party has made to Opposer, concerning

the use of any service mark, trademark, or trade name which was considered to conflict with Opposer's Marks or any portion thereof.

11. All documents and things referring or relating to, or comprising any assignment of any trademark rights for Opposer's Marks.

12. All documents and things referring or relating to any court or Patent and Trademark Office action filed by Opposer or filed against Opposer in connection with Opposer's Marks.

13. Specimens of all advertising and promotional documents bearing Opposer's Marks, including brochures, catalogues, circulars, leaflets, direct mail pieces, newspaper and magazine advertisements, commercials, telephone book advertisements, price lists, trade association listings, annual reports, and any other material such as labels, tags, packages, containers, decals, stamps, and name plates used by Opposer, its distributors, or other sellers of its products or services.

14. Specimens of all types of goods bearing Opposer's Marks.

15. All documents identifying the publications and broadcast media in which Opposer has advertised, is advertising, or has planned to advertise any of its products or services bearing or sold under Opposer's Marks.

16. Specimens of each different counter display or other point-of-sale display prepared, printed, or disseminated by or for Opposer in which Opposer's Marks or any variation thereof appear since the alleged date of first use of that designation to date.

17. Copies of all television commercials, radio scripts, and other media advertising not previously requested in which Opposer's Marks or any variation thereof appear or are mentioned.

18. All documents referring or relating to or commenting upon Opposer's advertising or promotional expenditures for any goods or services under Opposer's Marks or any variation thereof.

19. All documents and things relating or referring to the geographic scope of the advertising, distribution and sale of goods or services bearing or under Opposer's Marks.

20. All documents and things relating or referring to, or comprising, Opposer's advertising expenditures for goods bearing or services sold under Opposer's Marks or trade name by geographic or distribution regions where the services have been offered or products have been sold.

21. All documents referring or relating to or comprising any consumer or market survey, test, or study Opposer has conducted or has caused to be conducted regarding the public's or the trade's recognition of or reaction to Opposer's Marks.

22. All documents referring or relating to or comprising any consumer or market survey, test, or study Opposer has conducted or has caused to be conducted regarding the public's or the trade's recognition of or reaction to Applicant's Mark.

23. All documents referring or relating to, or comprising any consumer or market survey, test, or study Opposer has conducted or has caused to be conducted regarding any confusion among the public, retailers, or the trade resulting from the use of Opposer's Marks.

24. All documents referring or relating to, or comprising any communication or notice to Opposer concerning the possibility that Opposer's use of its trademarks, or any portion or variation thereof, might or might not result in confusion or mistake in any industry or among the public, particularly in view of Applicant's use of its trademark.

25. All documents regarding the types and classes of consumers to whom, and the markets and channels of trade in the United States through which Opposer markets or sells goods and services identified by Opposer's Marks, including without limitation all documents indicating the channels of commerce through which Opposer offers and sells its services or goods to consumers, and including without limitation all documents indicating the manner in which orders are solicited for Opposer's goods and services marketed or sold under Opposer's Marks or by any division, subsidiary, or related company.

26. All documents and things referring or relating to any modification by Opposer of Opposer's Marks or trade name since the first use thereof, including all documents relating to the reason such modification was made.

27. All documents and things referring or relating to, or comprising statements, inquiries, comments, or other communications by or from Opposer's customers, distributors, suppliers, or others, relating to the similarity of Opposer's Marks to Applicant's Mark or evidencing any confusion, suspicion, belief, or doubt on the part of said third parties as to the relationship between either or both of the Applicant and Opposer or their respective products or services sold under Opposer's Marks or Applicant's Mark, including any misdirected complaints or inquiries.

28. All documents referring or relating to or comprising any communication, oral or written, received by Opposer from any person which suggests, implies, or infers any connection or association with Applicant or which inquires as to whether there is or may be such a connection or association.

29. All documents referring or relating to or evidencing or comprising any instance or occurrence of actual confusion on the part of any person due to Applicant's and Opposer's use of their trademarks or trade names.

30. All documents referring or relating to or comprising any opinion from counsel, whether or not such counsel was employed by Opposer, concerning Opposer's rights to Opposer's Marks, including without limitation all documents identifying the date of any such opinion and the attorney rendering the opinion, or discussing any action Opposer may have taken, or considered taking, in reliance upon said opinion.

31. All documents referring or relating to or commenting upon Opposer's development, manufacture, offering for sale, sale, and distribution of any goods or services with which Opposer's Marks or any variation thereof has been used.

32. All documents referring or relating to, or comprising, any analyses, studies, or reports relating to the sales or prospective sales of Opposer's goods or services under Opposer's Marks, including but not limited to business plans, marketing plans, development plans, financial plans, and budgetary plans relating to the Hispanic business community.

33. All documents referring or relating to, or comprising, any plan Opposer has to expand the type of goods or services it offers under its trademark or trade name to the Hispanic business community.

34. All documents referring or relating to or comprising or commenting on Opposer's incorporation, corporate name reservations, qualifications to do business, trade name registrations and assumed name records for Opposer and any of its divisions, subsidiaries, or related businesses, referring or relating to the use of Opposer's trade name.

35. All documents and things referring or relating to the proportion of Opposer's products or services marketed and sold under Opposer's Marks.

36. All documents regarding Opposer's policy with respect to retention of documents, including business records.

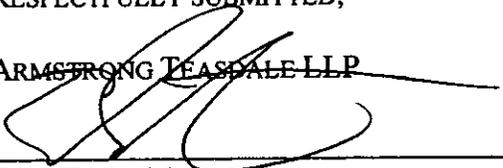
37. All documents referring or relating to or evidencing or comprising any inquiry, investigation, or survey conducted by or on behalf of Opposer regarding any issues involved in this opposition proceeding.

38. All statements or opinions of any expert retained by Opposer or any person acting for or on behalf of Opposer regarding any of the issues involved in this opposition proceeding.

39. All documents, other than those produced in response to any of the foregoing requests, upon which Opposer intends to rely in connection with this proceeding.

RESPECTFULLY SUBMITTED,

ARMSTRONG TEASDALE LLP



Evan R. Sotiriou
Marta I. Burgin
One Metropolitan Square
Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

Attorneys for Applicant

CERTIFICATE OF SERVICE

I certify that on January 12, 2004, a copy of the foregoing Applicant's First Set of Discovery to Opposer (Interrogatories and Request Production of Documents and Things) was mailed, first class mail postage prepaid, to Mark A. Comtois and L. Lawton Rogers III, Of. Duane Morris LLP, 1667 K Street N.W., Suite 700, Washington DC 20006.

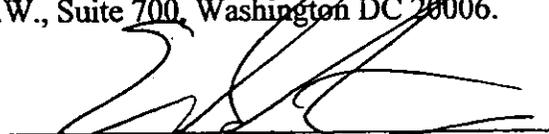


EXHIBIT 2

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p>Opposer,</p> <p>vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p>Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S SECOND SET OF INTERROGATORIES TO OPPOSER</p>
---	---

Pursuant to FRCP 33, Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant") hereby requests that Opposer The Chamber of Commerce of the United States of America ("Opposer") answer, separately, fully in writing and under oath, pursuant to and within the deadline governed by the FRCP, the Code of Federal Regulations and the Trademark Trial and Appeal Board Manual of Procedure, the Interrogatories set forth below.

I. INSTRUCTIONS

If any one or more of these Interrogatories is or are objected to on the grounds of privilege, overbreadth, vagueness or similar grounds, Applicant is instructed for each such Interrogatory to answer the Interrogatory within the response period as narrowed to conform with the objection. Where Applicant lacks knowledge of exact information responsive to an Interrogatory, Applicant is instructed to say so and to answer the Interrogatory to the best of its present knowledge, to supply the best available estimate of the requested information, and to explain the basis of the estimate.

These Interrogatories are continuing and Applicant is hereby requested to supplement its responses immediately whenever it acquires additional information pertinent thereto.

II. DEFINITIONS

The following definitions are applicable to the terms of these Interrogatories.

A. "Applicant" shall mean and refer to Applicant United States Hispanic Chamber of Commerce Foundation and includes any and all of its predecessors and successors in interest, subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers, directors, licensees, assigns and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing

B. "Opposer" shall mean and refer to Opposer The Chamber of Commerce of the United States of America, and includes any and all of its predecessors and successors in interest, subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers, directors, licensees, assigns and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

C. "Applicant's Mark" shall mean and refer to Applicant's mark UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design Serial No. 78/081,731, shown below:



D. "Opposer's Marks" shall mean and refer to the trade names and trademarks CHAMBER OF COMMERCE OF THE UNITED STATES, U.S. CHAMBER OF COMMERCE, NATIONAL CHAMBER and U.S. CHAMBER alleged in Paragraph 1 of the Notice of Opposition.

E. The singular includes the plural and vice versa; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”

F. “Relating to” shall mean and refer to constituting, containing, referring to, mentioning, discussing, describing, analyzing, pertaining to, or being or connected with, directly or indirectly.

G. “Document” means all “writings” and “recordings” as those terms are defined in Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence, including, but not limited to, all writings and records of every type and description, contracts, agreements, correspondence, memoranda, letters facsimiles, electronic mail (“e-mail”), records of telephone conversations, handwritten and typewritten notes of any kind, statements, reports, minutes, recordings, transcripts and summaries of meetings, voice recordings, pictures, photographs, drawings, computer cards, tapes, discs, printouts and records of all types, studies, instruction manuals, policy manuals and statements, books, pamphlets, invoices, canceled checks and every other device or medium by which or through which information of any type is transmitted, recorded or preserved. Without any limitation on the foregoing, the term “document” shall include all copies that differ in any respect from the original or other versions of the document, including, but not limited to, all drafts and all copies of such drafts or originals containing initials, comments, notations, insertions, corrections, marginal notes, amendments or any other variation of any kind.

H. “Communication” means, without limitation, the exchange or transmission of words or ideas to another person or entity, whether accomplished person to person, by telephone, in writing, via e-mail or through another medium, and shall include, but is not limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes and statements or questions.

III. INTERROGATORIES

INTERROGATORY NO. 1:

Identify and describe in detail each product or service of Opposer bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 2:

For each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present, state the date that Opposer's Marks were first used on each such product or service and, if applicable, the date of cessation of use of Opposer's Marks on or for any goods or services.

INTERROGATORY NO. 3:

For each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, describe in detail the channels of trade and distribution in which such products or services are sold or are intended to be sold, including, without limitation, the type of retailer or outlet in which each such product or service is sold or is distributed from, or is intended to be sold or distributed from, from 1979 to the present.

INTERROGATORY NO. 4:

For each product or service bearing, sold or offered under, or intended to be sold or offered under Opposer's Marks, from 1979 to the present, describe in detail the demographic market to which the product or service is sold or intended to be sold.

INTERROGATORY NO. 5:

For each product or service bearing, sold or offered under, or intended to be sold or offered under any of Opposer's Marks from 1979 to the present, describe in detail how Opposer's Marks appear, or are intended to appear, on each such product or in connection with each such service, including without limitation the location and size of Opposer's Marks, whether they appear in connection with any other words or designs, and how they are used (or will be used) in connection with the sale, offering for sale, advertising, distribution, or manufacture of each such product or service.

