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

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REEBOK INTERNATIONAL LTD., )  
 )  
Opposer, )  
 )  
v. )  
 )  
MARK J. MORMAR, )  
 )  
Applicant. )  
\_\_\_\_\_

Opposition No. 91163810

98119979

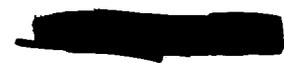
**OPPOSER'S MOTION TO COMPEL APPLICANT'S RESPONSES  
TO OPPOSER'S FIRST SET OF DISCOVERY REQUESTS**

Pursuant to 37 C.F.R. § 2.120(e)(1) and TBMP § 523, Opposer Reebok International Ltd. ("Reebok") moves for an order: (i) compelling Applicant Mark J. Mormar to respond in writing completely and without objection to the interrogatories and requests for production propounded in "*Opposer's First Set of Interrogatories to Applicant*;" and in "*Opposer's First Request for Production of Documents and Things*;" and (ii) compelling Applicant to produce therewith and without objection all documents and things requested in "*Opposer's First Request for Production of Documents and Things*." In support of its motion, Reebok submits the following argument.

**I. APPLICANT'S FAILURE TO RESPOND TO DISCOVERY REQUESTS**

Discovery in this proceeding opened February 3, 2005, and is currently set to close August 2, 2005. Attached hereto at Tabs 1 and 2, respectively, are copies of Reebok's discovery requests referenced above, which discovery requests were served, as reflected in the Certificate of Service incorporated in each, by mail on March 7, 2005. Accordingly, the responses of

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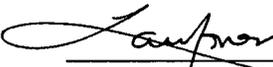


06-02-2005

Applicant were due 35 days later, *i.e.*, on April 11, 2005. No responses were served on or before that date, and no responses have been received as of the filing and service of this motion.

**II. CERTIFICATE OF CONFERENCE**

The undersigned counsel for Opposer Reebok hereby certifies that, as reflected in the email communications attached hereto at Tabs 3, 4 and 5, I made a good faith effort to resolve with Applicant the issue presented in this motion. However, Applicant apparently has not served any discovery responses, and thus I have not been able to reach an agreement with Applicant.

  
\_\_\_\_\_  
Larry C. Jones

**III. SPECIFIC REMEDY SOUGHT**

Inasmuch as no objections were timely served with respect to any of Interrogatory Nos. 1-25 or Request for Production Nos. 1-106, any objections which could have been asserted have been waived. *See, e.g.*, Rule 33(b)(4), Federal Rules of Civil Procedure. Accordingly, Opposer Reebok requests that the Board grant this motion and, in doing so:

- (1) Order Applicant to serve his written and verified responses to Interrogatory Nos. 1-25 fully and completely and without objection within thirty (30) days of the Board's order; and
- (2) Order Applicant to serve his written responses to Request for Production Nos. 1-106 fully and completely and without objection within thirty (30) days of the

Board's order, and to produce by mail copies of all responsive documents and things contemporaneously with his service of such responses.



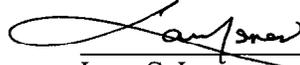
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Attorneys for Opposer,  
REEBOK INTERNATIONAL LTD.

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, Attn: BOX TTAB/NO FEE, P.O. Box 1451, Alexandria, Virginia 22313-1451 on May 31, 2005.



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Larry C. Jones  
Date of Signature: May 31, 2005

