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TTAB

July 27, 2006

Via Express Mail Label No. EV601116094US

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RE: In the matter of Opposition No. 91170390
Sigma Relocation, et al. v. Moveforfree.com, Inc., filed in the United States
Patent and Trademark Office Before the Trademark Trial and Appeal Board

Dear Sir:

Enclosed is Petitioner's Response to Registrant's Motion to Compel Discovery Responses and Request for Suspension for filing in the above-referenced proceeding.

No fee is enclosed with this filing. If it is determined that a fee is due, please charge any fee to our **DEPOSIT ACCOUNT NO. 50-0392**. This letter is being sent in duplicate should this be necessary.

Please date stamp and return the enclosed self-addressed, postage prepaid postcard to confirm receipt of this filing.

If you have any questions, please contact the undersigned.

Very truly yours,



Scott L. Harper

Enclosures

07-27-006

I.**MFF'S MOTION TO COMPEL STANDS MOOT**

MFF has asked the Trademark Trial and Appeal Board ("TTAB") to compel Sigma to provide responses to the interrogatories, productions requests and requests for admissions identified in MFF's Motion to Compel. Sigma would respond that its objections to MFF's discovery requests were appropriate and with merit. In view of and without waiving the lodged objections to said discovery requests, Sigma is serving concurrently with the filing of this paper supplemental discovery responses to MFF's interrogatories and requests for production propounded by MFF.¹ As such, MFF's Motion to Compel now stands moot. For these reasons, MFF's motion should be denied.

MFF's Motion to Compel also requests the Board to deem admitted Sigma's responses to MFF's Request for Admissions Nos. 2,4,6 and 7. Sigma's responses to MFF's Request for Admissions are appropriate as they stand presented. MFF's arguments are to the contrary are without merit. As such, MFF's motion to compel is moot and suspension of the consolidated proceedings is not warranted.

II.**MFF'S MOTION FOR SANCTIONS**

As part of the Motion to Compel, MFF asks the TTAB to enter sanctions against Sigma for "violation of Fed. R. Civ. P. 26(g) on grounds that the objections (sic) contrary to the TBMP and established law, and to commonly used words of trade and easily understood English words are without substantial justification."² Sigma would respond that MFF's requests for sanctions is completely unfounded in that Sigma's objections and

¹ See Exhibit A.

² Registrant's Motion to Compel at Page 14.

responses were, and remain, appropriate. Moreover, the complaint of delay lodged by MFF as the basis for sanctions should certainly be tempered in view of MFF's dilatory conduct in the consolidated proceedings. For example, MFF posited almost identical objections to Sigma's discovery requests.³ The only discovery that Sigma has received from the MFF consists of these objections with little substantive response. In response to the majority of Sigma's requests for production of documents, MFF responded with objections and stated that it would produce "representative documents."⁴ Since February 21, 2006, which is the date MFF served its discovery objections on Sigma, Sigma has not received one "representative document" from MFF in response to Sigma's initial discovery requests.

Not surprisingly, MFF is now requesting additional time to respond to Sigma's second set of discovery requests that were served upon MFF on May 18, 2006.⁵ For example, on June 21, 2006, MFF's counsel requested a thirty day extension to respond to Sigma's discovery requests, to which counsel for Sigma agreed, which was formalized in a Consented Motion filed with the Board.⁶ This extension set the deadline for MFF to respond to Sigma's discovery requests by July 24, 2006. On July 24, 2006, counsel for MFF sent an email to counsel for Sigma requesting an additional two weeks to respond to Sigma's discovery requests.⁷ Counsel for Sigma granted MFF an extension of time to July 28, 2006, in which to respond to Sigma's discovery requests.⁸ This "short" extension of time was given to allow counsel time to finalize responses to Sigma's

³ See Exhibit B.

⁴ *Id.*

⁵ See Exhibit C.

⁶ See Exhibit D.

⁷ See Exhibit E.

⁸ *Id.*

discovery which MFF had in their possession for now over two months. This extension was not good enough for MFF, so MFF filed its pending motion to extend time requesting a full two week extension to respond to Sigma's discovery requests.⁹

MFF has had ample opportunity to respond to these discovery requests. Sigma appreciates that circumstances may necessarily dictate extensions of time to respond, but at the same time, finds it quite disingenuous for MFF to argue that Sigma has engaged in delay tactics and harassment of the Registrant sufficient to merit sanctions, while MFF continues to repeatedly request extensions of time to respond to almost every paper filed by Sigma in this proceeding.¹⁰ If sanctions are warranted for violation of Fed. R. Civ. P. 26(g), MFF's dilatory conduct over the entire course of the consolidated proceedings certainly merits appropriate remonstrance by the TTAB.

WHEREFORE, PREMISES CONSIDERED, Sigma prays that MFF's Motion to Compel be denied in its entirety.

Date: July 27, 2006

Respectfully submitted,

By: 
Scott L. Harper
USPTO Reg. No. 45783
State Bar No. 00795038
CARSTENS & CAHOON, L.L.P.
13760 Noel Road, Suite 900
Dallas, Texas 75240
972.367.2001 (Telephone)
972.367.2002 (Facsimile)

ATTORNEY FOR PETITIONER

⁹ See Exhibit C.

¹⁰ See Exhibit F.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner's Response to Registrant's Motion to Compel Discovery Responses and Request for Suspension has been served upon Registrant by mailing a copy thereof, via first class mail, to James E. Shlesinger, Shlesinger, Arkwright & Garvey, LLP, 1420 King Street, Suite 600, Alexandria, Virginia, 22314 on this the 27th day of July, 2006.



Scott L. Harper

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner's Supplemental Responses to Registrant's First Set of Interrogatories has been served upon Registrant by mailing a copy thereof via certified mail to James E. Shlesinger, Shlesinger, Arkwright & Garvey, LLP, 1420 King Street, Suite 600, Alexandria, Virginia, 22314 on this the 27th day of July, 2006.



Scott L. Harper

GENERAL OBJECTIONS

1. Petitioner objects to the "Instructions" and "Definitions" set forth in the Interrogatories on grounds that they attempt to impose obligations on the Petitioner that are beyond those specified by the Trademark Trial and Appeal Board Rules and the Federal Rules of Civil Procedure. Petitioner's answers are made in compliance with the applicable rules and without reference to Registrant's "Instructions" and "Definitions."
2. Petitioner objects to the Interrogatories to the extent the Interrogatories are immaterial and irrelevant to the subject matter of this action.
3. Petitioner objects to the Interrogatories to the extent the Interrogatories seek information or documentation that is protected from disclosure by privilege and/or the work product doctrine.
4. Petitioner objects to the Interrogatories to the extent the Interrogatories seek documents that not within the possession, custody or control of Petitioner, is publicly available, or is already within the possession, custody or control of Registrant.
5. Petitioner objects to the Interrogatories to the extent the Interrogatories are overbroad, uncertain, and unintelligible so that Petitioner cannot determine the nature of the information sought, and therefore is unable to answer.
6. Petitioner objects to the Interrogatories to the extent the Interrogatories call for information based on material, the acquisition of which would be overly burdensome. The information so acquired would be of little or no relevance to the issues raised in this case, and would place an unreasonable and oppressive burden on Petitioner in the necessary expenditure of time and money.
7. Each of the foregoing objections is incorporated by reference into each of the responses below. To the extent a particular objection is mentioned in response to a specific Interrogatory, that objection is considered particularly relevant to that Interrogatory, and is not to be considered as excluding other objections that may be applicable.

SUPPLEMENTAL ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

State whether Petitioner commissioned or performed any search, formal or informal, in connection with Registrant's Mark; and, if so, describe with particularity the results of the search or searches, and identify when each search was conducted.