INTERROGATORY NO. 6:

Identify and describe any trademark search conducted by or for Opposer relating to any of Opposer's Marks or any other mark containing CHAMBER OF COMMERCE.

INTERROGATORY NO. 7:

Describe all circumstances surrounding Opposer's first becoming aware or acquiring knowledge of Applicant's use of, or application to register, Applicant's Mark or of Applicant's existence. In this description, identify the person(s) who first learned of Opposer's use of, application to register Applicant's Mark, or of Applicant and the date that Opposer first became aware or acquired knowledge of such use or application or of Applicant.

INTERROGATORY NO. 8:

Describe in detail the methods and intended methods of marketing and advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 9:

State the price or fee of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 10:

Identify the person(s) most knowledgeable about the marketing and sale of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 11:

State the annual and monthly amounts spent by or on behalf of Opposer for advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, since 1979. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products or services bearing, sold or offered under any of Opposer's Marks, then state the annual and monthly amount spent by or on behalf of Opposer

for the advertisement and promotion of all Opposer's products and services, regardless of the mark or name applied to, or used with, such products or services, from 1979 to the present.

INTERROGATORY NO. 12:

Identify the person(s) who has or had primary responsibility for selection, maintenance, registration, and protection of Opposer's trademarks, service marks, trade names, or internet domain names, from 1979 to the present.

INTERROGATORY NO. 13:

State whether Opposer has any marketing or advertising plans or programs directed toward, or targeted to, any particular trade, industry or consumer group for the products or services bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks. If so, identify and describe in detail each such trade, industry, or consumer group.

INTERROGATORY NO. 14:

Identify all persons that provided information for Opposer's responses to these Interrogatories, Opposer's responses to Applicant's Second Requests for Production of Documents and Things, and Opposer's responses to Applicant's First Requests for Admission, served to Opposer to date.

INTERROGATORY NO. 15:

State all facts supporting and negating Opposer's position that there is a likelihood of confusion between Applicant's Mark and any of Opposer's Marks.

INTERROGATORY NO. 16:

Identify and describe in detail all instances in which Opposer received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Applicant and Opposer, between Opposer's Marks and Applicant's Mark, or between the goods or services offered by Opposer and the goods or services bearing, sold or offered under Applicant's Mark, and, for each instance, identify all person(s) who have knowledge of the facts thereof and the date of each instance.

INTERROGATORY NO. 17:

State on an annual basis, the total number of units sold, leased, or distributed of each product bearing, sold or offered under Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 18:

State on an annual basis, the total amount of gross revenues earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 19:

State on an annual basis, the total amount of net profits earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

INTERROGATORY NO. 20:

Identify all surveys, public opinion polls or any other forms of consumer research known to Opposer relating to each of Opposer's Marks, Applicant's Mark or any other mark including CHAMBER OF COMMERCE.

INTERROGATORY NO. 21:

Identify all third parties of which Opposer is aware that currently use the term "Chamber of Commerce" as a trademark, service mark, domain name, or trade name or as part of a trademark, service mark, trade name, or domain name, and for each such third party, identify:

- (a) the name, address and other contact information for the owner of the mark;
- (b) the goods or services for the third party mark is used;
- (c) the geographic scope of the use of the mark;
- (d) the total sales of, or revenue for, the products or services sold under the third party mark; and
- (e) the manner in which the third party mark is used, *e.g.*, on the product, on a website(s), in advertising, etc.

INTERROGATORY NO. 22:

Identify all internet domain names owned or registered by Opposer that include the term "Chamber of Commerce," as well as the date of Opposer's registration of each such domain name.

INTERROGATORY NO. 23:

Identify and describe in detail all contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to any of Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such contract, agreement or arrangement, the term of each such contract, agreement or arrangement, and the types of goods or services relating to each such contract, agreement or arrangement.

INTERROGATORY NO. 24:

Identify and describe in detail all cross-marketing or co-branding agreements, or other marketing or advertising arrangements, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such agreement or arrangement, the term of each such agreement or arrangement, and the types of goods or services relating to each such agreement or arrangement.

INTERROGATORY NO. 25:

Identify each person, if any, whom Opposer expects to use as an expert witness in this matter. For each person identified, provide the following information:

- (a) the subject matter(s) on which the expert witness is expected to testify;
- (b) the substance of the facts and opinions to which the expert witness is expected to testify;
- (c) a summary of the grounds for each opinion to which the expert is expected to testify;
- (d) the qualifications of each expert, including a list of all publications authored by the expert within the preceding ten years;

- (e) the compensation to be paid for the expert's study and testimony; and
- (f) a list of any other cases in which the expert has testified as an expert at trial or by deposition within the preceding four years.

INTERROGATORY NO. 26:

Identify all companies or partnerships at least 25 percent owned by, or controlled by, Opposer or with which Opposer shares any common officers or directors, and all companies or partnerships that own at least 25 percent ownership of Opposer.

INTERROGATORY NO. 27:

Describe in detail (*i.e.*, state the case name, the tribunal, and the claims alleged in and the outcome of) any proceedings concerning the phrase "Chamber of Commerce" as a trademark, service mark or trade name before the Trademark Trial and Appeal Board, or in litigation in any court, in which Opposer was (or is) a party.

INTERROGATORY NO. 28:

Describe in detail (*i.e.*, state case name, the tribunal, and the claims alleged in and the outcome of) any proceedings concerning the phrase "Chamber of Commerce" as a trademark, service mark or trade name before any foreign Trademark Office, or in litigation in any foreign tribunal, in which Opposer was (or is) a party.

INTERROGATORY NO. 29:

Does Opposer contend that Applicant acted with the intent to trade on Opposer's alleged goodwill in any of Opposer's Marks? If so, state all facts to support and rebut such contention.

INTERROGATORY NO. 30:

Identify all trade shows or the like at which Opposer has displayed advertised, or promoted its goods offered under any of Opposer's Marks for the period of 1979 to the present. Such identification must include:

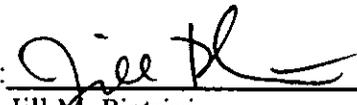
- (a) the name of each trade show;
- (b) the date(s) attended by Opposer;
- (c) the location of each trade show;

- (d) the approximate number of attendees of each trade show; and
- (e) whether Opposer displayed, promoted, advertised, or sold any products bearing or offered under Opposer's Marks at such shows.

INTERROGATORY NO. 31:

State the meaning of CHAMBERS OF COMMERCE as used in Opposer's Marks which contain that term, and as used in general parlance.

MANATT, PHELPS & PHILLIPS, LLP

By: 

Jill M. Pietrini
Attorneys for Applicant
UNITED STATES HISPANIC
CHAMBER OF COMMERCE
FOUNDATION

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S SECOND SET OF INTERROGATORIES TO OPPOSER** has been served upon the attorney for Opposer by depositing a copy thereof in an envelope addressed to:

William Merone
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005

on this 13th day of March, 2006.



LaTrina Martin

40979686.1

EXHIBIT 3

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

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p>Opposer,</p> <p>vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p>Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S SECOND SET OF REQUESTS FOR DOCUMENTS AND THINGS TO OPPOSER</p>
---	---

Pursuant to Federal Rule of Civil Procedure ("FRCP") 34, Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant") hereby requests that Opposer The Chamber of Commerce of the United States of America ("Opposer") provide written responses to the requests for documents and things listed below, and produce and permit the inspection and copying of the documents and things requested below, regardless of whether all or only a part of any document or thing meets the description (the "Request").

Applicant requests that such written responses be served to Applicant's counsel by U.S. mail within the deadline governed by the FRCP, the Code of Federal Regulations and the Trademark Trial and Appeal Board Manual of Procedure, and that simultaneously the requested documents and things be produced to Applicant by sending them through the U.S. mail to Applicant's counsel.

This Request is intended to cover all documents and things in the possession of Opposer, or subject to its custody or control, or available to Opposer, wherever such documents and things are located, including, but not limited to, any of Opposer's offices or any other offices or

buildings maintained or used by Opposer, its agents, employees, licensees, joint venturers, partners, independent contractors, accountants or attorneys, or any other location where documents or things are kept.

If any responsive document or thing covered by this Request is withheld for any reason, on a claim of privilege, attorney-work product protection, or otherwise, Opposer shall provide a listing of such withheld documents and things stating the form of each such document or thing withheld; the date of its creation or preparation; its author (in the case of documents) or creator (in the case of things); each addressee or recipient (in the case of documents) or owner (in the case of things); its contents or subject matter; the reason for which Opposer is withholding such document or thing; and the name and most recent known address of any person, persons, entity, or entities presently having possession, custody or control of the same or a true copy thereof.

If documents or things herein requested cannot be produced because they have been destroyed, cannot be located, or are otherwise thought no longer to exist, Opposer shall provide a statement, indicating, to the best of Opposer's ability, the form of each such document or thing; the date of its creation or preparation; its author (in the case of documents) or creator (in the case of things); each addressee or recipient (in the case of documents) or owner (in the case of things); and its contents or subject matter.

This Request is a continuing request. Consequently, if any of the documents or things which were not or could not be produced for the reasons given above are later discovered, located, or, for any other reason, become known to Opposer after initial responses to this Request are served, then Opposer must immediately notify Applicant and promptly make such documents or things available for production, inspection and copying.

I. DEFINITIONS

The following definitions are applicable to the terms of these Requests for Admissions.

A. "Applicant" shall mean and refer to Applicant United States Hispanic Chamber of Commerce Foundation, and includes any and all of its predecessors and successors in interest, subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers,

directors, licensees, assigns and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

B. “Opposer” shall mean and refer to Opposer The Chamber of Commerce of the United States of America, and includes any and all of its predecessors and successors in interest, subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers, directors, licensees, assigns and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

C. “Applicant’s Mark” shall mean and refer to Applicant’s mark UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design Serial No. 78/081,731, shown below:



D. “Opposer’s Marks” shall mean and refer to the trade names and trademarks CHAMBER OF COMMERCE OF THE UNITED STATES, U.S. CHAMBER OF COMMERCE, NATIONAL CHAMBER and U.S. CHAMBER alleged in Paragraph 1 of the Notice of Opposition.

E. “Person” shall mean and refer to natural persons, organizations, associations, partnerships, joint ventures, corporations and other legal entities, and the actions taken by a person include the actions of directors, officers, owners, members, partners, joint venturers, employees or agents acting on the person’s behalf.

F. The singular includes the plural and vice versa; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”

G. "Relating to" shall mean and refer to constituting, containing, referring to, mentioning, discussing, describing, analyzing, pertaining to, or being or connected with, directly or indirectly.

H. "Document" means all "writings" and "recordings" as those terms are defined in Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence, including, but not limited to, all writings and records of every type and description, contracts, agreements, correspondence, memoranda, letters facsimiles, electronic mail ("e-mail"), records of telephone conversations, handwritten and typewritten notes of any kind, statements, reports, minutes, recordings, transcripts and summaries of meetings, voice recordings, pictures, photographs, drawings, computer cards, tapes, discs, printouts and records of all types, studies, instruction manuals, policy manuals and statements, books, pamphlets, invoices, canceled checks and every other device or medium by which or through which information of any type is transmitted, recorded or preserved. Without any limitation on the foregoing, the term "document" shall include all copies that differ in any respect from the original or other versions of the document, including, but not limited to, all drafts and all copies of such drafts or originals containing initials, comments, notations, insertions, corrections, marginal notes, amendments or any other variation of any kind.