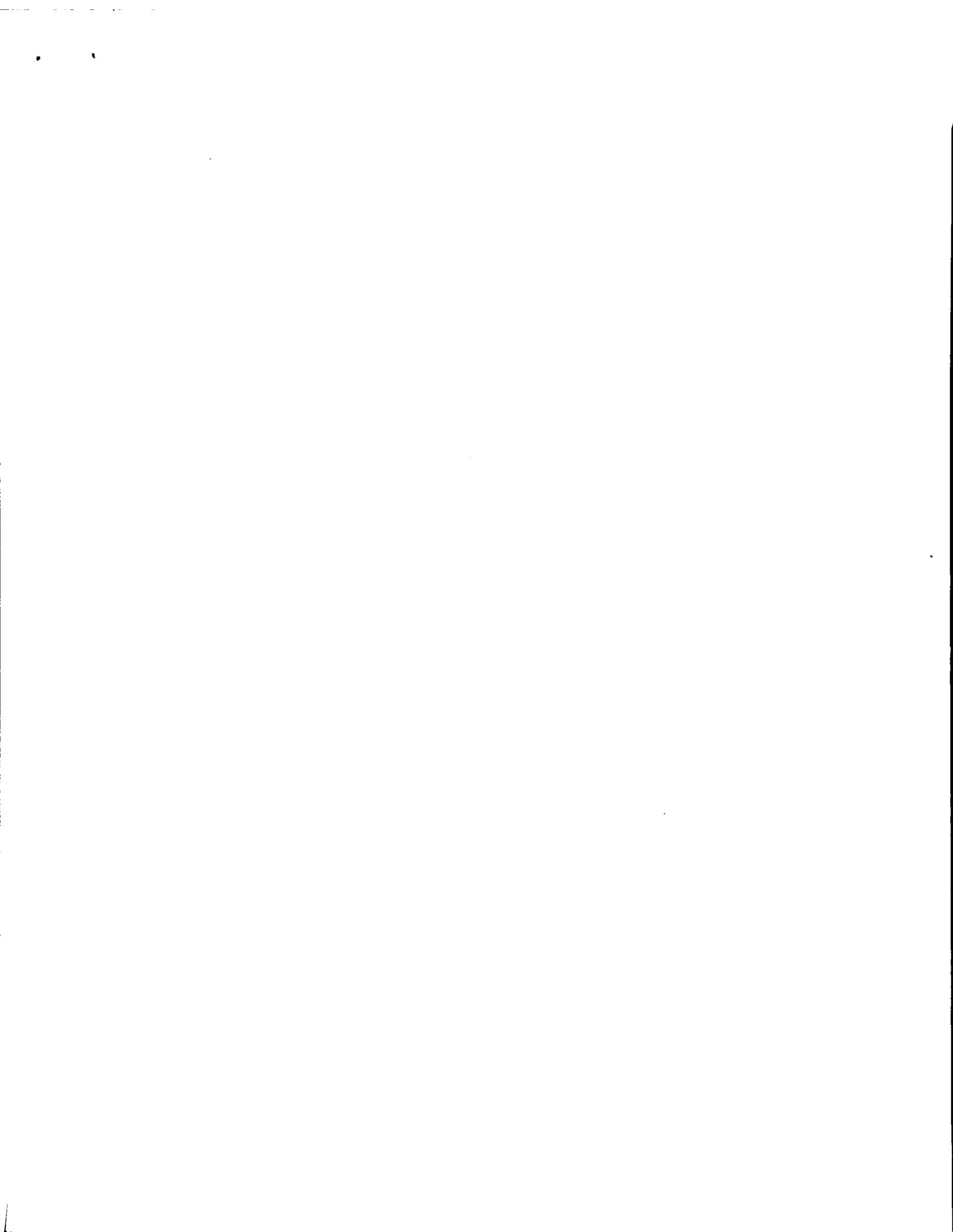
CERTIFICATE OF SERVICE

I certify that the foregoing "Opposer's Motion to Compel Applicant's Responses to Opposer's First Set of Discovery Requests" has been served on Applicant by sending a copy of same by first-class mail, postage prepaid, addressed as follows on the 31<sup>st</sup> day of May, 2005, to:

Mark J. Mormar  
167 Route 301  
Cold Spring, NY 10516



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becomes known to Applicant at any time during this proceeding shall be furnished to Opposer promptly after such information or material is acquired or becomes known, as required by Rule 26(e) of the Federal Rules of Civil Procedure.

C. As used herein, the terms “document” and “thing” are used in their customary broad sense consistent with Rules 26 and 34, Fed.R.Civ.P., and include, without limitation, any record of information, regardless of the electronic or tangible medium in which it is printed, recorded, filmed, retained or reproduced by any process, or written or produced by hand or other means, and whether or not claimed to be privileged against discovery on any ground.

D. As used herein, “to identify,” or “to give the identity of,” or any variation of the word “identity,” means:

- (1) in the case of a person, to state
  - (a) name;
  - (b) last known resident address;
  - (c) employer or business affiliation; and
  - (d) occupation and business position held and responsibilities thereof and dates thereof;
- (2) in the case of a company, to state
  - (a) name;
  - (b) place of incorporation;
  - (c) address and principal place of business; and
  - (d) “identity” of officers or other persons having knowledge of the matter with respect to which the company is named;

- (3) in the case of "document," to state
- (a) "identity" of the persons originating and preparing it and the sender;
  - (b) its general type (e.g., letter, memo, report, invoice, etc.), title, identifying number and the general nature of its subject matter;
  - (c) the "identity" of the addressees and distributees, if any;
  - (d) its dates of preparation;
  - (e) its dates and manner of transmission, distribution and publication, if any;
  - (f) 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 "identity" of the present custodian or person responsible for its filing or other disposition;
  - (g) "identity" of persons who can authenticate or "identify" it; and,
  - (h) if privilege against production is claimed, the specific basis therefor and a complete specification and description of every fact upon which the claim of privilege is based; and
- (4) production of any document as aforesaid (or a copy of such

document) will be acceptable in lieu of identifying such document.

E. The term "Applicant" refers to the nominal Applicant, his employees, attorneys, agents and representatives, and his franchisees and licensees.

F. The term "person" refers both to natural persons and to corporate or other business entities, whether or not in the employ of Applicant, and the acts and knowledge of a person are defined to include the acts and knowledge of that person's directors, officers, members, employees, representatives, agents, and attorneys.

