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

Proceeding	91156321
Party	Defendant United States Hispanic Chamber of Commerce Foundation United States Hispanic Chamber of Commer ce Foundation ce Foundation 2175 K. Street, N.W., Suite 100 Washington, DC 20037
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Date	04/13/2007
Attachments	Motion for Reconsideration of Board's Order (91156321).PDF (8 pages)(58198 bytes) Declaration re Motion for Reconsideration of Board's Order (911563210.PDF (10 pages)(321286 bytes)

Docket No. 27206-030

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

In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, Opposer, vs. UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION, Applicant.	Opposition No. 91-156,321 **MOTION FOR RECONSIDERATION OF THE BOARD'S ORDER DENYING APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, AND TO PRODUCE DOCUMENTS**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 2.127(b), Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant") hereby requests that the Board reconsider its Order dated March 15, 2007[1] ("Order") denying Applicant's motion to compel Opposer The Chamber of Commerce Of The United States Of America's ("Opposer") responses to interrogatories and requests for production of documents, and to produce documents.

The Board denied Applicant's motion without considering the merits of Applicant's arguments regarding the inadequacy of Opposer's responses to particular interrogatories and document requests. The denial was based exclusively upon the Board's conclusion that Applicant had not fulfilled its obligation to meet and confer with Opposer prior to filing its motion. Applicant respectfully requests the Board to reconsider its decision to deny the motion, and order the supplementation of Opposer's discovery responses, or in the alternative, to allow

[1] Applicant received the Order on March 22, 2007, and has endeavored to file this motion for reconsideration as promptly as possible.

the parties to meet and confer to discuss Applicant's concerns presented in the motion, and request the Board's assistance if it would still be necessary.

Applicant's request for reconsideration of the Board's Order is based on the fact that any meeting with Opposer prior to filing the motion would have been futile. Opposer clearly stated so in its response to Applicant's letter inviting Opposer to meet and confer. Under these circumstances, requiring that Applicant still should have met and conferred with Opposer elevates form over substance and is contrary to the strong public policy which favors the resolution of disputes on their merits.

The outright denial of Applicant's motion is also unfair in light of Opposer's multiple procedural violations, such as its failure to provide *any* responses to Applicant's First Set of discovery requests, serving late its inadequate responses to Applicant's Second Set of discovery requests, and serving late its opposition to Applicant's motion. None of these violations resulted in any rebuke to Opposer from the Board.

Finally, as a *pro bono* client, Applicant was fully justified in its request that Opposer send its responsive documents to Applicant's counsel's offices in Los Angeles. Opposer's making its documents available at its counsel's offices in Washington, D.C. was unduly burdensome and expensive[2] for Applicant, and Applicant's request was therefore reasonable, especially considering that Applicant sent its responsive documents to Opposer's counsel by an overnight courier.

Accordingly, the Board should reconsider its decision and grant Applicant's motion, or, in the alternative, to order the parties to meet and confer regarding Applicant's concerns about Opposer's discovery responses, and allow Applicant to file a motion to compel to the extent such a motion is necessary after the parties' meeting.

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[2] Applicant would have to pay the out of pocket costs for the travel and hotel of its counsel to go from Los Angeles to Washington, D.C.

II. THE BOARD'S DENIAL OF APPLICANT'S MOTION TO COMPEL WAS NOT JUSTIFIED

In light of Opposer's response to Applicant's meet and confer letter, and Opposer's continuous procedural violations in this proceeding, the Board's outright denial of Applicant's motion to compel was unjustified and prejudicial to Applicant.

A. A Meet and Confer with Opposer Would Have Been Futile

Applicant acknowledges that prior to filing a motion to compel a party should generally make a good faith attempt to meet and confer with the opposing party to try and resolve its questions arising from the opposing party's discovery responses. *See, e.g., J.B. Williams Co. v. Pepsodent G.m.b.H.*, 188 USPQ 577, 579 (TTAB 1975). Applicant made that effort, which was met with a response that denied any impropriety of Opposer's discovery responses, and offered only to "go through the motions" of a meet and confer to appease the Board's rules. It is clear that in this case, such a meet and confer would serve no purpose and be entirely futile.