I. "Communication" means, without limitation, the exchange or transmission of words or ideas to another person or entity, whether accomplished person to person, by telephone, in writing, via e-mail or through another medium, and shall include, but is not limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes and statements or questions.

II. REQUESTS FOR DOCUMENTS AND THINGS

REQUEST NO. 1:

Representative samples of all website pages, magazines, brochures, marketing materials, newspapers, broadcasts (audio and video), packaging, labels, invoices, packing slips, markings,

or descriptive materials in general, from the date of first use to the present, relating to each product and services bearing, sold or distributed by Opposer under Opposer's Marks.

REQUEST NO. 2:

Representative samples of all advertisements placed by Opposer or on its behalf or direction for each of the products and services with which Opposer used Opposer's Marks, from 1979 to present.

REQUEST NO. 3:

All documents relating to the meaning of CHAMBER OF COMMERCE as used in Opposer's Marks, which contain that term, and as used in general parlance.

REQUEST NO. 4:

All trademark search reports of any kind (manual, electronic, online, or full searches) for Opposer's Marks, or any mark including CHAMBER OF COMMERCE.

REQUEST NO. 5:

Representative samples of periodical publications, including without limitation magazines, newspapers, trade publications, catalogues, and online publications in which Opposer's products or services bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks have been advertised, promoted or featured, since 1979.

REQUEST NO. 6:

All documents relating to any confusion between Opposer's products or services bearing, sold or offered under Opposer's Marks, on one hand, and Applicant's products or services bearing, sold or offered, or intended to be sold or offered, under Applicant's Mark, on the other hand, between Applicant and Opposer, or between Opposer's Marks and Applicant's Mark.

REQUEST NO. 7:

Representative samples of all documents relating to the methods of marketing and distribution of each product or service bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks, from 1979 to the present.

REQUEST NO. 8:

All documents relating to any marketing or advertising plans or programs directed toward or targeted to any particular trade, industry, or consumer group for products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

REQUEST NO. 9:

All documents relating to Applicant or Applicant's Mark, excluding pleadings and correspondence between counsel for the parties in this case or in any other TTAB case.

REQUEST NO. 10:

All documents relating to Opposer's use of the phrase "Chamber of Commerce".

REQUEST NO. 11:

All assignments, licenses, and any other rights transfer or use agreements relating to Opposer's Marks, and all documents relating thereto.

REQUEST NO. 12:

One sample of each type of product bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks, from 1979 to the present.

REQUEST NO. 13:

Representative samples of all documents relating to the channels of distribution and intended channels of distribution of each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, from 1979 to the present.

REQUEST NO. 14:

Representative samples of all documents that identify the actual purchaser(s) or user(s) of each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

REQUEST NO. 15:

Representative samples of each label, container, carton, tag, invoice, sticker, box, bag, packaging, silkscreen, business card, webpage, and/or other means by which Opposer has

advertised or identified to consumers or potential consumers the products or services bearing, sold or offered under Opposer's Marks, from 1979 to the present.

REQUEST NO. 16:

Documents sufficient to establish the total sales of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

REQUEST NO. 17:

Documents sufficient to establish Opposer's total revenues from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

REQUEST NO. 18:

Documents sufficient to establish Opposer's net profits from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

REQUEST NO. 19:

All documents showing or from which it can be ascertained the total amount that Opposer has spent to advertise and/or promote each product and service bearing, sold or offered under Opposer's Marks, for each year from 1979 to the present. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products and services bearing, sold or offered under Opposer's Marks, produce all documents relating to the total amount spent by Opposer or on behalf of Opposer for the advertisement and promotion of all Opposer's products and services, on an annual basis from 1979 to the present.

REQUEST NO. 20:

All annual, quarterly, and monthly sales or revenue reports for each product or service bearing Opposer's Marks and/or sold by or on behalf of Opposer under Opposer's Marks from 1979 to the present.

REQUEST NO. 21:

All documents supporting and negating the acquisition of secondary meaning in any of Opposer's Marks.

REQUEST NO. 22:

Representative samples of documents relating to marketing, promotion, or advertising of each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

REQUEST NO. 23:

All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, Opposer's Marks.

REQUEST NO. 24:

All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, the phrase "Chamber of Commerce" as a trademark.

REQUEST NO. 25:

All documents relating to third parties' advertisement or promotion of goods or services under the phrase "Chamber of Commerce."

REQUEST NO. 26:

All documents identifying all third party marks and trade names (and the owners of such marks and trade names) that contain the phrase "Chamber of Commerce" of which Opposer is aware.

REQUEST NO. 27:

All documents relating to any registration or application for registration of Opposer's Marks as trademarks, service marks, trade names, or fictitious business names in the U.S. Patent

and Trademark Office, in any of the states of the United States, in any governmental agency or department of the United States, or of any state, county, or city, or of any foreign country.

REQUEST NO. 28:

All documents relating to any registration or application for registration, in any of the states of the United States, in any governmental agency or department of the United States, or of any state, county, or city, or of any foreign country, of any trademarks, services marks, trade names, or fictitious business names containing "Chamber of Commerce", owned by any third parties of which Opposer is aware, in the U.S. Patent and Trademark Office.

REQUEST NO. 29:

All documents relating to any demand made upon Opposer to abandon, modify, or alter its use of Opposer's Marks, including all documents relating to Opposer's response(s) to any such demand(s).

REQUEST NO. 30:

All documents relating to any alternate marks that were considered by Opposer for use as trademarks, service marks, or trade names instead of Opposer's Marks.

REQUEST NO. 31:

All charts or other documents relating to the organization and operational structure of all companies or partnerships at least 25 percent owned by, or controlled by, Opposer, from 1979 to the present.

REQUEST NO. 32:

All organizational charts of Opposer from 1979 to the present.

REQUEST NO. 33:

All contracts between, on one hand, Opposer and, on the other hand, Opposer's third-party distributors, vendors, publishers and manufacturers of any products bearing, sold or offered under, or to be sold or offered under, Opposer's Marks, from 1979 to the present.

REQUEST NO. 34:

Representative samples of contracts between Opposer and its members from each year from 1979 to the present.

REQUEST NO. 35:

All contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.

REQUEST NO. 36:

All cross-marketing or co-branding agreements, or other marketing or advertising arrangements relating to Opposer's Marks, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.

REQUEST NO. 37:

Representative samples of all documents and things relating to the attendance by Opposer at any trade shows and the exhibition by Opposer of any products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks at such shows, from 1979 to the present.

REQUEST NO. 38:

All documents and things relating to communications between Opposer, on one hand, and any third parties, on the other hand, relating to the validity of, priority of, or scope of protection against infringement provided by Opposer's Marks (other than communications between Opposer and Applicant).

REQUEST NO. 39:

Documents sufficient to identify the price or intended retail price of each of the products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

REQUEST NO. 40:

All documents relating to the date that Opposer first became aware or acquired knowledge of the existence of Applicant's Mark and/or of Applicant's application to register Applicant's Mark.

REQUEST NO. 41:

All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Interrogatories propounded upon Opposer to date.

REQUEST NO. 42:

All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Requests for Admission propounded upon Opposer to date.

REQUEST NO. 43:

Documents sufficient to identify all internet domain names owned by Opposer.

REQUEST NO. 44:

All documents to support Opposer's contention that there is a likelihood of confusion between Opposer's Marks and Applicant's Mark and/or between any products or services offered under Opposer's Marks and any products or services offered under Applicant's Mark.

REQUEST NO. 45:

All documents that suggest, indicate or reflect any intent by Applicant to trade on Opposer's alleged goodwill in Opposer's Marks.

REQUEST NO. 46:

All documents provided to any expert(s) retained by Opposer as testifying experts in this case.

REQUEST NO. 47:

All documents reflecting communications between Opposer and all testifying experts retained for this case.

REQUEST NO. 48:

All coexistence agreements or similar agreements between Opposer and any third parties regarding the use and/or the registration of any trademark, service mark or trade name containing the phrase "Chamber of Commerce" in the U.S. or a foreign country.

REQUEST NO. 49:

All surveys, public opinion polls, or any other forms of consumer research relating to Opposer's Marks, goods or services offered under Opposer's Marks, Applicant's Mark or any products or services offered under Applicant's Mark, or any mark or trade name containing CHAMBER OF COMMERCE.

REQUEST NO. 50:

All dictionary definitions of the phrase "Chamber of Commerce."

MANATT, PHELPS & PHILLIPS, LLP

By: 

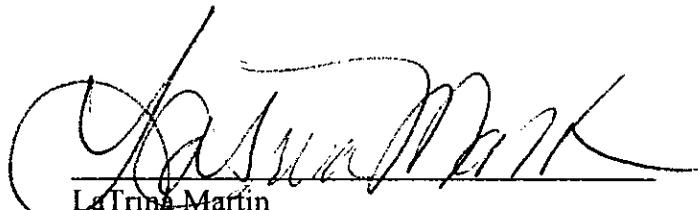
Jill M. Pietrini
Attorneys for Applicant
UNITED STATES HISPANIC
CHAMBER OF COMMERCE
FOUNDATION

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S SECOND SET OF REQUESTS FOR DOCUMENTS AND THINGS TO OPPOSER** has been served upon the attorney for Opposer by depositing a copy thereof in an envelope addressed to:

William Merone
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005

on this 13th day of March, 2006.



LaTrina Martin

EXHIBIT 4

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

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

Opposer,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Applicant.

Opposition No.: 91/156,321

Serial No.: 78/081,731

RECEIVED

JUN 05 2006

MANATT, PHELPS & PHILLIPS, LLP

OPPOSER'S RESPONSES TO APPLICANT'S
SECOND SET OF INTERROGATORIES

Pursuant to TBMP Section 410 and Fed. R. Civ. Pro. 26 and 33, The Chamber of Commerce of the United States of America ("Opposer") hereby responds to *Applicant's Second Set of Interrogatories to Opposer*. These responses are made solely for the purpose of this administrative proceeding. Each response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, as well as any other objections that would require the exclusion of any statement contained herein if such interrogatory were asked of, or if a statement contained herein was made by, a witness present and testifying in court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial or hearing.

Opposer's responses herein represent a good faith effort to comply with broad interrogatories propounded in the initial stages of discovery. Opposer has, subject to the objections specified below, answered based upon its present knowledge of the content of the files and records in Opposer's possession or control and the present knowledge of persons employed

by Opposer. However, Opposer's discovery and investigation into the matters specified are continuing. Accordingly, Opposer reserves the right to rely, at the time of taking testimony or in other proceedings in this action, on documents and evidence in addition to the material produced in response to these interrogatories, regardless of whether any such material or information is newly discovered or is presently in existence but not as yet located and produced despite diligent and good faith efforts.

Opposer's response to any interrogatory is not an admission or acknowledgment that such information is relevant to this action or that any particular document or thing exists, is non-privileged, or is admissible in evidence. Opposer's responses shall not prejudice Opposer's right to contest at the time of taking testimony or presenting arguments, or at any other proceeding in this action, that such information or material is inadmissible, irrelevant, or immaterial, or that it is not the proper basis for discovery. Further, Opposer's responses are being made without prejudice to, or waiver of, any objection to any future use of such information or material that Opposer may make, nor shall responses be deemed to constitute an admission that any statement or characterization in an interrogatory is accurate or complete.