ANSWER:

Petitioner's counsel commissioned a search with respect to the Registrant's mark. The results of said search are attached to Petitioner's Supplemental Responses to Registrant's First Request for Production of Documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

INTERROGATORY NO. 2:

Describe with particularity the results of any study, formal or informal, which Petitioner has performed or commissioned to assess whether Registrant's Mark is generic, and identify the person(s) who performed the study.

ANSWER:

Petitioner's counsel has conducted an informal search showing the Registrant's Mark is generic. The results of said search are attached to Petitioner's Supplemental Responses to Registrant's First Request for Production of Documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

INTERROGATORY NO. 3:

Describe the circumstances under which Petitioner first became aware of Registrant's use of Registrant's Mark.

ANSWER:

Petitioner objects to this Interrogatory on grounds that the information sought is irrelevant to this cancellation proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

Identify the genus of Registrant's services.

ANSWER:

The genus of Registrant's services is comprised of the identification of goods and services recited in U.S. Registration No. 2,953,832 and U.S. Serial No. 78/589267. The Registrant's services include providing a free moving service.

INTERROGATORY NO. 5:

Describe whether Petitioner has conducted any search, survey, inquiry, study or research, whether formal or informal, to determine whether Registrant's mark is understood by the relevant public primarily to refer to Registrant's genus of goods and/or services, and if so, describe with particularity the results of the search, survey, inquiry, study or research and identify when each search, survey, inquiry, study or research was conducted and the persons who conducted the search, survey, inquiry, study or research.

ANSWER:

Petitioner has not conducted a formal survey, inquiry, study or research at this time. Petitioner's counsel has conducted an informal search showing the Registrant's Mark is generic. The results of said search are attached to Petitioner's Supplemental Responses to Registrant's First Request for Production of Documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

INTERROGATORY NO. 6:

Identify Registrant's services.

ANSWER:

Petitioner would direct Registrant to review Registrant's U.S. Registration No. 2,953,832 and U.S. Serial No. 78/589,267 for the listing of goods and services associated therewith.

INTERROGATORY NO. 7:

Explain why Petitioner's Mark, UMOVEFREE.COM is not generic, but Registrant's mark, MOVEFORFREE.COM is generic.

ANSWER:

Registrant's mark, MOVEFORFREE.COM, is clearly generic in that the goods and services recited in U.S. Registration No. 2,953,832 and U.S. Serial No. 78/589,267 constitute the genus of goods and services at issue, which includes "providing a free move." The dictionary definitions, online publications and other references produced by Petitioner, which are attached to Petitioner's Supplemental Responses to Registrant's First Request for Production of Documents, confirm that the term MOVEFORFREE.COM is not distinctive and is understood by the public to refer to the genus of goods and services identified by Petitioner. As to Petitioner's mark, the registrability of same is not at issue in this proceeding.

INTERROGATORY NO. 8:

Identify and describe all facts that tend to show or do show how Petitioner would show that Registrant's mark, MOVEFORFREE.COM is generic and is not entitled to registration on the Supplemental Register, as alleged in the Petition for Cancellation.

ANSWER:

Subject to the foregoing objections and without waiving same, Petitioner would direct Registrant to review the allegations set forth in Petitioner's Petition to Cancel which has been filed in this proceeding for information responsive to this Interrogatory and Petitioner's response to Interrogatory No. 7 above.

INTERROGATORY NO. 9:

For each Request for Admission which is denied, in whole or in part, explain the reasons for the denial and describe all facts that support the denial.

ANSWER:

Petitioner objects to this Interrogatory to the extent it seeks to place additional obligations or requirements on Petitioner that exceed those specified by the Trademark Trial and Appeal Board Rules and the Federal Rules of Civil Procedure.

INTERROGATORY NO. 10:

Identify for each Interrogatory, all persons known by you to have relevant knowledge of facts or information relating to the foregoing interrogatories.

ANSWER:

Subject to the foregoing objections, Troy Perkins, Sigma Relocation Group, LLC, d/b/a UMOVEFREE.COM.

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

SIGMA RELOCATION GROUP, LLC
D/B/A UMOVEFREE.COM

Petitioner,

vs.

MOVEFORFREE, INC.

Registrant.

Cancellation No. 9204461

VERIFICATION

BEFORE ME, the undersigned Notary Public, on this day personally appeared Troy Perkins, the authorized representative of Sigma Relocation Group, LLC, who being by me duly sworn, on his oath and said he has read the foregoing Answers of Petitioner, Sigma Relocation Group, LLC d/b/a UMOVEFREE.COM ("UMOVEFREE.COM") to Petitioner's First Supplemental Responses to Registrant's First Set of Interrogatories and every statement contained therein is within his personal knowledge, and is true and correct.

Sigma Relocation Group, LLC

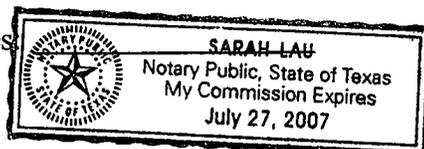
Date: July 6 2006

Troy Perkins
Troy Perkins
Authorized Representative

SUBSCRIBED AND SWORN TO this 6th day of July, 2006 to certify which witness my hand and seal of office.

Sarah Lau
Notary Public in and for the
STATE OF TEXAS

Commission Expires



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

SIGMA RELOCATION GROUP, LLC
D/B/A UMOVEFREE.COM

Petitioner,

v.

MOVEFORFREE, INC.

Registrant.

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Cancellation No. 92044611
Opposition No. 91170390

**PETITIONER'S SUPPLEMENTAL RESPONSES TO REGISTRANT'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

TO: Registrant, MOVEFORFREE, INC., ("Moveforfree, Inc."), by and through its
counsel of record, James E. Shlesinger, SHLESINGER, ARKWRIGHT & GARVEY,
LLP, 1420 King Street, Suite 600, Alexandria, Virginia, 22314.

COMES NOW, Petitioner, SIGMA RELOCATION GROUP, LLC, D/B/A
UMOVEFREE.COM., in the above entitled and numbered cause, and pursuant to Rule 34
of the Federal Rules of Civil Procedure, files its SUPPLEMENTAL RESPONSES TO
MOVEFORFREE, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS.

Date: July 27th, 2006

Respectfully submitted,

By: 

Scott L. Harper
State Bar No. 00795038
CARSTENS & CAHOON, LLP
13760 Noel Road, Suite 900
Dallas, Texas 75240
972.367.2001 (Telephone)
972.367.2002 (Facsimile)

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner's Supplemental Responses to Registrant's First Requests for Production of Documents has been served upon Registrant by mailing a copy thereof via certified mail to James E. Shlesinger, SHLESINGER, ARKWRIGHT & GARVEY, LLP, 1420 King Street, Suite 600, Alexandria, Virginia, 22314 on this the 27th day of July, 2006.

A handwritten signature in black ink, appearing to read 'SH', is written over a solid horizontal line.

Scott L. Harper

GENERAL OBJECTIONS

1. Petitioner objects to the “Instructions” and “Definitions” set forth in the Requests on grounds that they attempt to impose obligations on the Petitioner that are beyond those specified by the Trademark Trial and Appeal Board Rules and the Federal Rules of Civil Procedure. Petitioner’s response is made in compliance with the applicable rules and without reference to Registrant’s “Instructions” and “Definitions.”
2. Petitioner objects to the Requests to the extent the Requests seek documents or information that are immaterial and irrelevant to the subject matter of this action.
3. Petitioner objects to the Requests to the extent the Requests see information or documentation that is protected from disclosure by privilege and/or the work product doctrine.
4. Petitioner objects to the Requests to the extent the Requests seek documents that are not within the possession, custody or control of Petitioner.
5. Petitioner objects to the Requests to the extent the Requests are overbroad, uncertain, and unintelligible so that Petitioner cannot determine the nature of the documents sought, and therefore is unable to provide such documents.
6. Petitioner objects to the Requests to the extent the Requests are based on material, the acquisition of which would be overly burdensome. The documents so acquired would be of little or no relevance to the issues raised in this case, and would place an unreasonable and oppressive burden on Petitioner in the necessary expenditure of time and money.
7. Each of the foregoing objections is incorporated by reference into each of the responses below. To the extent a particular objection is mentioned in response to a specific Request, that objection is considered particularly relevant to that Request, and is not to be considered as excluding other objections that may be applicable.