In response to Applicant's request to meet and confer to discuss Opposer's lack of responses to Applicant's First Sets of discovery, and Opposer's inadequate responses to Applicant's Second Sets of discovery, Opposer's counsel responded as follows:

> 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 [Opposer] 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.
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> * * *
>
> I must note, however, that having reviewed the first set [of discovery] 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.

(Declaration of Andrew Eliseev in Support of the Motion for Reconsideration ("Eliseev Decl.") ¶ 4, Ex. 1 (emphasis added).)

Opposer's counsel thus stated repeatedly that Opposer not only disagreed with Applicant that Opposer's discovery responses were deficient in any way, but also that any discussion regarding them would be pointless. And further, the parties' meeting would only be useful "perhaps" to discuss **Applicant's** responses to **Opposer's discovery.** At that point, it was obvious to Applicant that any meeting with Opposer to resolve issues related to **Opposer's** responses would not eliminate or even narrow down the issues. Passing on the opportunity to discuss its own discovery responses on the eve of filing a motion to compel Opposer's discovery responses, Applicant filed the motion.

Applicant's actions were reasonable and fully justified in view of Opposer's position expressed above, and the Board should not have denied Applicant's motion based on those actions. *See Envirotech Corp. v. Compagnie Des Lampes*, 219 USPQ 448, 450 (TTAB 1979). Following up with Opposer in an attempt to narrow down the issues where Opposer expressly stated that there was "[not] much to discuss," would be wasteful and contrary to the well-established public policy which favors the resolution of disputes on their merits. *See Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th 1987); *see also Foman v. Davis*, 371 U.S. 178, 181-82 (1962) (disputes should be determined on their merits, and not on the technicalities of pleading rules).

In essence, requiring Applicant to meet with Opposer in the above circumstances would improperly exalt form over substance and would seek to violate the maxim of jurisprudence that "the law neither does nor requires idle acts." *See, e.g.,* Cal.Civ.Code § 3532. Opposer's position was clear and unequivocal: Opposer's responses are "in no way deficient," "there would not seem to be much to discuss," and a conference call "perhaps" should be scheduled to discuss "concerns as to [Applicant]'s responses to [Opposer's] requests." Applicant's motion should not be denied for the mere failure to adhere to a technical procedural rule, which would have had no effect whatsoever on the merits of Applicant's motion or the scope of the issues raised. Applicant requests the Board to be mindful that it did attempt to meet and confer. That effort was met with an effective dismissal by Opposer. Such effort by Applicant does constitute

compliance with the Board's meet and confer rule. *See Environtech Corp. v. Compagnie Des Lampes*, 219 U.S.P.Q. 448, 450 (TTAB 1979).

If the Board felt that it would nevertheless be beneficial for the parties to meet and confer regarding Opposer's discovery responses, the Board should have allowed for such an opportunity and directed that the parties meet before the Board would consider Applicant's motion in detail. Such a course of action was undertaken by the Board in *The J.B. Williams Company*. There, the Board offered general guidelines to assist the parties in resolving the objections raised by the responding party, and directed the parties "to apply their best efforts to resolve objections to the interrogatories between themselves in an atmosphere of cooperation and good faith." *The J.B. Williams Co.*, 188 USPQ at 579, 581. Here, if necessary, Applicant should also be offered at least such an opportunity. And Opposer should engage in that process in good faith, and not merely go through the motions as it previously offered to do.

B. <u>The Ultimate Effect of the Denial of Applicant's Motion Is Patently Unfair Under the Circumstances</u>

Throughout the events surrounding the filing of Applicant's motion, Opposer displayed a flagrant disregard for the procedural rules. In view of Opposer's actions and other important factors, the denial of Applicant's motion is unjustified, unfair, and prejudicial to Applicant.