Opposer will permit the inspection and copying of the documents produced in response to the interrogatories, subject to the objections set forth in this Response, at the offices of Kenyon & Kenyon LLP, located at 1500 K Street, N.W., Washington, DC, at a time and date mutually convenient to counsel for Opposer and Applicant.

GENERAL OBJECTIONS

Opposer asserts and expressly incorporates by reference into each response set forth below the following General Objections to each of the interrogatories. By providing a specific response to any interrogatory, Opposer does not waive or otherwise limit these General

Objections. Furthermore, reference to these General Objections in any specific response shall not waive or otherwise limit the applicability of these General Objections to each and every interrogatory.

1. Opposer objects to the definitions and instructions contained in the interrogatories to the extent they are inconsistent with or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure or the Rule of the United States Trademark Office that govern *inter partes* proceedings.

2. Opposer objects to the interrogatories to the extent that they seek information not reasonably available to, or documents not within the possession, custody, or control of Opposer, as such requests are beyond the scope of Rule 26 of the Federal Rules of Civil Procedure. The responses given herein are based on information reasonably available to Opposer and documents within Opposer's possession, custody, or control, including Opposer's knowledge of same.

3. Opposer objects to each interrogatory to the extent it uses language calling for a legal conclusion. Opposer's responses herein shall be as to matters of fact only and shall not be construed as stating or implying any conclusions of law concerning the matters referenced in any interrogatory.

4. Opposer objects to each interrogatory to the extent that it calls for information or documents protected by the attorney-client privilege or that may be protected by any other privilege. Such information or documents will not be disclosed or produced. Any inadvertent disclosure of privileged information (or inadvertent release of privileged documents) shall not constitute waiver of any applicable privilege. (This General Objection shall hereinafter be referred to as an objection on the ground of "Privilege.")

5. Opposer objects to each interrogatory to the extent that it seeks information or

materials prepared by Opposer or its representatives in anticipation of litigation or for trial and thus are protected by Rules 26(b)(3) or 26(b)(4) of the Federal Rules of Civil Procedure. Such information or materials will not be disclosed or produced. Any inadvertent disclosure of information or materials comprising work product shall not constitute waiver of any applicable work product protection. (This General Objection shall hereinafter be referred to as an objection on the ground of "Work Product.")

6. Opposer objects to each interrogatory to the extent that it seeks information not relevant to the subject matter of this litigation, or that is not reasonably calculated to lead to the discovery of admissible evidence. (This General Objection shall hereinafter be referred to as an objection on the ground of "Relevance.")

7. Opposer objects to each interrogatory to the extent that it seeks information that is vexatious or unduly burdensome to obtain. (This General Objection shall hereinafter be referred to as an objection on the ground of "Undue Burden.")

8. Opposer objects to each interrogatory to the extent that it is ambiguous, vague, or otherwise incomprehensible. (This General Objection shall hereinafter be referred to as an objection on the ground of "Vagueness.")

9. Opposer objects to each interrogatory to the extent that it is over broad and fails to set forth with reasonable particularity the information requested. (This General Objection shall hereinafter be referred to as an objection on the ground of "Overbreadth.")

10. Opposer objects to each interrogatory to the extent that it seeks private, confidential, trade secret, or proprietary information of Opposer or of third parties. Opposer will divulge such information only after entry of a suitable protective order in this case. (This

General Objection shall hereinafter be referred to as an objection on the ground of “Confidential Information.”)

11. Opposer further objects to Applicant’s numbering system for the interrogatories and notes that many of the interrogatories contain multiple subparts and would be counted as such in determining the total number of interrogatories that Applicant has served in this proceeding. Should Applicant serve any further interrogatories in the future, Opposer reserves the right to object to the extent that Applicant has cumulatively propounded more than 75 interrogatories, including subparts.

SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1:

Identify and describe in detail each product or service of Opposer bearing, sold or offered under, or intended to be sold or offered under, Opposer’s Marks, from 1979 to the present.

Response to Interrogatory No. 1

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving these objections, Opposer states that it offers association services, namely, promoting the interests of business men and women.

INTERROGATORY NO. 2:

For each product or service bearing, sold or offered under Opposer’s Marks, from 1979 to the present, state the date that Opposer’s Marks were first used on each such product or service and, if applicable, the date of cessation of use of Opposer’s Marks on or for any goods or services.

Response to Interrogatory No. 2

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Opposer's Marks have reach incontestable status, and thus priority is not an issue. Without waiving these objections, Opposer refers Applicant to its trademark registrations, which show it has used its marks on the goods or services specified in those registrations as follows:

U.S. Reg. 1,686,865 (CHAMBER OF COMMERCE OF THE UNITED STATES)

-- At least as early as December 1915.

U.S. Reg. 1,522,157 (US CHAMBER OF COMMERCE)

-- At least as early as December 1915.

U.S. Reg. 1,436,813 (NATIONAL CHAMBER)

-- At least as early as December 1915.

U.S. Reg. 1,430,627 (US CHAMBER)

-- At least as early as December 1915.

INTERROGATORY NO. 3:

For each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, describe in detail the channels of trade and distribution in which such products or services are sold or are intended to be sold, including, without limitation, the type of retailer or outlet in which each such product or service is sold or is distributed from, or is intended to be sold or distributed from, from 1979 to the present.

Response to Interrogatory No. 3

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving these objections, Opposer states that its registrations in no way restricts its channels of trade. As a matter of law, Opposer's registrations thus cover all channels of trade customary for offering association services, namely promoting the interests of business men and women. Notwithstanding the above, Opposer responds that it uses its marks in channels of trade customarily associated with the offering of association services.

INTERROGATORY NO. 4:

For each product or service bearing, sold or offered under, or intended to be sold or offered under Opposer's Marks, from 1979 to the present, describe in detail the demographic market to which the product or service is sold or intended to be sold.

Response to Interrogatory No. 4

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving its objections, Opposer states that its registrations are not restricted in any way with respect to demographics. As a matter of law, Opposer's registrations thus cover all classes of customers customary for its designated class of goods and services, including, but not limited to, men and women, small and large corporations, businesses, and other entities and organizations. Notwithstanding the above, Opposer responds that it uses its marks in with classes of customers customarily associated with the offering of association services.

INTERROGATORY NO. 5:

For each product or service bearing, sold or offered under, or intended to be sold or offered under any of Opposer's Marks from 1979 to the present, describe in detail how Opposer's Marks appear, or are intended to appear, on each such product or in connection with each such service, including without limitation the location and size of Opposer's Marks, whether they appear in connection with any other words or designs, and how they are used (or will be used) in connection with the sale, offering for sale, advertising, distribution, or manufacture of each such product or service.

Response to Interrogatory No. 5

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not limit in any way how the trademarks may be used. As a matter of law, Opposer's registrations thus cover any use of the registered marks, regardless of the accompanying designs in the designated class of goods and services. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, Opposer's publicly-available website (www.uschamber.com), and the publicly-available records of the U.S. Trademark Office for examples of how Opposer has used its registered marks.

INTERROGATORY NO. 6:

Identify and describe any trademark search conducted by or for Opposer relating to any of Opposer's Marks or any other mark containing CHAMBER OF COMMERCE.

Response to Interrogatory No. 6

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for privileged attorney work product.

INTERROGATORY NO. 7:

Describe all circumstances surrounding Opposer's first becoming aware or acquiring knowledge of Applicant's use of, or application to register, Applicant's Mark or of Applicant's existence. In this description, identify the person(s) who first learned of Opposer's use of, application to register Applicant's Mark, or of Applicant and the date that Opposer first became aware or acquired knowledge of such use or application or of Applicant.

Response to Interrogatory No. 7

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for privileged attorney work product. Without waiving such objections, Opposer states only that it knew of the existence of Applicant prior to the August 29, 2001, filing date of Serial No. 78/081,731; that it received constructive notice of Applicant's use of the mark on July 16, 2002, which was the date Applicant's application was published for opposition in the *Official Gazette*; and that Opposer filed a Notice of Opposition against the application on or about April 11, 2003, which was within the period set forth by the Trademark Office rules for the filing of an opposition..

INTERROGATORY NO. 8:

Describe in detail the methods and intended methods of marketing and advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 8

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not restrict the channels of marketing or advertising. As a matter of law, Opposer's registrations thus cover all channels of marketing or advertising. Notwithstanding the above, Opposer responds that it markets and advertises in ways customarily associated with the offering of association services.

INTERROGATORY NO. 9:

State the price or fee of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 9

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not limit in any way the prices to be charges for the association services offered under Opposer's marks. As a matter of law, Opposer's registrations thus cover association services in all price ranges.

Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, and to Opposer's publicly-available website (www.uschamber.com/join/business/join.htm; www.uschamber.com/join/chambers/join1.htm; www.uschamber.com/join/associations/join1.htm) for information about pricing structures.

INTERROGATORY NO. 10:

Identify the person(s) most knowledgeable about the marketing and sale of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 10

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not restrict the channels of marketing or sale. As a matter of law, Opposer's registrations thus cover all channels of marketing or sale. Notwithstanding the above, Opposer responds that it is unable to respond to the vague and indefinite interrogatory as propounded.

INTERROGATORY NO. 11:

State the annual and monthly amounts spent by or on behalf of Opposer for advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, since 1979. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products or services bearing, sold or offered under any of Opposer's Marks, then state the annual and monthly amount spent by or on behalf of Opposer

for the advertisement and promotion of all Opposer's products and services, regardless of the mark or name applied to, or used with, such products or services, from 1979 to the present.

Response to Interrogatory No. 11

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC53998-53999.

INTERROGATORY NO. 12:

Identify the person(s) who has or had primary responsibility for selection, maintenance, registration, and protection of Opposer's trademarks, service marks, trade names, or internet domain names, from 1979 to the present.

Response to Interrogatory No. 12

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it is vague and is unrestricted as to time. Without waiving such objections, Opposer identifies Judith K. Richmond, Vice President and Associate General Counsel of the Chamber of Commerce of the United States, and William M. Merone, counsel for Opposer, as the individuals with primary responsible for the maintenance, registration, and protection of Opposer's trademarks, service marks, trade names, or internet domain names.

INTERROGATORY NO. 13:

State whether Opposer has any marketing or advertising plans or programs directed toward, or targeted to, any particular trade, industry or consumer group for the products or services bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks. If so, identify and describe in detail each such trade, industry, or consumer group.

Response to Interrogatory No. 13

See response to Interrogatory No. 4.

INTERROGATORY NO. 14:

Identify all persons that provided information for Opposer's responses to these Interrogatories, Opposer's responses to Applicant's Second Requests for Production of Documents and Things, and Opposer's responses to Applicant's First Requests for Admission, served to Opposer to date.

Response to Interrogatory No. 14

Without waiving its General Objections, Opposer identifies Judith K. Richmond, Vice President and Associate General Counsel of the Chamber of Commerce of the United States, Steve Bokar, Christine Kanuch, the Opposer's Comptroller, Shanise Gholston, Opposer's law clerk, and Diego Saltes, Letitia Phillips, Michelle Clayton, and Monica Banken.

INTERROGATORY NO. 15:

State all facts supporting and negating Opposer's position that there is a likelihood of confusion between Applicant's Mark and any of Opposer's Marks.