SUPPLEMENTAL RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Each and every document(s) identified in response to Interrogatories 1-10.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 2:

Each and every Federal and/or State registration or application for registration of Petitioner's Mark.

RESPONSE:

Petitioner objects to this request on grounds that the documents sought are in the public domain, and are equally as accessible to the Registrant as to the Petitioner.

REQUEST FOR PRODUCTION NO. 3:

All documents referring or relating to Petitioner's knowledge of the existence of other marks consisting of, incorporating or otherwise including the terms "MOVE" AND "FREE".

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 4:

All documents referring or relating to Petitioner's knowledge of the existence of other marks consisting of, incorporating or otherwise including the terms "MOVE" and "FREE" in connection with any of the services listed in U.S. Registration No. 2,953,832.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 5:

All documents which relate and/or refer to any formal or informal trademark searches or investigations regarding Registrant's use or application for registration of Registrant's Mark.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 6:

All documents which relate and/or refer to any formal or informal market studies, including but not limited to, surveys, focus groups or other similar studies, with respect to Registrant's Mark.

RESPONSE:

None at this time.

REQUEST FOR PRODUCTION NO. 7:

All documents which show the genus of Registrant's services.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 8:

All documents which show the relevant public's understanding of the meaning of Registrant's Mark.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 9:

All documents which show whether Registrant's Mark is understood by the relevant public primarily to refer to the genus of Registrant's goods or services.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

REQUEST FOR PRODUCTION NO. 10:

All documents, which support Petitioner's claim that Petitioner would show that Registrant's mark, MOVEFORFREE.COM, is generic and is not entitled to registration on the Supplemental Register, as alleged in the Petition for Cancellation.

RESPONSE:

See attached documents. The production of the referenced documents does not act as a waiver of the attorney-work product privilege or any other applicable privilege.

EXHIBIT B

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

SIGMA RELOCATION GROUP, LLC	:	
D/B/A UMOVEFREE.COM	:	
	:	
Petitioner,	:	
v.	:	Cancellation No. 92/044,611
	:	
MOVEFORFREE.COM INC.	:	
	:	
Registrant.	:	

REGISTRANT'S RESPONSES TO PETITIONER'S
FIRST SET OF INTERROGATORIES TO REGISTRANT

General Objections

1. Registrant objects generally to Petitioner's First Set of Interrogatories to Registrant to the extent that they seek information and documents that are protected by the Attorney-Client Privilege and/or The Work Product Doctrine. Any inadvertent production or disclosure of information falling within the scope of this objection shall not be a waiver of it.

2. Registrant objects generally to providing information and/or documents constituting or reflecting proprietary or confidential business information. To the extent Petitioner seeks information and documents falling within this category, which are relevant to

the issues presented in this opposition proceeding, Registrant will produce them only after the entry of a mutually agreeable Protective Order by the Board. Any inadvertent production or disclosure of information falling within the scope of this objection shall not be a waiver of it.

3. Registrant objects to Petitioner's interrogatories to the extent they seek to impose upon Registrant any duties or obligations which exceed or are inconsistent with those imposed by the Federal Rules of Civil Procedure and/or the Rules of Practice for Trademark Cases which govern this proceeding.

4. Registrant objects to Petitioner's interrogatories on grounds that they are unduly burdensome and over broad and they purport to seek the production of large numbers of materials that are of limited, or no, relevance to the issues in this opposition. Registrant is, however, willing to work with Petitioner on a good faith basis toward narrowing the scope of potentially responsive responses and/or documents requested by Petitioner.

5. Registrant objects to Petitioner's definitions and instructions to the extent that they seek to impose obligations not required by the Federal Rules of Civil Procedure and/or the Rules Of Practice for Trademark Cases which govern this proceeding.
6. Registrant reserves the right to supplement its responses with additional information if and when it becomes known.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO.1:

State the earliest date on which Registrant will rely in this proceeding to establish any rights in Registrant's mark, and state in detail the basis for Registrant's claim of rights in Registrant's mark as of that date, including:

- a) a description of the manner of use of Registrant's mark as of that date(i.e., imprinted on the goods, on labels or tags for the goods, on packaging for the goods, in store displays, etc.);
- b) the identity of each person involved in any way in such use, including, but not limited to the identity of each witness who can testify on personal knowledge as to such use;
- c) the identification of each product and/or service in connection with which the mark was used on that date; and
- d) the identification of each document which evidences or supports such claim of use as of that date.

RESPONSE:

Registrant objects to Interrogatory No. 1 on grounds that the information sought is irrelevant to this cancellation proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2:

Identify each product and/or service with which Registrant's mark has been used, and with respect to each such product and/or service identify:

- a) the period of time during which Registrant's mark has been used with said product and/or service (i.e., the date of Registrant's first sale of the product bearing Registrant's mark to the date of Registrant's last sale);
- b) if the use was by a person other than Registrant, identify that person, and state in detail the basis upon which Registrant claims such use inures, or will inure, to its benefit;
- c) the sales, on an annual basis, in terms of dollar volume and units, of such product and/or service from the date of first use of Registrant's mark in connection with such product and/or services, through the present;
- d) each price charged and/or to be charged by and/or paid to Registrant for such products and/or services; and
- e) each geographic state of the United States of America in which such product and/or service has been or is intended to be sold under or in connection with Registrant's mark.

RESPONSE:

Registrant objects to Interrogatory No. 2 on grounds that the information sought is irrelevant to this cancellation proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject

to and without waiving the foregoing objections, Registrant uses Registrant's mark in connection with apartment locating services, providing information in the field of real estate, real estate brokerage services, and real estate listing services. Registrant has used Registrant's mark continuously since at least as early March 1, 2000.

INTERROGATORY NO. 3:

Identify each survey, search or other investigation conducted and/or obtained with respect to Petitioner's Mark, Registrant's mark, the term "MOVEFORFREE.COM" as used as a trademark or part of a trademark, and/or the actual, potential, or intended market, and/or the actual, potential, or intended customers of, or consumers for, the goods to be offered for sale and/or sold under or in connection with the Petitioner's Mark and/or Registrant's mark.

RESPONSE;

Registrant objects to Interrogatory No. 3 on grounds that this interrogatory seeks confidential information and/or trade secrets.

INTERROGATORY NO. 4:

State the annual volume of advertising under and/or in connection with Registrant's mark in connection with the goods set forth in the opposed application for each year since such advertising commenced.

RESPONSE:

Registrant objects to Interrogatory No. 4 on grounds that this interrogatory seeks confidential business information

and/or trade secrets. Registrant further objects to Interrogatory No. 4 on grounds that it seeks information that is irrelevant to this cancellation proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 5:

Identify each medium in which Registrant's mark has been or is intended to be listed, advertised, promoted, offered for sale and/or sold, and/or in which the products and/or services sold under Registrant's mark have been listed, advertised, promoted, offered for sale and/or sold.

RESPONSE:

Registrant objects to Interrogatory No. 5 on grounds that this interrogatory seeks confidential business information and/or trade secrets. Registrant further objects to Interrogatory No. 5 on grounds that it seeks information that is irrelevant to this cancellation proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 6:

Identify each broker, sales representative, licensee, franchisee, dealer, distributor, wholesaler, each retail outlet, trade show, catalog, and internet web site and/or other electronic means, to and/or through which Registrant's goods and/or services have been or are intended to be advertised, promoted, offered for sale, distributed and/or sold, under or in connection with Registrant's mark.