G. The term "13 Mark" refers to the designation made the subject of Application Serial No. 78/119,979 and does not refer to any composite designation or mark in which the term "13" is a component thereof.

### INTERROGATORIES

#### Interrogatory No. 1:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on leather coats on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of leather coats under the 13 Mark on or before April 6, 2002; and

- (ii) sales of leather coats under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather coats on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather coats on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on leather coats on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of leather coats and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of leather coats under the 13 Mark.

Interrogatory No. 2:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on leather jackets on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of leather jackets under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of leather jackets under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather jackets on or before the date on which Applicant signed and filed Application No. 78/119,979; and

- (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather jackets on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on leather jackets on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of leather jackets and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of leather jackets under the 13 Mark.

Interrogatory No. 3:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on leather pants on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant)

who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of leather pants under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of leather pants under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather pants on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather pants on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on leather pants on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of leather pants and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of leather pants under the 13 Mark.

Interrogatory No. 4:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on leather vests on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of leather vests under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of leather vests under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:

- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather vests on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on leather vests on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on leather vests on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of leather vests and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of leather vests under the 13 Mark.

Interrogatory No. 5:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on boots on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was

made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of boots under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of boots under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on boots on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on boots on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on boots on or before the

April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of boots and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of boots under the 13 Mark.

Interrogatory No. 6:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on gloves on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of gloves under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of gloves under the 13 Mark on or before April 6, 2002.

- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on gloves on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on gloves on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on gloves on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of gloves and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of gloves under the 13 Mark.

Interrogatory No. 7:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on chaps on or before April 6, 2002.

- (b) If your response to subpart (a) of this interrogatory is affirmative:  
describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
- (i) the advertisement, promotion, offering for sale, and/or transportation of chaps under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of chaps under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on chaps on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on chaps on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.

- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on chaps on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of chaps and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of chaps under the 13 Mark.

Interrogatory No. 8:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on denim jackets on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:

- (i) the advertisement, promotion, offering for sale, and/or transportation of denim jackets under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of denim jackets under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim jackets on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim jackets on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on denim jackets on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of denim jackets and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.

- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of denim jackets under the 13 Mark.

Interrogatory No. 9:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on denim pants on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
- (i) the advertisement, promotion, offering for sale, and/or transportation of denim pants under the 13 Mark on or before April 6, 2002; and
- (ii) sales of denim pants under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim pants on or

before the date on which Applicant signed and filed Application No. 78/119,979; and

- (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim pants on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on denim pants on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of denim pants and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of denim pants under the 13 Mark.

Interrogatory No. 10:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on denim vests on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in

commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of denim vests under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of denim vests under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim vests on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on denim vests on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on denim vests on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of denim vests and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of denim vests under the 13 Mark.

Interrogatory No. 11:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on shirts on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of shirts under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of shirts under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:

- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on shirts on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on shirts on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on shirts on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of shirts and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of shirts under the 13 Mark.

Interrogatory No. 12:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on blouses on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was

made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of blouses under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of blouses under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on blouses on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on blouses on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on blouses on or before the

April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of blouses and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of blouses under the 13 Mark.

Interrogatory No. 13:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on T-shirts on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of T-shirts under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of T-shirts under the 13 Mark on or before April 6, 2002.

- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on T-shirts on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on T-shirts on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on T-shirts on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of T-shirts and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of T-shirts under the 13 Mark.

Interrogatory No. 14:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on baseball-style caps on or before April 6, 2002.

- (b) If your response to subpart (a) of this interrogatory is affirmative:  
describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
- (i) the advertisement, promotion, offering for sale, and/or transportation of baseball-style caps under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of baseball-style caps under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on baseball-style caps on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on baseball-style caps on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.

- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on baseball-style caps on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of baseball-style caps and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of baseball-style caps under the 13 Mark.

Interrogatory No. 15:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on hats on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:

- (i) the advertisement, promotion, offering for sale, and/or transportation of hats under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of hats under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on hats on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on hats on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on hats on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of hats and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of hats under the 13 Mark.

Interrogatory No. 16:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on bandanas on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative:  
describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of bandanas under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of bandanas under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on bandanas on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on

bandanas on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.

- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on bandanas on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of bandanas and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of bandanas under the 13 Mark.

Interrogatory No. 17:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on sweatshirts on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:

- (i) the advertisement, promotion, offering for sale, and/or transportation of sweatshirts under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of sweatshirts under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on sweatshirts on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on sweatshirts on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on sweatshirts on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of sweatshirts and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.

- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of sweatshirts under the 13 Mark.

Interrogatory No. 18:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on sweaters on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
- (i) the advertisement, promotion, offering for sale, and/or transportation of sweaters under the 13 Mark on or before April 6, 2002; and
- (ii) sales of sweaters under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on sweaters on or before

the date on which Applicant signed and filed Application No.

78/119,979; and

- (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on sweaters on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on sweaters on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of sweaters and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of sweaters under the 13 Mark.