Response to Interrogatory No. 15

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite, and premature. Without waiving such objections, Opposer directs Applicant to allegations 1 through 5 under Section II of its *Notice of Opposition*, and further notes that Applicant's proposed mark incorporates Opposer's U.S. CHAMBER OF COMMERCE mark in its entirety (substituting "UNITED STATES" for "U.S."), and it visually resembles the current presentation of Applicant's mark, as seen at www.uschamber.com.

INTERROGATORY NO. 16:

Identify and describe in detail all instances in which Opposer received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Applicant and Opposer, between Opposer's Marks and Applicant's Mark, or between the goods or services offered by Opposer and the goods or services bearing, sold or offered under Applicant's Mark, and, for each instance, identify all person(s) who have knowledge of the facts thereof and the date of each instance.

Response to Interrogatory No. 16

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite, and premature. Without waiving such objections, Opposer has identified the following instances. Opposer expressly reserves the right to supplement this response as additional information becomes available to it:

- On May 9, 2006, Diego Saltes, an economist working for Opposer, attended a cultural event on Capital Hill. During the course of a conversation, Mr. Saltes indicated he was starting a new job with Opposer. Individuals who participated in the conversation mistook Opposer for Applicant.

- In the past three years, Letitia Phillips, the Associate Manager of both the Western Hemisphere Affairs Department and the Brazil-U.S. Business Council of Opposer, has received calls for Opposer. During at least ten different telephone conversations, callers have inquired whether Opposer was in fact Applicant.
- Opposer's Customer Service Department routinely receives calls inquiring about Applicant and asking for information pertaining to Applicant, suggesting an affiliation between Applicant and Opposer. Specifically, Michelle Clayton from Opposer's Customer Service receives calls from callers every 3-4 months asking for information pertaining to Applicant.
- From 2001 through 2002, Monica Banken, a former Manager of Congressional and Public Affairs for Opposer, routinely called local Hispanic chambers and attended several meetings. Despite identifying herself as working for Opposer, most representative of the local chambers asked whether she in fact worked for Applicant.

INTERROGATORY NO. 17:

State on an annual basis, the total number of units sold, leased, or distributed of each product bearing, sold or offered under Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 17

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Without waiving such objections, Opposer states that it is

the world's largest business federation and that it represents the interests of millions of businesses of all sizes, sectors, and regions. It includes hundreds of associations, thousands of local chambers, more than 100,000 direct members, and more than 100 American Chambers of Commerce in 91 countries.

INTERROGATORY NO. 18:

State on an annual basis, the total amount of gross revenues earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 18

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, and subject to those objections, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC54045-54103.

INTERROGATORY NO. 19:

State on an annual basis, the total amount of net profits earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

Response to Interrogatory No. 19

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition

proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC54045-54103.

INTERROGATORY NO. 20:

Identify all surveys, public opinion polls or any other forms of consumer research known to Opposer relating to each of Opposer's Marks, Applicant's Mark or any other mark including CHAMBER OF COMMERCE.

Response to Interrogatory No. 20

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, and subject to those objections, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC50235-50257, 54113-54116, 54117-54125.

INTERROGATORY NO. 21:

Identify all third parties of which Opposer is aware that currently use the term "Chamber of Commerce" as a trademark, service mark, domain name, or trade name or as part of a trademark, service mark, trade name, or domain name, and for each such third party, identify:

- (a) the name, address and other contact information for the owner of the mark;

- (b) the goods or services for the third party mark is used;
- (c) the geographic scope of the use of the mark;
- (d) the total sales of, or revenue for, the products or services sold under the third

party mark; and

- (e) the manner in which the third party mark is used, e.g., on the product, on a website(s), in advertising, etc.

Response to Interrogatory No. 21

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory to the extent it calls for information not in possession of Opposer, and that is otherwise publicly available to Applicant.

INTERROGATORY NO. 22:

Identify all internet domain names owned or registered by Opposer that include the term “Chamber of Commerce,” as well as the date of Opposer’s registration of each such domain name.

Response to Interrogatory No. 22

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Notwithstanding the above, and subject to those objections, Opposer identifies the following domain names:

Domain Name	Registration Date
uschamberofcommerce.com	16-Jul-97
uschamberofcommerce.org	16-Jul-97
uschamberofcommerce.info	2-Aug-01
uschamberofcommerce.biz	19-Nov-01
uschamberofcommerce.us	20-Apr-02
uschamberofcommerce.net	23-Aug-99
chamberofcommerceoftheunitedstates.us	23-Aug-99
chamberofcommerce.info	29-Sep-04
allamericanchamberofcommerce.com.cn	1-Feb-05
allamericanchamberofcommerce.org.cn	1-Feb-05
uschamberofcommerce.com.cn	1-Feb-05
uschamberofcommerce.org.cn	1-Feb-05
usnationalchamberofcommerce.com.cn	1-Feb-05
usnationalchamberofcommerce.org.cn	1-Feb-05
chamberofcommerceoftheunitedstates.eu	Application Pending
chamberofcommerceoftheunitedstatesofamerica.eu	Application Pending
unitedstateschamberofcommerce.eu	Application Pending
uschamberofcommerce.eu	Application Pending

INTERROGATORY NO. 23:

Identify and describe in detail all contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to any of Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such contract, agreement or arrangement, the term of each such contract, agreement or arrangement, and the types of goods or services relating to each such contract, agreement or arrangement.

Response to Interrogatory No. 23

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information.

INTERROGATORY NO. 24:

Identify and describe in detail all cross-marketing or co-branding agreements, or other marketing or advertising arrangements, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such agreement or arrangement, the term of each such agreement or arrangement, and the types of goods or services relating to each such agreement or arrangement.

Response to Interrogatory No. 24

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information.

INTERROGATORY NO. 25:

Identify each person, if any, whom Opposer expects to use as an expert witness in this matter. For each person identified, provide the following information:

- (a) the subject matter(s) on which the expert witness is expected to testify;
- (b) the substance of the facts and opinions to which the expert witness is expected to testify;
- (c) a summary of the grounds for each opinion to which the expert is expected to testify;
- (d) the qualifications of each expert, including a list of all publications authored by the expert within the preceding ten years;

- (e) the compensation to be paid for the expert's study and testimony; and
- (f) a list of any other cases in which the expert has testified as an expert at trial or by

deposition within the preceding four years.

Response to Interrogatory No. 25

Opposer objects to this interrogatory as premature.

INTERROGATORY NO. 26:

Identify all companies or partnerships at least 25 percent owned by, or controlled by, Opposer or with which Opposer shares any common officers or directors, and all companies or partnerships that own at least 25 percent ownership of Opposer.

Response to Interrogatory No. 26

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Notwithstanding the above, and subject to those objections, Opposer identifies the following entities:

Business Civic Leadership Center

Center for Workforce Preparation

Center for International Private Enterprise

ChamberBiz LLC

Coalition for Reform, Inc.

National Chamber Foundation

National Chamber Litigation Center

US Chamber Institute for Legal Reform

INTERROGATORY NO. 27:

Describe in detail (i.e., state the case name, the tribunal, and the claims alleged in and the outcome of) any proceedings concerning the phrase “Chamber of Commerce” as a trademark, service mark or trade name before the Trademark Trial and Appeal Board, or in litigation in any court, in which Opposer was (or is) a party.

Response to Interrogatory No. 27

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds it asks for information in the public record. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding, and to the extent it suggests that Opposer is asserting that the phrase “Chamber of Commerce” in and of itself functions as a trademark. Notwithstanding the above, and subject to those objections, Opposer identifies the following proceedings, details about which are readily accessible to Applicant:

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
<u>91156775</u> 05/14/2003	<u>United States Hispanic Chamber of Commerce Foundation</u> Mark: UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDAT S#: <u>78081731</u>	<u>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA</u>
<u>91156340</u> 04/11/2003	<u>United States Hispanic Chamber of Commerce</u> Mark: H UNITED STATES HISPANIC CHAMBER OF COMMERCE S#: <u>78087678</u>	<u>The Chamber of Commerce of the U.S</u>
<u>91156321</u> 04/11/2003	<u>United States Hispanic Chamber of Commerce Foundation</u> Mark: UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDAT S#: <u>78081731</u>	<u>THE CHAMBER OF COMMERCE OF THE UNITED ST</u>

INTERROGATORY NO. 28:

Describe in detail (i.e., state case name, the tribunal, and the claims alleged in and the outcome of) any proceedings concerning the phrase "Chamber of Commerce" as a trademark, service mark or trade name before any foreign Trademark Office, or in litigation in any foreign tribunal, in which Opposer was (or is) a party.

Response to Interrogatory No. 28

See response to Interrogatory No. 27. Moreover, Opposer objects to this interrogatory on the grounds that foreign proceedings are irrelevant to this action.

INTERROGATORY NO. 29:

Does Opposer contend that Applicant acted with the intent to trade on Opposer's alleged goodwill in any of Opposer's Marks? If so, state all facts to support and rebut such contention.

Response to Interrogatory No. 29

In addition to its General Objections, Opposer objects to this interrogatory as a premature contention interrogatory. Without waiving these objections, Opposer refers Applicant to its Notice of Opposition and the facts alleged therein.

INTERROGATORY NO. 30:

Identify all trade shows or the like at which Opposer has displayed advertised, or promoted its goods offered under any of Opposer's Marks for the period of 1979 to the present.

Such identification must include:

- (a) the name of each trade show;
- (b) the date(s) attended by Opposer;

- (c) the location of each trade show;
- (d) the approximate number of attendees of each trade show; and
- (e) whether Opposer displayed, promoted, advertised, or sold any products bearing or offered under Opposer's Marks at such shows.

Response to Interrogatory No. 30

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding.

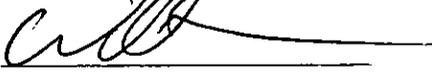
INTERROGATORY NO. 31:

State the meaning of CHAMBERS OF COMMERCE as used in Opposer's Marks which contain that term, and as used in general parlance.

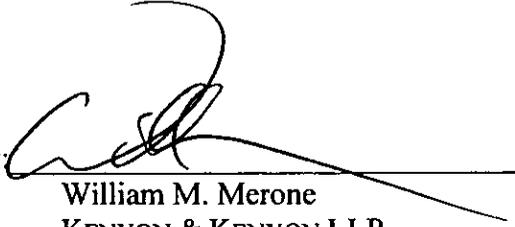
Response to Interrogatory No. 31

In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome and vague. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Opposer additionally objects to this interrogatory in that Opposer does not use the phrase "Chambers of Commerce" in any of its Marks.

As to Objections:

A handwritten signature in black ink, appearing to be 'W.M.', written over a horizontal line.

By:

A handwritten signature in black ink, appearing to be 'W.M.', written over a horizontal line.

William M. Merone
KENYON & KENYON LLP
1500 K Street, N.W.; Suite 700
Washington, D.C. 20005
Tel.: (202) 220-4200

Counsel for Opposer,

*The Chamber of Commerce of the United
States of America*

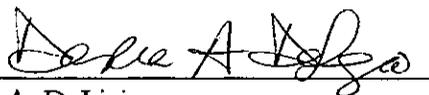
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES** has been served on counsel on the date and as indicated below:

By First Class Mail (Postage Prepaid)

Jill M. Pietrini
MANATT PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, CA 90064-1614

on this 1st day of June 2006.