RESPONSE:

Registrant objects to Interrogatory No. 6 on grounds that this interrogatory seeks confidential business information

and/or trade secrets.

INTERROGATORY NO. 7:

For each product and service in connection with which Registrant is using or intends to use Registrant's mark, identify, in detail, the channels of trade through which such products and/or services have been or are intended to be sold and/or rendered, including but not limited to a general description of the type of customers to whom Registrant does or intends to advertise, promoted, and/or sell Registrant's products and/or services in connection with Registrant's mark.

RESPONSE:

Registrant objects to Interrogatory No. 7 on grounds that this interrogatory seeks confidential business information and/or trade secrets. Registrant further objects to Interrogatory No. 7 on grounds that it seeks information that is irrelevant to this cancellation proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8:

Identify each agreement, assignment, license, contract, consent grant, or transfer of rights which concerns, refers or relates to Registrant's mark and/or any rights in connection with such mark.

RESPONSE:

Registrant objects to Interrogatory No. 8 on grounds that the information sought is irrelevant to this cancellation proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9:

Identify each person who participated in the selection, creation, and/or decision to adopt and/or use Registrant's mark and describe in detail the reasons for and/or relating to the selection and adoption of Registrant's mark.

RESPONSE:

Subject to and without waiving the foregoing objections, James Schermerhorn.

INTERROGATORY NO. 10:

Identify all persons employed by Applicant, and/or persons affiliated with, or contracted by Registrant, responsible for advertising Registrant's mark and/or the goods services sold or are intended to be sold under Registrant's mark (including but not limited to the design of Registrant's Internet website(s)).

RESPONSE:

Registrant objects to Interrogatory No. 10 on grounds that this Interrogatory is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, James Schermerhorn and Michael Jones.

INTERROGATORY NO. 11:

Identify the person(s) responsible for, or if there is no such person, with the most knowledge of, the marketing of goods and/or services offered for sale under or in connection with Registrant's mark. (As used in this interrogatory, the term "marketing" includes but not limited to, the customers, channels of trade, and type(s) of outlets where such goods are or will be offered for sale and/or sold.)

RESPONSE:

Registrant objects to Interrogatory No. 10 on grounds that this Interrogatory is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Michael Jones.

INTERROGATORY NO. 12:

Identify the circumstances under which Registrant first became aware of Petitioner's Mark and/or UMOVEFREE.COM.

RESPONSE:

Registrant objects to Interrogatory No. 12 on grounds that the information sought is irrelevant to this cancellation proceeding, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13:

Prior to the institution of the instant proceeding, did Registrant ever consider UMOVEFREE.COM and/or Petitioner's Mark with respect to and/or in connection with Registrant's mark and/or the products and/or services sold or to be sold under Registrant's mark or otherwise in connection with Registrant's business?

RESPONSE:

Registrant objects to Interrogatory No. 13 on grounds that it is not irrelevant to this cancellation proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 14:

Identify each and every trademark and service mark registration you believe relevant to the opposition proceeding, including for each, the reason(s) why you believe such to be relevant.

RESPONSE:

Registrant specifically objects to Interrogatory No. 14 on grounds that this Interrogatory is premature. Registrant has not yet concluded its investigation into the issues in this Cancellation proceeding. Registrant will supplement its Response to this Interrogatory, as necessary, once Registrant has completed its investigation.

INTERROGATORY NO. 15:

Identify each objection, complaint, lawsuit, opposition, cancellation and other *inter partes* proceeding involving and/or with respect to, and/or in which Registrant asserted any rights in, Registrant's mark.

RESPONSE:

Registrant specifically objects to Interrogatory No. 15 on grounds that this Interrogatory is overbroad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant's document productions will provide information responsive to this Interrogatory.

INTERROGATORY NO. 16:

Identify each person who furnished any information on which any part of an answer to these interrogatories is based, indicating the parts based on information so furnished by such person, and whether such information is within the personal knowledge of such person, and if not within such personal knowledge, identify the source of the information so furnished.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant identifies Leonard May, Jr.

INTERROGATORY NO. 17:

Identify each person who has been consulted and/or who may be called by Registrant to testify as a witness, or as an expert witness, in this proceeding.

RESPONSE:

Registrant objects to Interrogatory No. 17 because Registrant is not required to identify Registrant's witnesses at this time. Subject to and without waiving the foregoing objections, Registrant has not yet selected an expert witness in this proceeding.

Respectfully submitted,

MOVEFORFREE.COM INC.

Date:

Feb. 21, 2006

By:

Daniel T. Earle

James E. Shlesinger

Daniel T. Earle

Attorneys for Registrant

SHLESINGER, ARKWRIGHT & GARVEY LLP

1420 King Street, Suite 600

Alexandria, Virginia 22314

(703) 684-5600

CERTIFICATE OF SERVICE

It is hereby certified that this REGISTRANT'S RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT has been served upon Petitioner by mailing a copy thereof by prepaid first class mail to Scott L. Harper, Counsel for Petitioner, Carstens & Cahoon, LLP, 13760 Noel Road, Suite 900, Dallas, Texas 75240, this 21st day of February, 2006.

A handwritten signature in cursive script, reading "Daniel T. Earle", written over a horizontal line.

Daniel T. Earle

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

SIGMA RELOCATION GROUP, LLC	:	
D/B/A UMOVEFREE.COM	:	
	:	
Petitioner,	:	
v.	:	Cancellation No. 92/044,611
	:	
MOVEFORFREE.COM INC.	:	
	:	
Registrant.	:	

REGISTRANT'S RESPONSES TO PETITIONER'S FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

General Objections

1. Registrant objects generally to Petitioner's First Set of Requests for Production of Documents and Things to the extent that they seek information and documents that are protected by the Attorney-Client Privilege and/or the Work Product Doctrine. Any inadvertent production or disclosure of information falling within the scope of this objection shall not be a waiver of it.

2. Registrant objects generally to providing information and/or documents constituting or reflecting proprietary or confidential business information. To

the extent Petitioner seeks information and documents falling within this category, which are relevant to the issues presented in this opposition proceeding, Registrant will produce them only after the entry of a mutually agreeable Protective Order by the Board. Any inadvertent production or disclosure of information falling within the scope of this objection shall not be a waiver of it.

3. Registrant objects to Petitioner's requests to the extent they seek to impose upon Registrant any duties or obligations which exceed or are inconsistent with those imposed by the Federal Rules of Civil Procedure and/or the Rules of Practice for Trademark Cases which govern this proceeding.

4. Registrant objects to Petitioner's requests to the extent that they are unduly burdensome and/or over broad and/or that they purport to seek the production of large numbers of materials that are of limited, or no, relevance to the issues in this opposition. Registrant is, however, willing to work with Petitioner on a good faith basis toward narrowing

the scope of potentially responsive responses and/or documents requested by Petitioner.

5. Registrant objects to Petitioner's requests for those documents that are in the public domain or are equally accessible to Petitioner.
6. Registrant reserves the right to supplement its responses as more information is obtained.

RESPONSES TO DOCUMENT REQUESTS:

REQUEST NO.1:

The documents requested to be identified in Petitioner's First Set of Interrogatories to Registrant, which are served on Registrant concurrently herewith.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce all relevant, non-objectionable documents.

REQUEST NO. 2:

The documents referenced or identified by Registrant in response to Petitioner's First Set of Interrogatories.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce all relevant, non-objectionable documents.

REQUEST NO. 3:

All documents that constitute, contain, comment on, refer to, relate to, reflect, describe, and/or disclose, any consideration, proposal or decision to adopt and/or use Registrant's Mark.