Interrogatory No. 19:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on belts on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in

commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of belts under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of belts under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on belts on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on belts on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on belts on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of belts and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of belts under the 13 Mark.

Interrogatory No. 20:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on socks on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.
- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of socks under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of socks under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:

- (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on socks on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on socks on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on socks on or before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.
- (f) Identify each manufacturer or producer of socks and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of socks under the 13 Mark.

Interrogatory No. 21:

- (a) State whether Applicant used in commerce the 13 Mark as a trademark on undergarments on or before April 6, 2002.
- (b) If your response to subpart (a) of this interrogatory is affirmative: describe with particularity the goods on which such use in commerce was

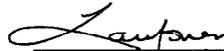
made; describe with particularity the circumstances of each such use in commerce on or before April 6, 2002; state the first date of such use in commerce; identify the persons (including persons other than Applicant) who are knowledgeable concerning such use in commerce; and identify all documents and things which reflect or pertain to such use in commerce.

- (c) Identify all documents and things which reflect or pertain to:
  - (i) the advertisement, promotion, offering for sale, and/or transportation of undergarments under the 13 Mark on or before April 6, 2002; and
  - (ii) sales of undergarments under the 13 Mark on or before April 6, 2002.
- (d) To the extent, if any, not requested in the foregoing subparts of this interrogatory:
  - (i) state the basis for your contention, if you so contend, that Applicant used in commerce the 13 Mark on undergarments on or before the date on which Applicant signed and filed Application No. 78/119,979; and
  - (ii) identify all documents and things which support your contention, if you so contend, that Applicant used in commerce the 13 Mark on undergarments on or before the April 6, 2002 date on which Applicant signed and filed the Application No. 78/119,799.
- (e) If Applicant stated falsely in his Application No. 78/119,799 that Applicant had used the 13 Mark in commerce on undergarments on or

before the April 6, 2002 date on which said document was signed and/or filed, state any and all reasons why said false statement was made.

- (f) Identify each manufacturer or producer of undergarments and/or labels, hang tags and other materials used in conjunction therewith, on which the 13 Mark has been used.
- (g) For each year from and including 2001, state the annual volumes of sales (in terms of both units and revenues generated) of undergarments under the 13 Mark.

Respectfully submitted,



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Attorneys for Opposer,  
REEBOK INTERNATIONAL LTD

CERTIFICATE OF SERVICE

I certify that the foregoing "Opposer's First Set of Interrogatories to Applicant" has been served on Applicant by sending a copy of same by first class mail, postage prepaid, on the 7<sup>th</sup> day of March, 2005, to Applicant, addressed as follows:

Mark J. Mormar  
167 Route 301  
Cold Spring, NY 10516

  
\_\_\_\_\_  
Larry C. Jones





Request For Production No. 2:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of leather coats by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 3:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of leather coats, on which the 13 Mark was used by Applicant.

Request For Production No. 4:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on leather coats on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 5:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of leather coats under the 13 Mark.

Request For Production No. 6:

A specimen of each type or model of leather jacket on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 7:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of leather jackets by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 8:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of leather jackets, on which the 13 Mark was used by Applicant.

Request For Production No. 9:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on leather jackets on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 10:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of leather jackets under the 13 Mark.

Request For Production No. 11:

A specimen of each type or model of leather pants on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 12:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of leather pants by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 13:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of leather pants, on which the 13 Mark was used by Applicant.

Request For Production No. 14:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on leather pants on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 15:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of leather pants under the 13 Mark.

Request For Production No. 16:

A specimen of each type or model of leather vest on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 17:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of leather vests by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 18:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of leather vests, on which the 13 Mark was used by Applicant.

Request For Production No. 19:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on leather vests on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 20:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of leather vests under the 13 Mark.

Request For Production No. 21:

A specimen of each type or model of boots on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 22:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of boots by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 23:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of boots, on which the 13 Mark was used by Applicant.

Request For Production No. 24:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on boots on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 25:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of boots under the 13 Mark.

Request For Production No. 26:

A specimen of each type or model of gloves on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 27:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of gloves by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 28:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of gloves, on which the 13 Mark was used by Applicant.

Request For Production No. 29:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on gloves on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 30:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of gloves under the 13 Mark.

Request For Production No. 31:

A specimen of each type or model of chaps on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 32:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of chaps by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 33:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of chaps, on which the 13 Mark was used by Applicant.

Request For Production No. 34:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on chaps on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 35:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of chaps under the 13 Mark.

Request For Production No. 36:

A specimen of each type or model of denim jacket on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 37:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of denim jackets by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 38:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of denim jackets, on which the 13 Mark was used by Applicant.

Request For Production No. 39:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on denim jackets on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 40:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of denim jackets under the 13 Mark.

Request For Production No. 41:

A specimen of each type or model of denim pants on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 42:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of denim pants by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 43:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of denim pants, on which the 13 Mark was used by Applicant.