Daria A. DeLizio

Edward T. Colbert
William M. Merone
KENYON & KENYON LLP
1500 K Street, N.W.; Suite 700
Washington, D.C. 20005
Tel.: (202) 220 - 4200
Fax: (202) 220 - 4201
Counsel for Opposer,
THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

EXHIBIT 5

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

RECEIVED

JUN 05 2006

MANATT, PHELPS & PHILLIPS, LLP

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

Opposer,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Applicant.

Opposition No.: 91/156,321

Serial No.: 78/081,731

**OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF
REQUESTS FOR DOCUMENTS AND THINGS**

Pursuant to TBMP Section 410 and Fed. R. Civ. Pro. 26 and 34, The Chamber of Commerce of the United States of America ("Opposer") hereby responds to *Applicant's Second Set of Requests For Documents and Things to Opposer*. These responses are made solely for the purpose of this administrative proceeding. Each response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, as well as any other objections that would require the exclusion of any statement contained herein if such interrogatory were asked of, or if a statement contained herein was made by, a witness present and testifying in court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial or hearing. Opposer incorporates its General Objections from its Responses to Applicant's Second Set of Interrogatories into each and every response.

Opposer will permit the inspection and copying of the documents produced in response to these requests, subject to the objections set forth in this Response, at the offices of Kenyon & Kenyon LLP, located at 1500 K Street, N.W., Washington, DC, at a time and date mutually convenient to counsel for Opposer and Applicant.

REQUEST NO. 1:

Representative samples of all website pages, magazines, brochures, marketing materials, newspapers, broadcasts (audio and video), packaging, labels, invoices, packing slips, markings, or descriptive materials in general, from the date of first use to the present, relating to each product and services bearing, sold or distributed by Opposer under Opposer's Marks.

Response to Document Request No. 1

In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 2:

Representative samples of all advertisements placed by Opposer or on its behalf or direction for each of the products and services with which Opposer used Opposer's Marks, from 1979 to present.

Response to Document Request No. 2

In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Applicant's request is not temporally limited to a reasonable period for this opposition, nor would such an unbounded request be relevant to this proceeding. Subject to

these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 3:

All documents relating to the meaning of CHAMBER OF COMMERCE as used in Opposer's Marks, which contain that term, and as used in general parlance.

Response to Document Request No. 3

In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Moreover, Opposer objects to this request as vague.

REQUEST NO.4:

All trademark search reports of any kind (manual, electronic, online, or full searches) for Opposer's Marks, or any mark including CHAMBER OF COMMERCE.

Response to Document Request No. 4

In addition to its General Objections, Opposer objects to this request to the extent it calls for privileged information protected by attorney work product. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO.5:

Representative samples of periodical publications, including without limitation magazines, newspapers, trade publications, catalogues, and online publications in which Opposer's products or services bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks have been advertised, promoted or featured, since 1979.

Response to Document Request No. 5

In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Applicant's request is not temporally limited to a reasonable period for this opposition, nor would such an unbounded request be relevant to this proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO.6:

All documents relating to any confusion between Opposer's products or services bearing, sold or offered under Opposer's Marks, on one hand, and Applicant's products or services bearing, sold or offered, or intended to be sold or offered, under Applicant's Mark, on the other hand, between Applicant and Opposer, or between Opposer's Marks and Applicant's Mark.

Response to Document Request No. 6

In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Moreover, Opposer objects to this request as vague. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO.7:

Representative samples of all documents relating to the methods of marketing and distribution of each product or service bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks, from 1979 to the present.

Response to Document Request No. 7

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO.8:

All documents relating to any marketing or advertising plans or programs directed toward or targeted to any particular trade, industry, or consumer group for products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

Response to Document Request No. 8

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO.9:

All documents relating to Applicant or Applicant's Mark, excluding pleadings and correspondence between counsel for the parties in this case or in any other TTAB case.

Response to Document Request No. 9

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 10:

All documents relating to Opposer's use of the phrase "Chamber of Commerce".

Response to Document Request No. 10

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome and vague.

REQUEST NO.11:

All assignments, licenses, and any other rights transfer or use agreements relating to Opposer's Marks, and all documents relating thereto.

Response to Document Request No. 11

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 12:

One sample of each type of product bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks, from 1979 to the present.

Response to Document Request No. 12

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition

proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 13:

Representative samples of all documents relating to the channels of distribution and intended channels of distribution of each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, from 1979 to the present.

Response to Document Request No. 13

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 14:

Representative samples of all documents that identify the actual purchaser(s) or user(s) of each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.

Response to Document Request No. 14

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 15:

Representative samples of each label, container, carton, tag, invoice, sticker, box, bag, packaging, silkscreen, business card, webpage, and/or other means by which Opposer has advertised or identified to consumers or potential consumers the products or services bearing, sold or offered under Opposer's Marks, from 1979 to the present.

Response to Document Request No. 15

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 16:

Documents sufficient to establish the total sales of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

Response to Document Request No. 16

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 17:

Documents sufficient to establish Opposer's total revenues from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

Response to Document Request No. 17

See response to Document Request No. 16.

REQUEST NO. 18:

Documents sufficient to establish Opposer's net profits from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.

Response to Document Request No. 18

See response to Document Request No. 16.

REQUEST NO. 19:

All documents showing or from which it can be ascertained the total amount that Opposer has spent to advertise and/or promote each product and service bearing, sold or offered under Opposer's Marks, for each year from 1979 to the present. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products and services bearing, sold or offered under Opposer's Marks, produce all documents relating to the total amount spent by Opposer or on behalf of Opposer for the advertisement and promotion of all Opposer's products and services, on an annual basis from 1979 to the present.

Response to Document Request No. 19

See response to Document Request No. 16.

REQUEST NO. 20:

All annual, quarterly, and monthly sales or revenue reports for each product or service bearing Opposer's Marks and/or sold by or on behalf of Opposer under Opposer's Marks from 1979 to the present.

Response to Document Request No. 20

See response to Document Request No. 16.

REQUEST NO. 21:

All documents supporting and negating the acquisition of secondary meaning in any of Opposer's Marks.

Response to Document Request No. 21

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 22:

Representative samples of documents relating to marketing, promotion, or advertising of each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

Response to Document Request No. 22

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 23:

All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, Opposer's Marks.

Response to Document Request No. 23

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer object to this request to the extent that it seeks information protected by the attorney-client privilege.

REQUEST NO. 24:

All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, the phrase "Chamber of Commerce" as a trademark.

Response to Document Request No. 24

See response to Document Request No. 23.

REQUEST NO. 25:

All documents relating to third parties' advertisement or promotion of goods or services under the phrase "Chamber of Commerce."

Response to Document Request No. 25

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it seeks discovery of documents or information from entities other than Opposer, and therefore improperly seeks to extend Opposer's obligations beyond the requirements of the Federal Rules. Moreover, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 26:

All documents identifying all third party marks and trade names (and the owners of such marks and trade names) that contain the phrase "Chamber of Commerce" of which Opposer is aware.

Response to Document Request No. 26

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it seeks discovery of documents or information from entities other than

Opposer, and therefore improperly seeks to extend Opposer's obligations beyond the requirements of the Federal Rules, and to the extent that the request calls for the production of material protected by either the Work Product or Attorney-Client privilege. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 27:

All documents relating to any registration or application for registration of Opposer's Marks as trademarks, service marks, trade names, or fictitious business names in the U.S. Patent and Trademark Office, in any of the states of the United States, in any governmental agency or department of the United States, or of any state, county, or city, or of any foreign country.

Response to Document Request No. 27

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for information available in the public record. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 28:

All documents relating to any registration or application for registration, in any of the states of the United States, in any governmental agency or department of the United States, or of any state, county, or city, or of any foreign country, of any trademarks, services marks, trade

names, or fictitious business names containing "Chamber of Commerce", owned by any third parties of which Opposer is aware, in the U.S. Patent and Trademark Office.

Response to Document Request No. 28

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it seeks discovery of documents or information from entities other than Opposer, and therefore improperly seeks to extend Opposer's obligations beyond the requirements of the Federal Rules. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for information available in the public record.

REQUEST NO. 29:

All documents relating to any demand made upon Opposer to abandon, modify, or alter its use of Opposer's Marks, including all documents relating to Opposer's response(s) to any such demand(s).

Response to Document Request No. 29

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 30:

All documents relating to any alternate marks that were considered by Opposer for use as trademarks, service marks, or trade names instead of Opposer's Marks.

Response to Document Request No. 30

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 31:

All charts or other documents relating to the organization and operational structure of all companies or partnerships at least 25 percent owned by, or controlled by, Opposer, from 1979 to the present.

Response to Document Request No. 31

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome and vague. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 32:

All organizational charts of Opposer from 1979 to the present.

Response to Document Request No. 32

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome and vague. Subject to these objections

and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 33:

All contracts between, on one hand, Opposer and, on the other hand, Opposer's third-party distributors, vendors, publishers and manufacturers of any products bearing, sold or offered under, or to be sold or offered under, Opposer's Marks, from 1979 to the present.

Response to Document Request No. 33

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 34:

Representative samples of contracts between Opposer and its members from each year from 1979 to the present.

Response to Document Request No. 34

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 35:

All contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.

Response to Document Request No. 35

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 36:

All cross-marketing or co-branding agreements, or other marketing or advertising arrangements relating to Opposer's Marks, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.

Response to Document Request No. 36

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.

REQUEST NO. 37:

Representative samples of all documents and things relating to the attendance by Opposer at any trade shows and the exhibition by Opposer of any products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks at such shows, from 1979 to the present.

Response to Document Request No. 37

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 38:

All documents and things relating to communications between Opposer, on one hand, and any third parties, on the other hand, relating to the validity of, priority of, or scope of protection against infringement provided by Opposer's Marks (other than communications between Opposer and Applicant).

Response to Document Request No. 38

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 39:

Documents sufficient to identify the price or intended retail price of each of the products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.

Response to Document Request No. 39

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 40:

All documents relating to the date that Opposer first became aware or acquired knowledge of the existence of Applicant's Mark and/or of Applicant's application to register Applicant's Mark.

Response to Document Request No. 40

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.

REQUEST NO. 41:

All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Interrogatories propounded upon Opposer to date.

Response to Document Request No. 41

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product.

REQUEST NO. 42:

All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Requests for Admission propounded upon Opposer to date.

Response to Document Request No. 42

See response to Document Request No. 41.

REQUEST NO. 43:

Documents sufficient to identify all internet domain names owned by Opposer.

Response to Document Request No. 43

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 44:

All documents to support Opposer's contention that there is a likelihood of confusion between Opposer's Marks and Applicant's Mark and/or between any products or services offered under Opposer's Marks and any products or services offered under Applicant's Mark.

Response to Document Request No. 44

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it is premature, and to the extent that it calls for the production of privileged information protected by attorney/client communications and attorney work product. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 45:

All documents that suggest, indicate or reflect any intent by Applicant to trade on Opposer's alleged goodwill in Opposer's Marks.

Response to Document Request No. 45

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 46:

All documents provided to any expert(s) retained by Opposer as testifying experts in this case.

Response to Document Request No. 46

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney work product. Further, Opposer objects to this request as premature.