RESPONSE:

Registrant specifically objects to Request No. 3 on grounds that this request seeks to obtain information that is proprietary in nature, including trade secrets. Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 4:

All documents which do, or may, support any claims or defenses of Registrant herein, and/or which Registrant believes would be admissible evidence on its behalf at the trial of this proceeding.

RESPONSE:

Registrant specifically objects to Request No. 4 on grounds that this request is over broad and unduly burdensome, not reasonably calculated to lead to the discovery of admissible

evidence, and does not describe the documents requested with reasonable particularity.

REQUEST NO. 5:

All documents which list, show, explain, or describe each of the products sold and/or services offered by Registrant under Registrant's Mark and/or planned to be offered and/or sold under Registrant's mark, including without limitation, each catalogue, brochure, or other printed materials or video/audio tapes.

RESPONSE:

Registrant objects to Request No. 5 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative documents responsive to this request.

REQUEST NO. 6:

A sample (or if due to the physical size of same, in lieu thereof a photograph sufficiently legible to show the product and any writing or marks thereon) of each product and/or service sold and/or intended to be sold under Registrant's Mark, and each display, tag, label, warranty, insert, and any other material included and/or intended to be included with such product or services when offered for sale, sold, and/or shipped in interstate commerce.

RESPONSE:

Registrant objects to Request No. 6 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative documents responsive to this request.

REQUEST NO. 7:

A sample of each sign, brochure, handbill, stationery, advertisement, business card, display, pre-printed contract or form, decal, badge, label, and other advertising, promotional, and/or printed materials on which Registrant's Mark has been displayed or has appeared.

RESPONSE:

Registrant objects to Request No. 7 on grounds that this request seeks confidential information and trade secrets. Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 8:

All materials which have been produced, drafted, or proposed for use, including mock-ups for same, which display, refer or relate, in any way, to Registrant's Mark, whether or not such have ever been used, displayed, and/or disseminated.

RESPONSE:

Registrant objects to Request No. 8 on grounds that this request is over broad and unduly burdensome, and does not describe the documents requested with reasonable particularity. Registrant further objects to Request No. 8 on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 9:

A sample of each advertisement(including, but not limited to, television and/or radio commercials or spots) and promotional material (including, but not limited to audio and

video tapes and CD's, Internet web site(s) and other material intended for viewing and/or listening by computer or other machine), bearing, mentioning or displaying Registrant's mark and/or the products and/or services sold and/or offered for sale under Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 9 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative samples.

REQUEST NO. 10:

A specimen of each label, tag, nameplate, packaging and other material (including, but not limited to, packaging, warranty cards, instruction sheets, promotional items, etc.) bearing, displaying and/or containing Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 10 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative samples.

REQUEST NO. 11:

A sample of each and every document and thing bearing Registrant's Mark, or to which Registrant's Mark is affixed, whether or not such material ever has been use, distributed, disseminated, or displayed.

RESPONSE:

Registrant objects to Request No. 11 on grounds that this request is over broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and does not describe the documents requested with reasonable particularity.

REQUEST NO. 12:

Documents sufficient to show and/or identify each catalog, sales outlet, Internet web site or other electronic means, retail outlet, and wholesale outlet in which Registrant's services or goods are advertised, promoted, sold, offered for sale, and/or distributed under Registrant's Mark.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 13:

All mailing lists and other lists of actual or potential customers, clients, sales representatives, brokers, dealers, and/or distributors of Registrant with respect to the products and/or services sold and/or to be sold in connection with Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 13 on grounds that this request seeks confidential information and/or trade

secrets. Registrant further objects to this Request on grounds that the documents requested are not relevant to this Cancellation Proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 14:

All documents which evidence, support, refer, or relate to Registrant's knowledge of Petitioner's Mark, and/or the circumstances under which such knowledge was obtained, including but not limited to all documents referring or relating to Petitioner or Petitioner's Mark.

RESPONSE:

Registrant objects to Request No. 14 on grounds that this request is over broad and unduly burdensome. Registrant further objects to this Request on grounds that the documents requested are not relevant to this Cancellation Proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 15:

All documents which were reviewed, consulted and/or relied upon by Registrant in making the denials in Registrant's Answer to the Petition to Cancel.

RESPONSE:

Registrant objects to Request No. 15 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 16:

All documents which were reviewed, consulted and/or relied upon by Applicant in pleading Applicant's First Affirmative Defense in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 16 on grounds that this request is over broad and unduly burdensome. Registrant further objects to this Request on grounds that the documents requested are protected by the Attorney-Client Privilege and/or the Work Product Doctrine. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 17:

All documents which evidence, support, or show Applicant's First Affirmative Defense as pleaded in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 17 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative documents.

REQUEST NO. 18:

All documents which were reviewed, consulted and/or relied upon by Applicant in pleading Applicant's Second Affirmative Defense in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 18 on grounds that this request is over broad and unduly burdensome. Registrant further objects to this Request on grounds that the documents requested are protected by the Attorney-Client Privilege and/or the Work Product Doctrine. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 19:

All documents which evidence, support, or show Applicant's Second Affirmative Defense as pleaded in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 19 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative documents.

REQUEST NO. 20:

All documents which were reviewed, consulted and/or relied upon by Applicant in pleading Applicant's Third Affirmative Defense in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 20 on grounds that this request is over broad and unduly burdensome. Registrant further objects to this Request on grounds that the documents

requested are protected by the Attorney-Client Privilege and/or the Work Product Doctrine. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 21:

All documents which evidence, support, or show Applicant's Third Affirmative Defense as pleaded in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 21 on grounds that this request is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce representative documents.

REQUEST NO. 22:

All documents which were reviewed, consulted and/or relied upon by Applicant in pleading Applicant's Third Affirmative Defense in Applicant's Answer.

RESPONSE:

Registrant objects to Request No. 21 on grounds that this request is over broad and unduly burdensome. Registrant further objects to this Request on grounds that the documents requested are protected by the Attorney-Client Privilege and/or the Work Product Doctrine. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 23:

All documents which refer or relate to Petitioner.

RESPONSE:

Registrant objects to Request No. 23 on grounds that this request is over broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and does not describe the documents requested with reasonable particularity.

REQUEST NO. 24:

All documents which refer or relate to Petitioner's Mark.

RESPONSE:

Registrant objects to Request No. 24 on grounds that this request is over broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and does not describe the documents requested with reasonable particularity.

REQUEST NO. 25:

All documents which refer or relate to any of the registrations and application pled by Petitioner in the Petition to Cancel.

RESPONSE:

Registrant objects to Request No. 25 on grounds that the information sought is in the public domain, and is as

accessible to Petitioner as to Registrant. Registrant further objects to this Request on grounds that the Request is over broad and unduly burdensome.

REQUEST NO. 26:

All documents which refer or relate to Petitioner's products and/or services.

RESPONSE:

Registrant objects to Request No. 26 on grounds that this request is over broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not relevant to this Cancellation Proceeding and does not describe the documents requested with reasonable particularity.

REQUEST NO. 27:

All documents which refer or relate to the circumstances under which Registrant first became aware of the actual or possible use of Petitioner's mark.

RESPONSE:

Registrant objects to Request No. 27 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 28:

All documents which evidence, relate or refer to the time Registrant first learned of Petitioner.

RESPONSE:

Registrant objects to Request No. 28 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 29:

Documents sufficient to show Registrant's annual sales in numbers of units and in gross revenues, for products sold under Registrant's Mark, from the date of alleged first use of Registrant's Mark to the present.

RESPONSE:

Registrant objects to Request No. 29 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 30:

Documents sufficient to show Registrant's annual sales in numbers of units and in gross revenues, for services offered under Registrant's Mark, from the date of alleged first use of Registrant's Mark to the present.

RESPONSE:

Registrant objects to Request No. 30 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 31:

Documents sufficient to show or evidence Registrant's advertising expenditures in connection with Registrant's mark and/or the products sold and/or services offered under Registrant's Mark, for each year from the date of allege first use of Registrant's Mark through the present.