Request For Production No. 44:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on denim pants on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 45:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of denim pants under the 13 Mark.

Request For Production No. 46:

A specimen of each type or model of denim vest on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 47:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of denim vests by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 48:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of denim vests, on which the 13 Mark was used by Applicant.

Request For Production No. 49:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on denim vests on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 50:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of denim vests under the 13 Mark.

Request For Production No. 51:

A specimen of each type or model of shirt on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 52:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of shirts by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 53:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of shirts, on which the 13 Mark was used by Applicant.

Request For Production No. 54:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on shirts on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 55:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of shirts under the 13 Mark.

Request For Production No. 56:

A specimen of each type or model of blouse on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 57:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of blouses by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 58:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of blouses, on which the 13 Mark was used by Applicant.

Request For Production No. 59:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on blouses on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 60:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of blouses under the 13 Mark.

Request For Production No. 61:

A specimen of each type or model of T-shirt on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 62:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of T-shirts by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 63:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of T-shirts, on which the 13 Mark was used by Applicant.

Request For Production No. 64:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on T-shirts on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 65:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of T-shirts under the 13 Mark.

Request For Production No. 66:

A specimen of each type or model of baseball-style cap on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 67:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of baseball-style caps by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 68:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of baseball-style caps, on which the 13 Mark was used by Applicant.

Request For Production No. 69:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on baseball-style caps on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 70:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of baseball-style caps under the 13 Mark.

Request For Production No. 71:

A specimen of each type or model of hat on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 72:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of hats by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 73:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of hats, on which the 13 Mark was used by Applicant.

Request For Production No. 74:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on hats on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 75:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of hats under the 13 Mark.

Request For Production No. 76:

A specimen of each type or model of bandana on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 77:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of bandanas by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 78:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of bandanas, on which the 13 Mark was used by Applicant.

Request For Production No. 79:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on bandanas on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 80:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of bandanas under the 13 Mark.

Request For Production No. 81:

A specimen of each type or model of sweatshirt on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 82:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of sweatshirts by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 83:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of sweatshirts, on which the 13 Mark was used by Applicant.

Request For Production No. 84:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on sweatshirts on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 85:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of sweatshirts under the 13 Mark.

Request For Production No. 86:

A specimen of each type or model of sweater on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 87:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of sweaters by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 88:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of sweaters, on which the 13 Mark was used by Applicant.

Request For Production No. 89:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on sweaters on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 90:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of sweaters under the 13 Mark.

Request For Production No. 91:

A specimen of each type or model of belt on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 92:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of belts by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 93:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of belts, on which the 13 Mark was used by Applicant.

Request For Production No. 94:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on belts on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 95:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of belts under the 13 Mark.

Request For Production No. 96:

A specimen of each type or model of socks on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 97:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of socks by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 98:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of socks, on which the 13 Mark was used by Applicant.

Request For Production No. 99:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on socks on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

Request For Production No. 100:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of socks under the 13 Mark.

Request For Production No. 101:

A specimen of each type or model of undergarment on which Applicant used the 13 Mark in commerce on or before April 6, 2002.

Request For Production No. 102:

Any and all purchase orders, invoices and other documents and things concerning, in whole or in part, the manufacture, production or acquisition of undergarments by or on behalf of Applicant, on which the 13 Mark was used on or before April 6, 2002.

Request For Production No. 103:

Any and all documents and things concerning, in whole or in part, the advertisement, promotion, offering for sale, sale or transportation in commerce, on or before April 6, 2002, of undergarments, on which the 13 Mark was used by Applicant.

Request For Production No. 104:

To the extent not requested in the foregoing requests for production, any and all documents and things on which Applicant relies in support of his contention (if he so contends) that Applicant used the 13 Mark in commerce on undergarments on or before the April 6, 2002 date he signed and filed Application No. 78/119,799.

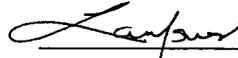
Request For Production No. 105:

Sufficient business records to reflect, for each year from and including 2001, the annual volume of sales (in terms of both units and revenues generated) of undergarments under the 13 Mark.

Request for Production No. 106:

All documents and things not otherwise requested or produced in response to the foregoing requests that are referred to in Applicant's responses to *Opposer's First Set Of Interrogatories To Applicant*.