First, Opposer failed to provide **any** responses to Applicant's first sets of interrogatories and document requests. (Eliseev Decl. ¶ 3.) There is no time limit in which to file a motion to compel after receipt of those responses, other than the obligation to file the motion before the opening of the first testimony period, which Applicant did. The Board should note that after the first set of discovery was served, Applicant changed counsel. More importantly, the proceedings were suspended and continued multiple times because of settlement discussions. A motion to compel the first set of discovery requests during the period when a case is suspended would have been improper under the procedural rules of the Board. The denial of Applicant's motion to compel those responses now condones Opposer's open violation of its discovery obligations, and punishes Applicant.

Second, Opposer served its responses to Applicant's second set of interrogatories and document requests a month and a half past the due date. In an attempt to explain away the tardiness, Opposer argued that its **filing** of a motion for suspension of the proceeding suspended the proceeding, and that the "suspension" "was lifted" upon the **denial** of that motion.[3] As discussed at length in Applicant's motion papers, the TBMP is clear that no suspension was effected by a mere filing of a motion to suspend. Nevertheless, the Board did not even mention that Opposer's service of its discovery responses was a month and a half late. Opposer received not even a slap on the hand for its violation. Applicant on the other hand got "body slammed" for the purported failure to meet and confer.

Lastly, Opposer's opposition to Applicant's motion came almost a month late. Pursuant to 37 CFR §§ 2.119(c) and 2.127(a) and TBMP §§ 113.05 and 502.02, Opposer's opposition was due on August 20, 2006, but was not filed and served until September 15, 2006. Again, the violation went entirely unnoticed by the Board and was not mentioned in the Order.

Opposer, who is represented by a competent counsel specializing in intellectual property matters, flagrantly cast aside with impunity many important procedural rules. Yet the Board denied Applicant any opportunity to obtain discovery for a failure to conduct a clearly pointless meeting with Opposer prior to filing the motion. Such a result effects a great injustice upon Applicant. It puts Applicant at a significant disadvantage now that the discovery period is closed, and Applicant is left with no interrogatory responses from Opposer to adequately prepare to defend this case.

The Order also disapproved Applicant's request for a shipment of Opposer's documents that Opposer "permitted to inspect and copy at its counsel's offices in Washington, D.C." Applicant's counsel, the law firm of Manatt Phelps & Phillips, LLP ("Manatt"), is representing Applicant on the *pro bono* basis. The Manatt attorneys, who directly handle this matter, work out of Manatt's Los Angeles office. Although Manatt has an office in Washington, D.C., none

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[3] The Board appeared to have accepted Opposer's argument regarding the "suspension," as it described the Board' denial of Opposer's motion to suspend as "lifting a suspension" (Order at p. 2).

of the attorneys working there specialize in trademark law. Thus, Manatt's lawyers located in the firm's Washington, D.C. office, who are unfamiliar with this case or trademark law, would not know what documents to look for in Opposer's counsel's Washington office. Opposer's counsel's "invitation" to inspect and copy the documents in Washington would require an Applicant attorney to fly across the country to retrieve the documents. Opposer's counsel's desire and insistence on providing Opposer's documents in that manner are inexplicable and unfair in view of the *pro bono* nature of Applicant's representation and the fact that Applicant mailed more than 2,000 pages of Applicant's documents to Opposer's counsel offices in Washington. Importantly, on August 3, 2006, Applicant requested Opposer to mail Opposer's documents to Applicant. (Eliseev Decl. ¶ 5, Ex. 2.) Opposer ignored that letter and never sent the documents. Opposer has only now agreed to send the documents to Applicant if Applicant pays for copies of them. Notably, Applicant did not insist on copying charges when Opposer was sent Applicant's significant document production. (Eliseev Decl. ¶ 6.)

In sum, Applicant's filing its motion without a formal meet and confer with Opposer does not justify the outright denial of the motion when Opposer violated the procedural rules at every turn, and where Applicant is ultimately left with no opportunity to obtain relevant information or follow-up documents from Opposer.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Board reconsider its Order denying Applicant's motion, and grant Applicant's motion in its entirety or, in the alternative, order the parties to meet and confer regarding the issues in Applicant's motion, and

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afford Applicant an opportunity to file a new motion to compel should that be necessary after the parties' discussions.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

Dated: April 13, 2007

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

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 13th day of April, 2007.

