

***Cary Brett Berman  
1917 Lafayette Road  
Gladwyne, PA 19035  
(610) 227-5600***

March 17, 2005

United States Department of Commerce  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Va. 22202-3513

In re Application Serial No. : 78/320850  
Mark : ENYCE  
International Class : 12  
Applicant : Cary Berman  
Filed : October 30, 2003  
Published : August 24, 2004

Dear Sir/Madam:

Enclosed for filing in the above captioned matter are the original and one copy of the following:

1. APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS.

Respectfully submitted,



Cary Berman

CC: Carole E. Klinger, Esquire



04-01-2005

***Cary Brett Berman  
1917 Lafayette Road  
Gladwyne, PA 19035  
(610) 227-5600***

CERTIFICATE OF SERVICE

I, Cary Berman, hereby certify that true and correct copies of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS were served on Opposer by priority mailing same (with delivery conformation) to Carole E. Klinger, Esq., 919 Third Ave., New York, NY. 10022 this 18<sup>th</sup> day of March 2005.



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Cary Berman

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

Cary Brett Berman  
1917 Lafayette Road  
Gladwyne, PA 19035  
(610) 227-5600

L. C. Licensing, Inc.

Opposer

Opposition No. 91162330  
Serial No. 78320850

**APPLICANT'S FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS AND THINGS**

v.

CARY B. BERMAN

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Applicant

In re Application Serial No. : 78/320850  
Mark : ENYCE  
International Class : 12  
Applicant : Cary Berman  
Filed : October 30, 2003  
Published : August 24, 2004

Applicant, representing himself pro se submits this FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS on Opposer.

The Applicant is Cary Berman. Cary Berman is a law abiding U.S. citizen living at 1917 Lafayette Rd., Gladwyne, Pa. 19035. Applicant is not represented by council and represents himself pro se.

Applicant believes that it should receive registration and approval to utilize Application Serial No. : 78/320850 for the Mark ENYCE filed in International Class 12 on October 30, 2003 and Published for opposition on August 24, 2004.

Applicant submits this FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS by numbered paragraph. "Document" shall mean documents and things. "Exist" shall mean it exists at all or exists in Applicants possession. For simplicity Applicant wishes to utilize the Definitions and Instructions listed in Opposer's FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS.

Request No. 1. Produce all documents sufficient to identify any corporate entity that ever owned Opposer's ENYCE Marks listing the date of ownership by mark.

Request No. 2. Produce all documents sufficient to identify any purchase, purchase price, payment arrangement, sale or any transfer of ownership of Opposer's ENYCE Marks by mark.

Request No. 3. Produce all documents sufficient to identify all individuals ("persons") that control or controlled the marketing of Opposer's ENYCE Marks.

Request No. 4. Produce all documents sufficient to identify all individuals ("persons") that control or controlled the design of any and all products that contain or contained Opposer's ENYCE Marks.

Request No. 5. Produce all documents sufficient to identify Opposer's ten largest customers by dollar volume and by calender year for products containing Opposer's ENYCE Marks for the last three years.

Request No. 6. Produce all documents sufficient to identify Opposer's ten largest production facilities by dollar volume and by calender year for products containing Opposer's ENYCE Marks for the last three years.

Request No. 7. Produce all documents sufficient to identify all developed plans for future marketing of Opposer's ENYCE Marks.

Request No. 8. Produce all documents sufficient to identify all developed plans for future designs of products containing Opposer's ENYCE Marks.

Request No. 9. Produce all documents including purchase orders and letters of credit sufficient to identify all developed plans for future purchases for products containing Opposer's ENYCE Marks from production facilities.

Request No. 10. Produce all documents sufficient to identify the last known address, phone number and employment information for the individual Tony Shellman that was identified in Opposer's council's letter dated 12/23/2004 that is attached as exhibit "A".

Request No. 11. Produce all documents sufficient to identify any and all employment contracts, employment folders and any job descriptions for the individual Evan Davis that was identified in Opposer's council's letter dated 12/23/2004 that is attached as exhibit "A".

Request No. 12. Produce all documents sufficient to identify any and all employment contracts, employment folders and any job descriptions for the individual Rolando Felix that was identified in Opposer's council's letter dated 12/23/2004 that is attached as exhibit "A".

SUBMITTED this 17<sup>th</sup> day of March, 2005.

CARY BRETT BERMAN



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December 23, 2004

BY FIRST CLASS MAIL

Mr. Cary Berman  
1917 Lafayette Road  
Gladwyne, PA 19035

Exhibit  
"A"

Re: L.C. Licensing, Inc. v. Berman  
Opposition No. 91162330  
Our Ref. No. 25101

Dear Mr. Berman:

This responds to your November 18, 2004 letter.

With respect to your request to depose the individual or persons that applied for the ENYCE trademarks referenced in the Notice of Opposition, the ENYCE trademark application was originally filed by Fila U.S.A, Inc. Since our client no longer has any affiliation with Fila, we are unable to accommodate this portion of your request.

With regard to the applications for ENYCE & Design and LADY ENYCE, such applications were filed in the name of Enyce, Inc. while it was owned by Fila U.S.A., Inc. Therefore we also refer you to Fila with regard to these applications. Similarly the ENYCE logo was designed by an individual hired by Fila USA. Consequently, we must again refer you to Fila with regard to the ENYCE & Design mark.

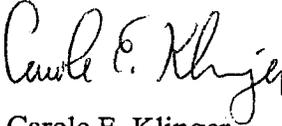
Regarding your inquiry as the creator of the ENYCE mark, such mark was conceived by Evan Davis, Tony Shellman and Rolando Felix while they were working at Fila. Since Mr. Davis and Mr. Felix are in our client's employ, we would be willing to produce Mr. Davis or Mr. Felix for a deposition at our offices in New York, subject to availability. Therefore,

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Mr. Cary Berman  
December 23, 2004  
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please supply us with some possible dates on which you are available, and we will see if Mr. Davis or Mr. Felix is free to testify on such dates.

Sincerely,

  
Carole E. Klinger