RESPONSE:

Registrant objects to Request No. 31 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 32:

All documents relating and/or referring to the channels of trade through which services offered under, or products bearing, Registrant's mark have been sold or are intended to be sold, including but not limited to documents describing the types of customers to whom Registrant advertises, promotes, and/or sells Registrant's services, and/or the retail and wholesale outlets in which Registrant's services in connection with Registrant's Mark are or have been used and/or sold.

RESPONSE:

Registrant objects to Request No. 32 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 33:

All documents referring or relating to Registrant's Mark that have been filed with or received from any federal, state or local government office or regulatory agency, including without limitation all documents filed in connection with efforts to obtain approval to offer any services or sell any products under Registrant's Mark, or to obtain registration of Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 33 on grounds that the documents sought are in the public domain, and are as accessible to Petitioner as to Registrant.

REQUEST NO. 34:

All documents relied upon, either in whole or in part, as a basis for each opinion to be rendered by:

- a) each expert witness that Registrant will or may call; and
- b) each person from whom Registrant has obtained, or will obtain, statements or affidavits, or who is expected to give testimony in this case.

RESPONSE:

Registrant objects to Request No. 34 on grounds that this request seeks information which is premature. Registrant has not retained any expert witness, nor determined who Registrant expects to give testimony in this case.

REQUEST NO. 35:

All documents constituting and/or comprising any opinion(s) and/or report(s) furnished by:

- a) each expert witness that Registrant will or may call; and
- b) each person from who, Registrant has obtained, or will obtain, statements or affidavits, or who is expected to give testimony in this case.

RESPONSE:

Registrant objects to Request No. 35 on grounds that this request seeks information which is premature. Registrant

has not retained any expert witness, nor determined who Registrant expects to give testimony in this case.

REQUEST NO. 36:

All documents which constitute, evidence, support, refer, or relate to any search (including but not limited to any trademark search reports), survey, poll, and/or investigation concerning, referring or relating to Petitioner's Mark or any trademark comprised in whole or in part of the term "UMOVEFREE.COM", and/or to the products and/or services sold and/or offered under Petitioner's Mark.

RESPONSE:

Registrant objects to Request No. 36 to the extent that the documents sought are protected by the Attorney/Client Privilege and/or the Work Product Doctrine. Subject to and without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 37:

All documents which constitute, evidence, support, refer, or relate to any search (including but not limited to any trademark search reports), survey, poll, and/or investigation concerning, referring or relating to Registrant's Mark or any trademark comprised in whole or in part of the term "MOVEFORFREE.COM", and/or to the products and/or services sold and/or offered under Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 37 to the extent that the documents sought are protected by the Attorney/Client Privilege and/or the Work Product Doctrine. Subject to and

without waiving the foregoing objections, Registrant has no documents.

REQUEST NO. 38:

All documents referring or relating to any state, federal and/or foreign service mark and trademark registrations, or applications, issued to, or filed by, Registrant, for any mark incorporating "UMOVEFREE.COM" alone or in combination with other words, letters, or symbols.

RESPONSE:

Registrant objects to Request No. 38 on grounds that the documents sought are in the public domain, and are as accessible to Petitioner as to Registrant.

REQUEST NO. 39:

All documents which evidence, support, refer, or relate to any license, assignment, agreement, understanding, or other grant or transfer of rights referring or relating to Registrant's mark.

RESPONSE:

Registrant objects to Request No. 39 on grounds that this request seeks documents which are not relevant to this cancellation proceeding. Registrant further objects to Request No. 39 on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 40:

All marketing plans, marketing projections or other marketing, market share, or sales approach documents prepared by or for Registrant relating to its offer or proposed offer of services under and/or in connection with Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 40 on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 41:

All marketing plans, marketing projections or other marketing, market share, or sales approach documents prepared by or for Registrant relating to its offer or proposed offer of goods under and/or in connection with Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 41 on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 42:

A complete copy of each version of any web site linked to a domain name registered to Registrant, including but not limited to the HTML code for same, from the creation of the web site through the present.

RESPONSE:

Registrant objects to Request No. 42 on grounds that this request is over broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible

evidence and does not describe the documents requested with reasonable particularity. Registrant further objects to Request No. 42 on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 43:

A complete copy of each version of the website located at www.MOVEFORFREE.COM, including but not limited to the HTML code for same, from the creation of the web site through the present.

RESPONSE:

Registrant objects to Request No. 43 on grounds that this request seeks confidential information and/or trade secrets. Registrant further objects on grounds that this request seeks documents which are in the public domain and are as accessible to Petitioner as to Registrant.

REQUEST NO. 44:

For each mark identified in response to Interrogatory Number 15, all documents which demonstrate, refer or relate to:

- a) the dates of usage(s) of such mark
- b) the goods/services sold in connection with the mark,
- c) the identity of the party so using the mark, and
- d) where (name and address) these goods/services can be found in the market.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 45:

All documents relating to the price of each of the goods sold or to be sold under Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 45 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 46:

All documents relating to the price of the services offered or to be offered under Registrant's Mark.

RESPONSE:

Registrant objects to Request No. 46 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 47:

All documents relating to any objection, lawsuit, opposition proceeding, cancellation proceeding or other proceeding involving or relating to Registrant's mark.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 48:

With respect to each product and/or service with which Registrant's Mark has been used, documents sufficient to show whether or not Registrant's use of the mark in connection with such product/service has been continuous.

RESPONSE:

Registrant objects to Request No. 48 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 49:

With respect to each product and/or service in connection with which Registrant's Mark has been used, all documents which evidence, refer, or relate to Registrant's first use in interstate commerce of Registrant's Mark in connection with each such product and/or service.

RESPONSE:

Registrant objects to Request No. 49 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 50:

With respect to the earliest date on which Registrant will rely in this proceeding to establish Registrant's rights in Registrant's Mark, all documents which evidence, support, refer, or relate to such claim or rights in Registrant's Mark by Registrant as of the date.

RESPONSE:

Registrant objects to Request No. 50 on grounds that this request seeks documents which are not relevant to this

cancellation proceeding.

REQUEST NO. 51:

All documents that reflect, relate to or refer to any confusion as to origin, endorsement, approval or sponsorship of goods or services sold, distributed or offered by Registrant under Registrant's Mark and/or by Petitioner under Petitioner's Mark.

RESPONSE:

Registrant specifically objects to Request No. 51 on grounds that it is over broad and unduly burdensome. Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

REQUEST NO. 52:

For each year in which products have been sold under Registrant's Mark, documents sufficient to identify each state of the United States of America where such product was sold.

RESPONSE:

Registrant objects to Request No. 52 on grounds that this request seeks documents which are not relevant to this cancellation proceeding.

REQUEST NO. 53:

Documents sufficient to identify all entities that purchased goods used in connection with apartment moving and relocation services Registrant's mark.

RESPONSE:

Registrant specifically objects to Request No. 53 on grounds that it is over broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects on grounds that this Request seeks confidential information and/or trade secrets.

REQUEST NO. 54:

Documents sufficient to identify all entities that offer services as used in connection with apartment moving and relocation services and that have purchased services under Registrant's mark.

RESPONSE:

Registrant specifically objects to Request No. 54 on grounds that this request is over broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 55:

Documents sufficient to identify all entities that have offered apartment moving and relocation services under Applicant's Mark.

RESPONSE:

Registrant specifically objects to Request No. 55 on grounds that it is over broad and unduly burdensome, and not

reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects on grounds that this request seeks confidential information and/or trade secrets.

REQUEST NO. 56:

Documents sufficient to identify all goods and/or services sold by Registrant as used in connection with apartment moving and relocation services in the relocation industry.

RESPONSE:

Subject to and without waiving the foregoing objections, Registrant will produce documents responsive to this request.