/s/ Monica Danner
Monica Danner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR RECONSIDERATION OF THE BOARD'S ORDER DENYING APPLICANT UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, AND 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 13th day of April, 2007.

/s/ Monica Danner
Monica Danner

41106393.1

Docket No. 27206-030

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

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

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 for reconsideration of the Board's order denying Applicant's motion to compel responses to interrogatories and requests for production of documents, and to produce documents.

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). 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.

4. After I requested a meet and confer with Opposer's counsel regarding the lack of Opposer's responses to Applicant's First Sets of discovery, and Opposer's inadequate responses to Applicant's Second Set of discovery, Opposer's counsel, Erik Kane, stated that he did not see any point in meeting regarding those issues, and instead suggested a meeting to discuss Applicant's responses to Opposer's discovery. Attached hereto as **Exhibit 1** is a true and correct copy of Erik Kane's letter to me dated July 27, 2006.

5. On several occasions, and specifically in my August 3, 2006 letter to Mr. Kane, I requested that Opposer mail its documents responsive to Applicant's document requests to our offices in Los Angeles. I have not received a response to my request from Opposer's counsel, and the Opposer's documents have never been mailed to us. Attached hereto as **Exhibit 2** is a true and correct copy of my letter to Erik Kane dated August 3, 2006.

6. During my recent discussions with Opposer's counsel, William Merone, Opposer agreed to finally send the documents to Applicant if Applicant pays for copies of them. In contrast, Applicant did not insist on copying charges when Opposer was sent Applicant's significant document production. We sent Opposer more than 2,000 pages of documents in this case, at no expense to Opposer.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 13th day of April, 2007 in Los Angeles, California.

Andrew Eliseev

Andrew Eliseev

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 13th day of April, 2007.

/s/ Monica Danner
Monica Danner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DECLARATION OF ANDREW ELISEEV IN SUPPORT OF APPLICANT'S MOTION FOR RECONSIDERATION OF THE BOARD'S ORDER DENYING APPLICANT'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, AND 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 13th of April, 2007.

/s/ Monica Danner
Monica Danner

41106871.1

EXHIBIT 1

KENYON & KENYON LLP
Intellectual Property Law

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.

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.

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

Erik C. Kane

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 2

manatt
manatt | phelps | phillips

Andrew Eliseev
Manatt, Phelps & Phillips, LLP
Direct Dial: (310) 312-4384
E-mail: AEliseev@Manatt.com

August 3, 2006

Client-Matter: 27206-030

VIA FACSIMILE

Erik C. Kane, 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. Kane:

I am in receipt of your July 27, 2006 letter regarding U.S. Chamber's discovery responses. It is clear from your letter that any meeting regarding such responses would be futile. Hispanic Chamber therefore has forgone the meeting prior to filing its motion to compel.

As to the documents responsive to Hispanic Chamber's Second Set of Requests for Documents and Things that you stated were available for inspection at the Kenyon & Kenyon offices in Washington, D.C., such a manner of production does not satisfy U.S. Chamber's obligation to produce documents: such documents would not be produced as they are kept in U.S. Chamber's ordinary course of business, and Hispanic Chamber has specifically asked that U.S. Chamber mail such documents to the offices of Manatt, Phelps & Phillips, LLP in Los Angeles. In addition, U.S. Chamber's offer will not only increase the cost of this case to Hispanic Chamber, but will also delay discovery. Therefore, Hispanic Chamber demands that those documents, and any subsequent production documents, be mailed to our offices in Los Angeles.

In your letter, you also stated that you found Hispanic Chamber's discovery responses "deficient on multiple grounds." If you would like to meet and confer regarding Hispanic Chamber's discovery responses, it would be most effective if you first set forth in a letter any of such alleged deficiencies. Please also note that earlier this week, Hispanic Chamber sent out to your office various documents responsive to U.S. Chamber's document requests.

I am looking forward to receiving your letter detailing the alleged deficiencies in Hispanic Chamber's discovery responses, as well as receiving U.S. Chamber's documents

responsive to Hispanic Chamber's document requests.

Very truly yours,

Andrew Eliseev

Andrew Eliseev

AE
cc: Melinda Guzman-Moore, Esq.

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