REQUEST NO. 47:

All documents reflecting communications between Opposer and all testifying experts retained for this case.

Response to Document Request No. 47

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Further, Opposer objects to this request as premature.

REQUEST NO. 48:

All coexistence agreements or similar agreements between Opposer and any third parties regarding the use and/or the registration of any trademark, service mark or trade name containing the phrase "Chamber of Commerce" in the U.S. or a foreign country.

Response to Document Request No. 48

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Further, Opposer objects to this request on the grounds that it seeks discovery of documents or information from entities other than Opposer, and therefore improperly seeks to extend Opposer's obligations beyond the requirements of the Federal Rules. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 49:

All surveys, public opinion polls, or any other forms of consumer research relating to Opposer's Marks, goods or services offered under Opposer's Marks, Applicant's Mark or any products or services offered under Applicant's Mark, or any mark or trade name containing CHAMBER OF COMMERCE.

Response to Document Request No. 49

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Subject to these

objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.

REQUEST NO. 50:

All dictionary definitions of the phrase "Chamber of Commerce."

Response to Document Request No. 50

In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects on the grounds that the request seeks information available publicly available to Applicant.

By: 

William M. Merone
KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005

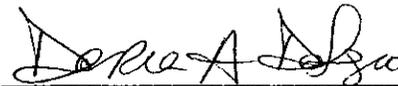
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF REQUESTS FOR DOCUMENTS AND THINGS** has been served on counsel on the date and as indicated below:

By First Class Mail (Postage Prepaid)

Jill M. Pietrini
MANATT PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, CA 90064-1614

on this 1st day of June 2006.



Daria A. DeLizio

Edward T. Colbert
William M. Merone
KENYON & KENYON LLP
1500 K Street, N.W.; Suite 700
Washington, D.C. 20005
Tel.: (202) 220 - 4200
Fax: (202) 220 - 4201

Counsel for Opposer,
THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA

EXHIBIT 6

July 26, 2006

Client-Matter: 27206-030

VIA FACSIMILE

William Merone, Esq.
Kenyon & Kenyon
1500 K Street, N.W.
Washington, D.C. 20006

**Re: *The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce*
Opposition No. 91-156321**

Dear Mr. Merone:

We believe that The Chamber of Commerce of the United States' ("Opposer") objections and responses to United States Hispanic Chamber of Commerce's ("Applicant") interrogatories and document requests are inadequate and request that the parties telephonically meet and confer pursuant to TBMP § 523.02.

Opposer failed to provide responses to any of the interrogatories and requests for production contained in Applicant's First Set of Discovery to Opposer (Interrogatories and Requests for Production of Documents and Things) served on Opposer on January 12, 2004. Opposer also failed to properly respond to Interrogatory Nos. 1, 3-11, 13, 17-21, 23-25, and 29-31 from Applicant's Second Set of Interrogatories served on Opposer on March 13, 2006, as well as Request Nos. 3, 4, 7, 8, 10, 11, 13, 14, 16-24, 28, 30, 33-37, 39-42, 46, 47, and 50 from Applicant's Second Set of Requests for Documents and Things served on Opposer on March 13, 2006. Because Opposer failed to provide any responses to Applicant's first set of discovery requests, and was substantially late responding to Applicant's second set of discovery requests, any objections that Opposer might have to Applicant's discovery requests were waived. Therefore, Applicant is entitled to all information and documents responsive to the above interrogatories and document requests.

Further, Opposer failed to produce any documents that it agreed to produce in its responses to the remaining production requests in Applicant's Second Set of Requests for Production of Documents and Things. Such responsive documents should have already been produced to Applicant.

I am available to meet and confer on this matter any time today, or tomorrow, July 27, 2006 between 2 p.m. and 5 p.m. P.D.T. Please let me know if you are available and what

William Merone, Esq.
July 26, 2006
Page 2

time you would like to begin our discussions.

Very truly yours,


Andrew Eliseev

AE

cc: Melinda Guzman-Moore, Esq.

41022612.1

JOB #815

	DATE	TIME
001	7/26	11:01A
002		11:01A

TO/FROM	MODE	MIN/SEC	PGS	STATUS
9164488628	EC--S	00' 23"	003	OK L2
202 220 4201	EC--S	00' 32"	003	OK L1

manatt
manatt | phelps | phillips

Fax Transmission

Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard, Los Angeles, California 90064-1614
Telephone: 310.312.4000 Fax: 310.312.4224

667

838

Client/Matter: 27206-031

Time in:

Fax Number:

Confirmation Number:

To:	William Merone, Esq. KENYON & KENYON	202-220-4201	202-220-4270
To:	Melinda Guzman-Moore GOLDBERRY, FREEMAN, GUZMAN & DITORA LLP	916 448-8628	916 448-0448

From: **Jill M. Pietrini**

Date: **July 26, 2006**

Pages including cover: **3**

If you do not receive all of the pages please call (310) 312-4203 as soon as possible. Thank you.

Sender's Comments:

40872090.1

06 JUL 26 AM 10:55

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Operator Use Only

Operator's Name **[Signature]**

Comments: **MACHINE 06 JUL 26 AM 11:00**
CONFIRMED

Total Pages: **3**

Time transmission completed: **a.m.**
p.m.

EXHIBIT 7



Erik C. Kane
Direct 202.220.4294
ekane@kenyon.com

1500 K Street, NW
Washington, DC 20005-1257
202.220.4200
Fax 202.220.4201

July 27, 2006

By Facsimile (310) 312-4224
Confirmation by U.S. Mail

Andrew Eliseev
Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614

Re: The Chamber of Commerce of the United States v. United States
Hispanic Chamber of Commerce Foundation (Opposition No.
91/156,321) (TTAB)

Dear Mr. Eliseev:

I am in receipt of your letter of July 26 to William Merone requesting that a conference call be scheduled for today regarding discovery issues and have been asked to respond. As an initial matter, though, I must note that it is our position the U.S. Chamber of Commerce is in no way deficient on any of its discovery responses. As such, there would not seem to be much to discuss. Still, given that we have concerns as to your client's responses to our requests, perhaps a conference call should be scheduled at a mutually convenient date and time.

Turning first to the issues you raised in your letter, I'll address them in reverse order:

Production of Documents:

You suggest that the U.S. Chamber has "failed to produce any documents that it agreed to produce" in its discovery responses. This is incorrect. In our discovery responses, we clearly stated that we would "permit the inspection and copying of the documents produced in response to [Applicant's] requests ... at the offices of Kenyon & Kenyon LLP [in] Washington, DC, at a time and date mutually convenient to counsel for Opposer and Applicant." To date, however, you have not contacted us and scheduled a time to inspect and copy the documents.

If you would like to inspect the documents (which have been available for some time), please let us know. Alternately, if you would like us to send you a copy of the documents at your expense, we would be happy to do so in return for you sending us your responsive documents.

Andrew Eliseev
July 27, 2006
Page 2



Applicant's Second Set of Interrogatories / Requests for Production

You also claim that the U.S. Chamber failed to "properly respond" to a litany of interrogatories and document requests, but you do not detail why any particular response is deficient. Each of our responses contains a proper objection, and we stand behind them. Still, if you wish to discuss the reasons why each response is proper, we can do so during a global conference.

Regarding your assertion that our responses were "substantially late," I am afraid we must disagree. We moved to suspend proceedings on March 13th, which was before we received any requests from you, and that motion was not denied until April 26th. Therefore, as your discovery effectively was only served on that day (and accounting for the delay associated with the issuance of the Order), our responses were not due until May 31st, and we timely responded.

All of this, however, is a moot point. Even if our responses were due in late April, the fact remains that we fully responded to all of your discovery requests long before you ever raised any concern as to "delay." As such, under TTAB precedent, our objections were not waived.

Applicant's First Set of Interrogatories / Requests for Production

Finally, you have dusted off discovery from more than two years ago that had been served by former, former counsel for Applicant to former counsel for Opposer, and you claim once more that we have "waived" our objections thereto. Again, we disagree.

Assuming for the moment that no responses were ever served by former counsel (and we cannot be certain one way or the other), you nonetheless apparently waited more than two and a half years before raising this issue for the first time. Meanwhile, in the interim, you served a second set of discovery requests that were in part substantially duplicative of the first request set of requests (*compare, e.g.*, Req. No. 14 (first set) *with* Req. No. 12 (second set); Req. No. 21 (first set) *with* Req. No. 49 (second set); Interrog. No. 6 (first set) *with* Interrog. No. 7 (second set)), thus suggesting that even you recognized that the original requests had long turned stale. Considering that we timely responded to the second set, and in view of the Board's admonition that a motion to compel "should be filed within a reasonable time after the failure to respond to a request for discovery" (*see TBMP*, §523.03), a sanction of "waiver" would be wholly unwarranted.

Be that as it may, however, if you believe that there are specific discovery requests (or portions thereof) relating to topics that (1) were not already covered by your second set of discovery, and (2) are relevant to the issues in this case, please identify them with particularity and we will consider providing expedited responses thereto. I must note, however, that having reviewed the first set and compared it to the second, I find that there is little in the way of nonobjectionable and relevant requests that we have not already responded to through the second set. Still, if there is specific and discrete information that you still seek, we will try to accommodate you.

Andrew Elisecv
July 27, 2006
Page 3

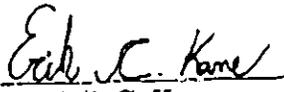


Separately, I wish to address briefly your responses to our discovery requests. Having reviewed them, I find them to be deficient on multiple grounds. Typically, my preference would be to set forth such concerns in detail through a formal discovery letter, but in view of your preference to hold a telephonic conference as to discovery issues (which is permitted under Trademark Rule 120(e)), I will agree to go that route as well.

To that end, please let me know your availability for a conference at some point over the next few days. I am available tomorrow early afternoon, or most of Monday or Tuesday of next week. I look forward to speaking with you then.

Regards.