Respectfully submitted,

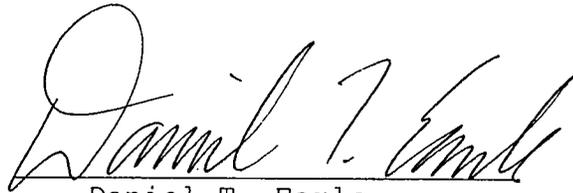
MOVEFORFREE.COM INC.

Date: Feb. 21, 2006

By: 
James E. Shlesinger
Daniel T. Earle
Attorneys for Registrant
SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600

CERTIFICATE OF SERVICE

It is hereby certified that REGISTRANT'S RESPONSES TO PETITIONER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS has been served upon Petitioner by mailing a copy thereof by prepaid first class mail to Scott L. Harper, Counsel for Petitioner, Carstens & Cahoon, LLP, 13760 Noel Road, Suite 900, Dallas, Texas 75240, this 21st day of February, 2006.

A handwritten signature in cursive script, appearing to read "Daniel T. Earle", written over a horizontal line.

Daniel T. Earle

EXHIBIT C

TTAB

R-5308-1

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

SIGMA RELOCATION GROUP, LLC	:	
D/B/A UMOVEFREE.COM,	:	
	:	
Opposer,	:	Consolidated Proceeding:
	:	
v.	:	Opposition No. 91/170,390
	:	Cancellation No. 92/044,611
MOVEFORFREE.COM, INC.,	:	
	:	
Applicant.	:	

APPLICANT'S MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS

TRADEMARK TRIAL AND APPEAL BOARD
 JUL 24 4:34 PM '06
 RECEIVED

Applicant, MOVEFORFREE.COM, INC. ("Applicant"),

counsel, hereby moves the Trademark Trial and Appeal Board for a fourteen (14) day extension of time to respond to Opposer's, SIGMA RELOCATION GROUP, LLC D/B/A UMOVEFREE.COM ("Opposer"), discovery requests.

Counsel for Applicant requires an additional fourteen (14) days to prepare appropriate response to Opposer's discovery requests. Opposer's discovery requests are extensive, including forty-nine (49) document requests, fifty (50) requests for admissions, and thirteen (13) interrogatories. Counsel for Applicant has diligently worked to complete responses to Opposer's discovery requests. However, Counsel for Applicant

Consolidated Proceeding:
Opposition No. 91/170,390
Cancellation No. 92/044,611

had to make an out of town trip due to the failing health of his grandmother. Further, counsel's family has endured a tragedy this past weekend.

Applicant contacted Opposer on July 24, 2006, to request consent to this extension. Opposer would only consent to a four (4) day extension and appears to have conditioned any consent on the waiver of Applicant's objections to the discovery requests.

Accordingly, Applicant submits that there is good cause for this Motion, and requests that the Board grant the Motion, making Applicant's responses due on August 7, 2006.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that

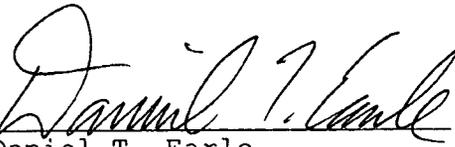
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Opposition No. 91/170,390
Cancellation No. 92/044,611

all statements made of his knowledge are true and all statements
made on information and belief are believed to be true.

Respectfully submitted,

MOVEFORFREE.COM, INC.

Date: July 24, 2006

By: 

Daniel T. Earle
James E. Shlesinger
Attorneys for Applicant
SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600

CERTIFICATE OF SERVICE

It is hereby certified that this APPLICANT'S MOTION
FOR AN EXTENSION OF TIME TO RESPOND TO OPPOSER'S DISCOVERY
REQUESTS has been served upon Opposer by mailing a copy thereof
by prepaid First Class mail to Scott L. Harper, Counsel for
Opposer, Carstens & Cahoon, LLP, 13760 Noel Road, Suite 900,
Dallas, Texas 75240, this 24th day of July, 2006.

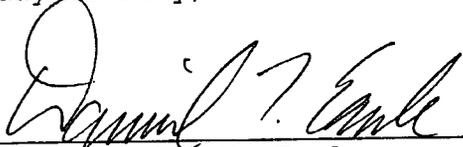

Daniel T. Earle

EXHIBIT D

Scott Harper

From: Daniel T. Earle [danearle@sagllp.com]
Sent: Wednesday, June 21, 2006 4:10 PM
To: Scott Harper
Subject: Sigma Relocation Group v. Moveforfree.com, Inc.

Scott:

We have not had the chance to complete responses to your discovery in the opposition. Will you consent to a 30 day extension?

Very truly yours,

Dan

Daniel T. Earle
Shlesinger, Arkwright & Garvey, LLP
1420 King Street, Suite 600
Alexandria, VA 22314
703-684-5600
703-836-5288 (Fax)
danearle@sagllp.com

7/27/2006

ESTTA Tracking number: **ESTTA87531**

Filing date: **06/28/2006**

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

Proceeding	91170390
Party	Plaintiff Sigma Relocation Group, LLC d/b/a Umovefree.com
Correspondence Address	Scott L. Harper Carstens & Cahoon LLP 13760 Noel Road, Suite 900 Dallas, TX 75240 UNITED STATES harper@cclaw.com
Submission	Other Motions/Papers
Filer's Name	Scott L. Harper
Filer's e-mail	harper@cclaw.com, tmdocketing@cclaw.com
Signature	/scott l harper/
Date	06/28/2006
Attachments	Consented Motion to Extend.pdf (4 pages)(22557 bytes)

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

SIGMA RELOCATION GROUP, LLC	§	
D/B/A UMOVEFREE.COM	§	
<i>Petitioner/Opposer,</i>	§	
	§	
v.	§	Opposition No. 91170390
	§	Cancellation No. 92044611
MOVEFORFREE.COM, INC.	§	
	§	
	§	
<i>Registrant/Applicant.</i>	§	

CONSENTED MOTION TO EXTEND
TIME TO RESPOND DEADLINES

Petitioner/Opposer, Sigma Relocation Group, LLC d/b/a UMOVEFREE.COM, and Registrant/Applicant, MOVEFORFREE.COM, Inc., by and through their attorneys, hereby agree and consent to the following extensions of time.

Deadline for Applicant to
respond to Opposer's current outstanding
discovery interrogatories, requests
for production, and requests for admissions
which were served on May 18, 2006: July 24, 2006

Deadline for Petitioner to file its Response
to Registrant's Motion to Compel Responses
to Discovery and Request for Suspension
served on June 9, 2006: July 28, 2006

The current discovery and trial deadlines set forth in the Board's June 13, 2006 order consolidating the referenced proceedings shall stay in effect with no modification thereof required by the parties at this time.

Respectfully submitted,

By: /scott l harper/
Scott L. Harper
CARSTENS & CAHOON, L.L.P.
P.O. Box 802334
Dallas, Texas 75380
(972) 367-2001
ATTORNEYS FOR
PETITIONER/OPOSER

Date: June 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing CONSENTED MOTION TO EXTEND TIME TO RESPOND DEADLINES was mailed first-class mail, postage prepaid, to Daniel T. Earle, Shlesinger, Arkwright & Garvey, 1420 King Street, Suite 660, Alexandria, Virginia 22314, attorneys for Registrant/Applicant, on June 28, 2006.

/scott l harper/
Scott L. Harper
Attorney for Petitioner/Opposer

Certificate of Conference

The undersigned has confirmed with Daniel T. Earle, counsel for Registrant/Applicant, MOVEFORFREE.COM, Inc., that the foregoing motion is acceptable. The parties have mutually agreed to the Consented Motion to Extend Time To Respond Deadlines and it is submitted to the Trademark Trial and Appeal Board for approval and entry.