Respectfully submitted,



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Larry C. Jones  
Jason M. Sneed  
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Bank of America Plaza  
101 S. Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Telephone: (704) 444-1000  
Fax: (704) 444-1111

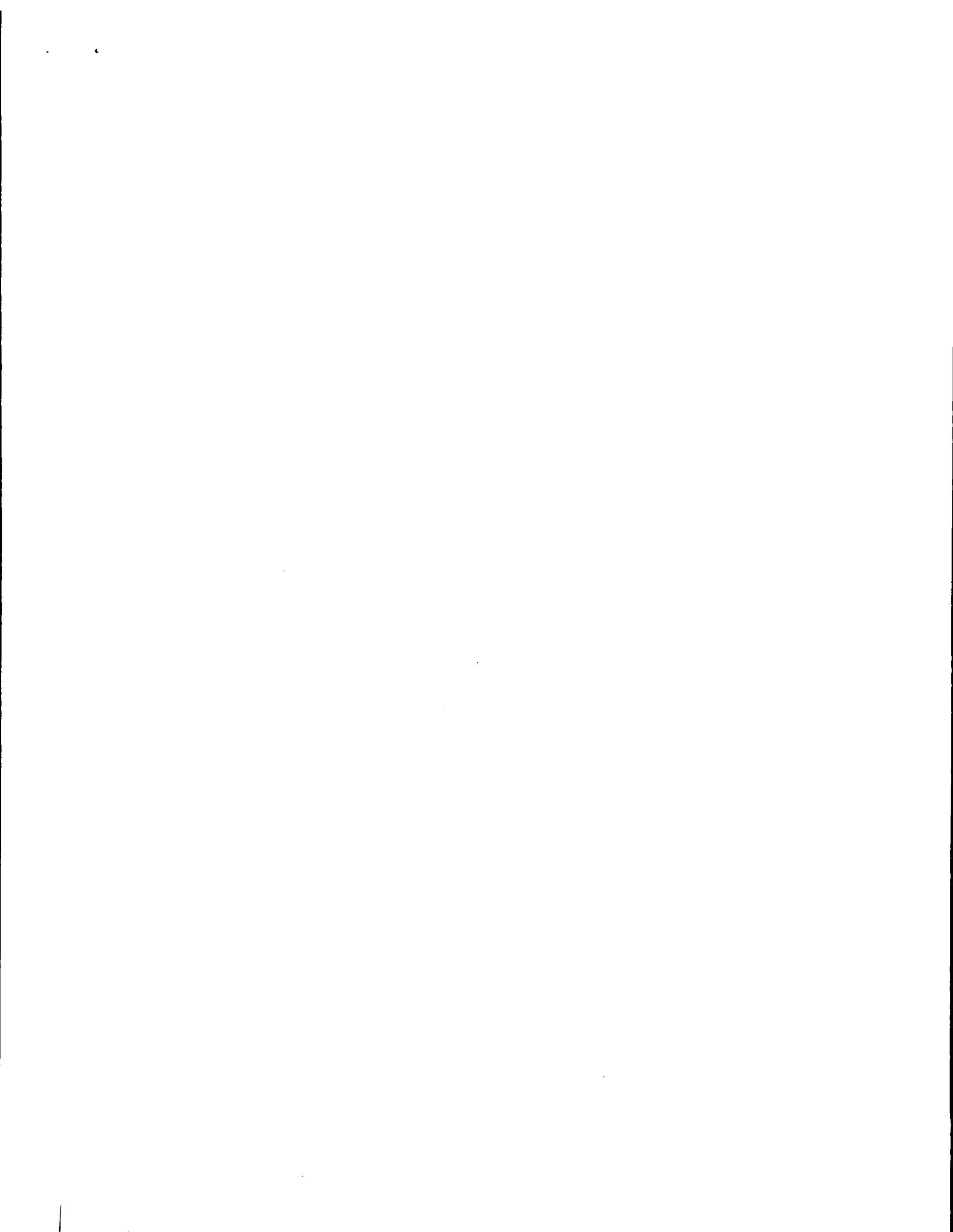
Attorneys for Opposer,  
REEBOK INTERNATIONAL LTD.

CERTIFICATE OF SERVICE

I certify that the foregoing "Opposer's First Request for Production of Documents and Things" was served on Applicant by mailing a copy of same by U.S. first class mail, postage prepaid, on the 7<sup>th</sup> day of March 2005, to Applicant, addressed as follows:

Mark J. Mormar  
167 Route 301  
Cold Spring, NY 10516

  
\_\_\_\_\_  
Larry C. Jones



**Jones, Larry**

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**From:** Jones, Larry  
**Sent:** Friday, April 15, 2005 11:04 AM  
**To:** Mormar@mac.com  
**Subject:** Reebok International Ltd. v. Mormar; Opposition No. 91163810