KENYON & KENYON LLP


By: Erik C. Kane

cc: Melinda Guzman-Moore
GOLDSBERRY, FREEMAN, GUZMAN & DITORA LLP

Edward T. Colbert
William M. Merone
KENYON & KENYON LLP

Judith K. Richmond
Vice President and Associate General Counsel
CHAMBER OF COMMERCE OF THE UNITED STATES

EXHIBIT 8

A. Interrogatories, and Opposer's Responses to Them, from Applicant's Second Set of Interrogatories at Issue in Applicant's Motion to Compel

No	Interrogatory	Response
3	For each product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, describe in detail the channels of trade and distribution in which such products or services are sold or are intended to be sold, including, without limitation, the type of retailer or outlet in which each such product or service is sold or is distributed from, or is intended to be sold or distributed from, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving these objections, Opposer states that its registrations in no way restricts its channels of trade. As a matter of law, Opposer's registrations thus cover all channels of trade customary for offering association services, namely promoting the interests of business men and women. Notwithstanding the above, Opposer responds that it uses its marks in channels of trade customarily associated with the offering of association services.
4	For each product or service bearing, sold or offered under, or intended to be sold or offered under Opposer's Marks, from 1979 to the present, describe in detail the demographic market to which the product or service is sold or intended to be sold.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving its objections, Opposer states that its registrations are not restricted in any way with respect to demographics. As a matter of law, Opposer's registrations thus cover all classes of customers customary for its designated class of goods and services, including, but not limited to, men and women, small and large corporations, businesses, and other entities and organizations. Notwithstanding the above, Opposer responds that it uses its marks in with classes of customers customarily associated with the offering of association services.
7	Describe all circumstances surrounding Opposer's first becoming aware or acquiring knowledge of Applicant's use of, or application to register, Applicant's Mark or of Applicant's existence. In this description, identify the person(s) who first learned of Opposer's use of, application to register Applicant's Mark, or of Applicant and the date that Opposer first became aware or acquired knowledge of such use or application	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent it calls for privileged attorney work product. Without waiving such objections, Opposer states only that it knew of the existence of Applicant prior to the August 29, 2001, filing date of Serial No. 78/081,731; that it received constructive notice of Applicant's use of the mark on July 16, 2002,

	of Applicant.	which was the date Applicant's application was published for opposition in the <i>Official Gazette</i> ; and that Opposer filed a Notice of Opposition against the application on or about April 11, 2003, which was within the period set forth by the Trademark Office rules for the filing of an opposition.
8	Describe in detail the methods and intended methods of marketing and advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not restrict the channels of marketing or advertising. As a matter of law, Opposer's registrations thus cover all channels of marketing or advertising. Notwithstanding the above, Opposer responds that it markets and advertises in ways customarily associated with the offering of association services.
9	State the price or fee of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not limit in any way the prices to be charges for the association services offered under Opposer's marks. As a matter of law, Opposer's registrations thus cover association services in all price ranges. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, and to Opposer's publicly-available website (www.uschamber.com/join/business/join.htm ; www.uschamber.com/join/chambers/join1.htm ; www.uschamber.com/join/associations/join1.htm) for information about pricing structures.
10	Identify the person(s) most knowledgeable about the marketing and sale of each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Without waiving such objections, Opposer states that its registrations do not restrict the channels of marketing or sale. As a matter

		of law, Opposer's registrations thus cover all channels of marketing or sale. Notwithstanding the above, Opposer responds that it is unable to respond to the vague and indefinite interrogatory as propounded.
11	State the annual and monthly amounts spent by or on behalf of Opposer for advertising each product or service bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks, since 1979. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products or services bearing, sold or offered under any of Opposer's Marks, then state the annual and monthly amount spent by or on behalf of Opposer for the advertisement and promotion of all Opposer's products and services, regardless of the mark or name applied to, or used with, such products or services, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC53998-53999.
13	State whether Opposer has any marketing or advertising plans or programs directed toward, or targeted to, any particular trade, industry or consumer group for the products or services bearing, sold or offered under, or intended to be sold or offered under, any of Opposer's Marks. If so, identify and describe in detail each such trade, industry, or consumer group.	See response to Interrogatory № 4.
18	State on an annual basis, the total amount of gross revenues earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, and subject to those objections, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC54045-54103.

<p>19</p>	<p>State on an annual basis, the total amount of net profits earned by Opposer for each product or service bearing, sold or offered under Opposer's Marks, from 1979 to the present.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC54045-54103.</p>
<p>20</p>	<p>Identify all surveys, public opinion polls or any other forms of consumer research known to Opposer relating to each of Opposer's Marks, Applicant's Mark or any other mark including CHAMBER OF COMMERCE.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information. Notwithstanding the above, and subject to those objections, Opposer directs Applicant to the documents Opposer has produced in response to Applicant's document requests, including USCC50235-50257, 54113-54116, 54117-54125.</p>
<p>21</p>	<p>Identify all third parties of which Opposer is aware that currently use the term "Chamber of Commerce" as a trademark, service mark, domain name, or trade name or as part of a trademark, service mark, trade name, or domain name, and for each such third party, identify:</p> <ul style="list-style-type: none"> (a) the name, address and other contact information for the owner of the mark; (b) the goods or services for the third party mark is used; (c) the geographic scope of the use of the mark; (d) the total sales of, or revenue for, the products or services sold under the third party mark; and (e) the manner in which the third party mark is used, e.g., on the product, on a website(s), in advertising, etc. 	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory to the extent it calls for information not in possession of Opposer, and that is otherwise publicly available to Applicant.</p>

23	<p>Identify and describe in detail all contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to any of Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such contract, agreement or arrangement, the term of each such contract, agreement or arrangement, and the types of goods or services relating to each such contract, agreement or arrangement.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information.</p>
24	<p>Identify and describe in detail all cross-marketing or co-branding agreements, or other marketing or advertising arrangements, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, and identify the date of each such agreement or arrangement, the term of each such agreement or arrangement, and the types of goods or services relating to each such agreement or arrangement.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this interrogatory on the grounds that it calls for privileged confidential information.</p>
29	<p>Does Opposer contend that Applicant acted with the intent to trade on Opposer's alleged goodwill in any of Opposer's Marks? If so, state all facts to support and rebut such contention.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory as a premature contention interrogatory. Without waiving these objections, Opposer refers Applicant to its Notice of Opposition and the facts alleged therein.</p>
30	<p>Identify all trade shows or the like at which Opposer has displayed advertised, or promoted its goods offered under any of Opposer's Marks for the period of 1979 to the present. Such identification must include:</p> <ul style="list-style-type: none"> (a) the name of each trade show; (b) the date(s) attended by Opposer; 	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding.</p>

	<p>(c) the location of each trade show;</p> <p>(d) the approximate number of attendees of each trade show; and</p> <p>(e) whether Opposer displayed, promoted, advertised, or sold any products bearing or offered under Opposer's Marks at such shows.</p>	
31	<p>State the meaning of CHAMBERS OF COMMERCE as used in Opposer's Marks which contain that term, and as used in general parlance.</p>	<p>In addition to its General Objections, Opposer objects to this interrogatory on the grounds that it is overly broad and indefinite and unduly burdensome and vague. Further, Opposer objects to this interrogatory on the grounds that it asks for information irrelevant to the current opposition proceeding. Opposer additionally objects to this interrogatory in that Opposer does not use the phrase "Chambers of Commerce" in any of its Marks.</p>

B. Document Requests, and Opposer's Responses to Them, from Applicant's Second Set of Requests for Document and Things, at Issue in Applicant's Motion to Compel

N^o	Document Request	Response
3	All documents relating to the meaning of CHAMBER OF COMMERCE as used in Opposer's Marks, which contain that term, and as used in general parlance.	In addition to its General Objections, Opposer objects to this request as overly broad and unduly burdensome. Moreover, Opposer objects to this request as vague.
4	All trademark search reports of any kind (manual, electronic, online, or full searches) for Opposer's Marks, or any mark including CHAMBER OF COMMERCE.	In addition to its General Objections, Opposer objects to this request to the extent it calls for privileged information protected by attorney work product. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
7	Representative samples of all documents relating to the methods of marketing and distribution of each product or service bearing, sold or offered, or intended to be sold or offered, under Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information
8	All documents relating to any marketing or advertising plans or programs directed toward or targeted to any particular trade, industry, or consumer group for products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.
10	All documents relating to Opposer's use of the phrase "Chamber of Commerce".	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome and vague.
11	All assignments, licenses, and any other rights transfer or use agreements relating to Opposer's Marks, and all documents relating thereto.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.
13	Representative samples of all documents relating to the channels of distribution and intended channels of distribution of each product or service bearing, sold or offered	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this

	under, or intended to be sold or offered under, Opposer's Marks, from 1979 to the present.	request on the grounds that it asks for information irrelevant to the current opposition proceeding.
16	Documents sufficient to establish the total sales of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.
17	Documents sufficient to establish Opposer's total revenues from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.	See response to Document Request No. 16.
18	Documents sufficient to establish Opposer's net profits from sales or leases of products and services bearing, sold or offered under Opposer's Marks on an annual basis from 1979 to the present.	See response to Document Request No. 16.
19	All documents showing or from which it can be ascertained the total amount that Opposer has spent to advertise and/or promote each product and service bearing, sold or offered under Opposer's Marks, for each year from 1979 to the present. If Opposer does not maintain records of the amounts spent on the advertisement and promotion of its products and services bearing, sold or offered under Opposer's Marks, produce all documents relating to the total amount spent by Opposer or on behalf of Opposer for the advertisement and promotion of all Opposer's products and services, on an annual basis from 1979 to the present.	See response to Document Request No. 16.
20	All annual, quarterly, and monthly sales or revenue reports for each product or service bearing Opposer's Marks and/or sold by or on behalf of Opposer under Opposer's Marks from 1979 to the present.	See response to Document Request No. 16.
22	Representative samples of documents relating to marketing, promotion, or advertising of each product or service	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly

	bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.	burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Subject to these objections and without waiving any objections, Opposer will make available documents for inspection that are responsive to this request.
23	All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, Opposer's Marks.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer object to this request to the extent that it seeks information protected by the attorney-client privilege.
24	All documents relating to any communications that Opposer has had, orally or in writing, with any person or entity regarding Opposer's rights to use and/or register, or the use of, the phrase "Chamber of Commerce" as a trademark.	See response to Document Request No. 23.
30	All documents relating to any alternate marks that were considered by Opposer for use as trademarks, service marks, or trade names instead of Opposer's Marks.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
33	All contracts between, on one hand, Opposer and, on the other hand, Opposer's third-party distributors, vendors, publishers and manufacturers of any products bearing, sold or offered under, or to be sold or offered under, Opposer's Marks, from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent that it calls for confidential information. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
34	Representative samples of contracts between Opposer and its members from each year from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the

		extent that it calls for confidential information.
35	All contracts, web hosting agreements, web design agreements, licensing agreements or arrangements relating to Opposer's Marks between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.
36	All cross-marketing or co-branding agreements, or other marketing or advertising arrangements relating to Opposer's Marks, between Opposer and any third-party publisher, website developer, advertiser, retailer, website hosting company, or distributor or retailer of magazines, from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding. Moreover, Opposer objects to this request to the extent that it calls for confidential information.
37	Representative samples of all documents and things relating to the attendance by Opposer at any trade shows and the exhibition by Opposer of any products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks at such shows, from 1979 to the present.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
39	Documents sufficient to identify the price or intended retail price of each of the products or services bearing, sold or offered under, or intended to be sold or offered under, Opposer's Marks.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
40	All documents relating to the date that Opposer first became aware or acquired knowledge of the existence of Applicant's Mark and/or of Applicant's application to register Applicant's Mark.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Further, Opposer objects to this request on the grounds that it asks for information irrelevant to the current opposition proceeding.
41	All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Interrogatories propounded upon Opposer	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged

	to date.	information protected by attorney/client communications and attorney work product.
42	All documents that Opposer reviewed or identified as relevant, or upon which Applicant relied, in the preparation of Opposer's responses to Applicant's Requests for Admission propounded upon Opposer to date.	See response to Document Request No. 41.
46	All documents provided to any expert(s) retained by Opposer as testifying experts in this case.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney work product. Further, Opposer objects to this request as premature.
47	All documents reflecting communications between Opposer and all testifying experts retained for this case.	In addition to its General Objections, Opposer objects to this request on the grounds that it is overly broad and indefinite and unduly burdensome. Moreover, Opposer objects to this request to the extent it calls for privileged information protected by attorney/client communications and attorney work product. Further, Opposer objects to this request as premature.

41025277.1