/scott l harper/
Scott L. Harper
Attorney for Petitioner/Opposer

EXHIBIT E

Scott Harper

From: Daniel T. Earle [danearle@sagllp.com]
Sent: Monday, July 24, 2006 9:27 AM
To: Scott Harper
Subject: moveforfree.com

Scott:

I have just returned from out of town on a non-work related, and somewhat unexpected matter. I was hopeful that I would be able to finish responses to your discovery and serve them today, in accordance with the agreed upon schedule. Unfortunately, that will not be the case. Are you willing to agree to an additional extension of two weeks? I will have them finished by then and will not request any other extensions.

Thank you,

Dan

Daniel T. Earle
Shlesinger, Arkwright & Garvey, LLP
1420 King Street, Suite 600
Alexandria, VA 22314
703-684-5600
703-836-5288 (Fax)
danearle@sagllp.com

7/27/2006

Scott Harper

From: Scott Harper
Sent: Monday, July 24, 2006 12:57 PM
To: 'Daniel T. Earle'
Subject: RE: moveforfree.com

Dan:

In view of your unforeseen conflict, I have discussed this with my client and we will agree to give your client an extension on answering and serving the responses to our discovery requests to this Friday, July 28th, 2006. This is the last discovery extension we will provide you with as these responses are well overdue. Also, I trust that we will receive responses and not merely a litany of objections this time.

As such, this will confirm that the deadline for Moveforfree.com to serve its responses to all of the outstanding discovery requests of Sigma Relocation is now July 28th, 2006.

If you wish to file an agreed stipulation reflecting this extension, please prepare same and send a draft to me for review and execution before it is filed with the TTAB. Otherwise, I will expect to be served with your client's discovery responses this Friday, July 28th, 2006.

Please call if you have any questions.

Regards. Scott

From: Daniel T. Earle [mailto:danearle@sagllp.com]
Sent: Monday, July 24, 2006 9:27 AM
To: Scott Harper
Subject: moveforfree.com

Scott:

I have just returned from out of town on a non-work related, and somewhat unexpected matter. I was hopeful that I would be able to finish responses to your discovery and serve them today, in accordance with the agreed upon schedule. Unfortunately, that will not be the case. Are you willing to agree to an additional extension of two weeks? I will have them finished by then and will not request any other extensions.

Thank you,

Dan

Daniel T. Earle
Shlesinger, Arkwright & Garvey, LLP
1420 King Street, Suite 600
Alexandria, VA 22314
703-684-5600
703-836-5288 (Fax)
danearle@sagllp.com

7/27/2006

EXHIBIT F

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

TTAB

SIGMA RELOCATION GROUP, LLC :
D/B/A UMOVEFREE.COM, :
:
Opposer, :
v. :
:
MOVEFORFREE.COM INC., :
:
Applicant. :

Opposition No. 91/170,390

APPLICANT'S MOTION FOR
AN EXTENSION OF TIME TO FILE ANSWER

TRADEMARK FEE PROCESS
RECEIVED
2006 MAY 12 12 12 PM 4:30
US PATENT &
TRADEMARK OFFICE

Applicant, MOVEFORFREE.COM, INC., moves for a thirty (30) day extension of time to file an Answer in this opposition proceeding.

This request is not made for the purpose of delay. Applicant's counsel requires the additional time to study the Notice of Opposition and discuss the same with Applicant. Applicant's counsel's trial schedule has prevented Applicant from a full opportunity to discuss the Notice of Opposition with counsel. Further, the two attorneys primarily responsible for Applicant's case are scheduled to be out for several days during the month of May.



Accordingly, Applicant submits that there is good cause for this Motion and requests that the Board extend Applicant's due date for filing an Answer by thirty days, to June 24, 2006.

Respectfully submitted,

MOVEFORFREE.COM INC.

Date: May 12, 2006

By: Daniel T. Earle
James E. Shlesinger
Daniel T. Earle
Attorneys for Registrant
SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600

CERTIFICATE OF SERVICE

It is hereby certified that this APPLICANT'S MOTION FOR AN EXTENSION OF TIME TO FILE ANSWER has been served upon Opposer by mailing a copy thereof by prepaid first class mail to Scott L. Harper, Counsel for Opposer, Carstens & Cahoon, LLP, 13760 Noel Road, Suite 900, Dallas, Texas 75240, this 12th day of May, 2006.

Daniel T. Earle
Daniel T. Earle

TTAB

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

SIGMA RELOCATION GROUP, LLC	:	
D/B/A UMOVEFREE.COM,	:	
	:	
Opposer,	:	Consolidated Proceeding:
	:	
v.	:	Opposition No. 91/170,390
	:	Cancellation No. 92/044,611
	:	
MOVEFORFREE.COM, INC.,	:	
	:	
Applicant.	:	

APPLICANT'S MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS

TRADEMARK TRIAL & APPEAL BOARD
 RECEIVED
 2006 JUN 22 1 P 4: 53
 US PATENT & TRADEMARK OFFICE

Applicant, MOVEFORFREE.COM, INC. ("Applicant"), by Counsel, hereby moves the Trademark Trial and Appeal Board for a thirty (30) day extension of time to respond to Opposer's, SIGMA RELOCATION GROUP, LLC D/B/A UMOVEFREE.COM ("Opposer"), discovery requests.

Counsel for Applicant require an additional thirty day extension to prepare appropriate responses to Opposer's discovery requests due to their current trial schedule and the extensive nature of the discovery requests, which include 49 document requests, 50 requests for admissions and 13 interrogatories.


 06-22-2006
 U.S. Patent & TMOtc/TM Mail Rcpt Dt. #30

Consolidated Proceeding:
Opposition No. 91/170,390
Cancellation No. 92/044,611

Applicant contacted Opposer on June 21, 2006 to request consent to this extension. Opposer did not respond to Applicant prior to the filing of this Motion.

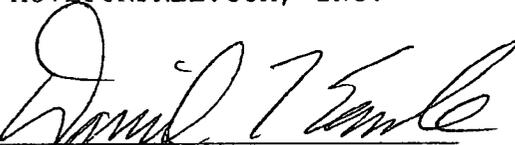
Accordingly, Applicant submits that there is good cause for this Motion, and requests that the Board grant the Motion, making Applicant's responses due on July 22, 2006.

Respectfully submitted,

MOVEFORFREE.COM, INC.

Date: June 27, 2006

By:

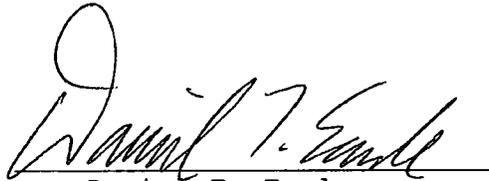


James E. Shlesinger
Daniel T. Earle
Attorneys for Applicant
SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600

Consolidated Proceeding:
Opposition No. 91/170,390
Cancellation No. 92/044,611

CERTIFICATE OF SERVICE

It is hereby certified that this APPLICANT'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS has been served upon Opposer by mailing a copy thereof by prepaid first class mail to Scott L. Harper, Counsel for Opposer, Carstens & Cahoon, LLP, 13760 Noel Road, Suite 900, Dallas, Texas 75240, this 22nd day of June, 2006.

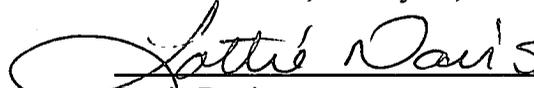

Daniel T. Earle

Docket No. ESIGM.00002

Trademark

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the documents listed below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, Mail Label No. EV601116094US, addressed to the MAIL STOP TTAB, Commissioner for Trademarks, P. O. Box 1451, Alexandria, VA 22313-1451 under 37 CFR 1.10, on July 27, 2006.


Lottie Davis

Enclosed is Petitioner's Response to Registrant's Motion to Compel Discovery Responses And Request For Suspension for filing.