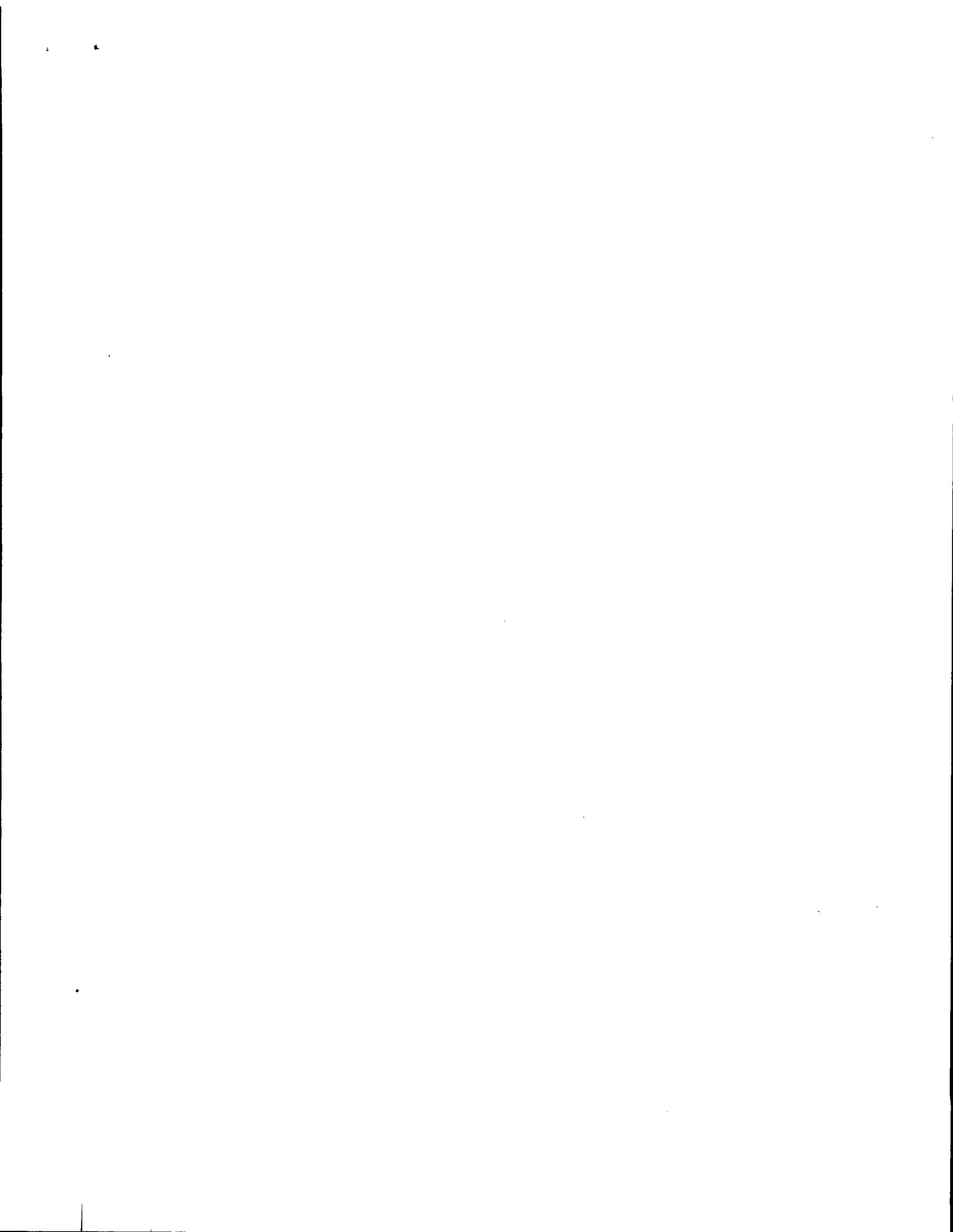
Dear Mr. Mormar:

On March 7, 2005, we served interrogatories and requests for production in the above-identified opposition proceeding. Your responses were due April 11. As of this date, we have not received your responses, and we assume that you have not served those responses.

If you have served responses, please let me know promptly. Also, if you intend to serve responses, please let me know when you plan to do so. Please understand, however, that, because you failed to timely object to the discovery requests served March 7, any such objections should be deemed to have been waived.

If we do not receive an appropriate response from you within 3 days from this email, we shall assume that it is necessary to seek the Board's intervention, and we shall file a motion to compel those responses.

Larry C. Jones  
Alston & Bird  
Charlotte, NC  
Direct (704) 444-1019  
Fax (704) 444-1111  
LCJones@Alston.com



**Jones, Larry**

---

**From:** MJM [mormar@mac.com]  
**Sent:** Tuesday, April 19, 2005 3:07 PM  
**To:** Jones, Larry  
**Subject:** Re: Reebok International Ltd. v. Mormar; Opposition No. 91163810

**Follow Up Flag:** Follow up  
**Flag Status:** Blue

Mr. Jones,

I am in receipt of your email dated Friday, 15 April 2005. I assume that your demand for response to that email "within 3 days" meant three business days, and that I am therefore adhering to that demand.

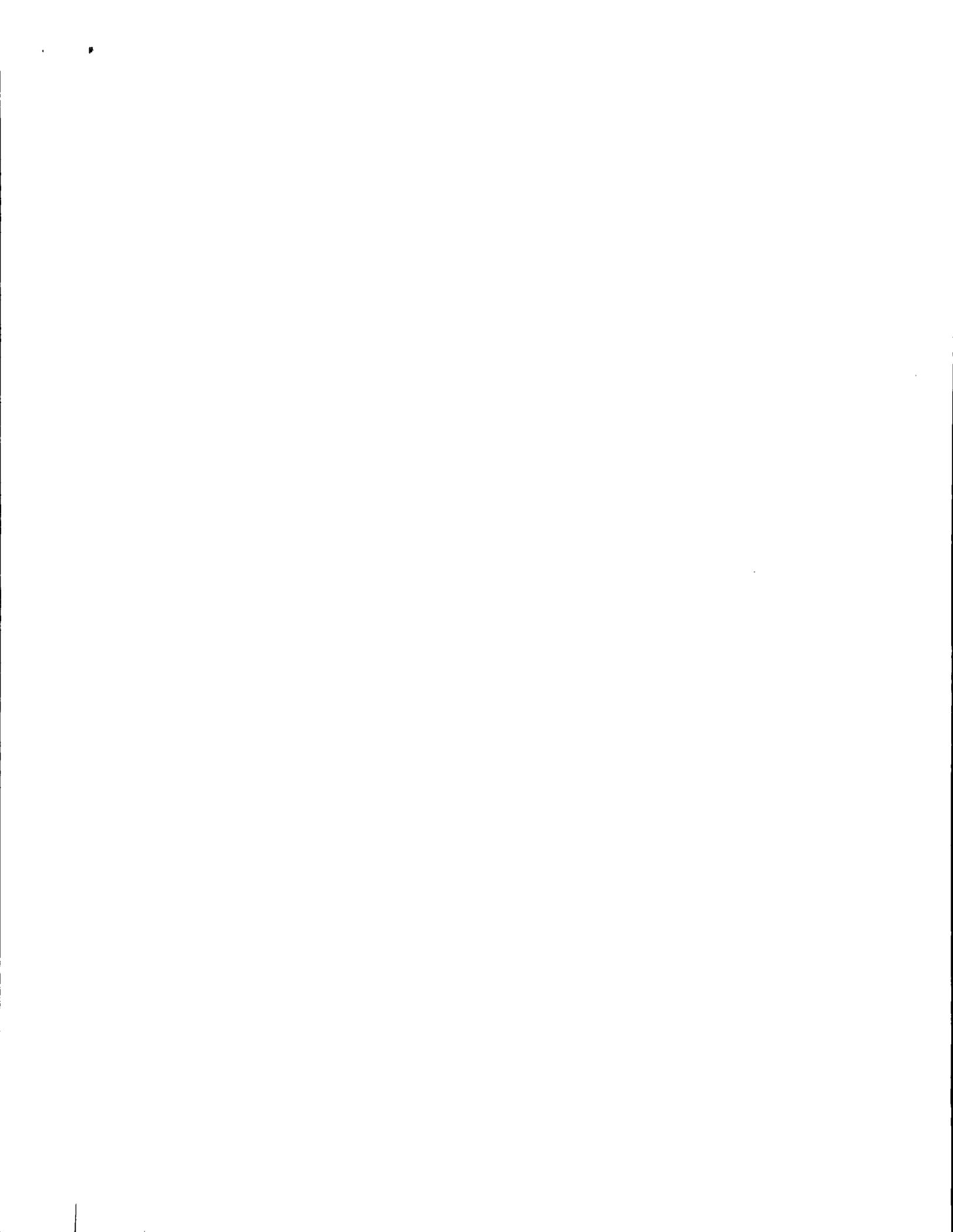
There should, in fact, have been a timely response to your interrogatory request, and I apologize if that has not been the case. I am currently out of the country for business reasons, and cannot be more specific until I am back at home. My planned return date was 10 May, but because of the particular circumstances noted in your email, I have arranged to be back in New York this coming Tuesday, the 26th of April.

I am not part of a large organization, and must see to most affairs personally. I hope you will understand the need for me to return home before I can respond with more appropriate and detailed information, and grant me the courtesy of doing so. I will contact you immediately upon my return, and will have further responses to your inquiries on paper and in your hands no later than the end of next week.

In the meanwhile, I waive none of my rights to in regards to this case.

Appreciatively,

Mark Mormar



**Jones, Larry**

---

**From:** Jones, Larry  
**Sent:** Wednesday, May 04, 2005 2:36 PM  
**To:** mormar@mac.com  
**Subject:** Reebok International Ltd. v. Mormar; Opposition No. 91163810

Dear Mr. Mormar:

On March 7, 2005, we served interrogatories and requests for production in the above-identified opposition proceeding. Your responses were due April 11.

In an effort to avoid having to seek the intervention of the TTAB, we contacted you on April 15. In response, on April 19 you represented that I would receive your discovery responses by no later than April 30. You have failed to fulfill that representation.

I assume that it is necessary to file a motion with the Board to compel your responses, without objections. If that assumption is incorrect, please notify me in writing by the close of business tomorrow that, by that time, you have sent to me complete responses, without objections.

Larry C. Jones  
Alston & Bird  
Charlotte, NC  
Direct (704) 444-1019  
Fax (704) 444-1111  
LCJones@Alston.com