

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

In the matter of Application Serial No. 78807659 Published  
In the Official Gazette on October 24, 2006

**TROY LADD,**

Opposer,

v.

**GORDON DEXTER,**

Applicant.

**Opposition No. 91173879**

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**OPPOSER TROY LADD'S TRIAL BRIEF IN OPPOSITION TO REGISTRATION OF  
APPLICATION SERIAL NO. 78807659 FOR "RESPECT TRADITION"**

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Respectfully submitted,

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**02-11-2008**

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**I. INTRODUCTION**

Applicant Gordon Dexter (hereinafter "Applicant") seeks to register the trademark "RESPECT TRADITION" in connection with active men, women and children's clothing apparel. Opposer Troy Ladd (hereinafter "Opposer,") filed a Notice of Opposition against the "RESPECT TRADITION" trademark application on the grounds of prior use and likelihood of confusion with the Opposer's previously used mark "RESPECT TRADITION" used in connection with Opposer's goods namely men, women's and children's clothing apparel.

Opposer contends Opposer's products bearing the "RESPECT TRADITION" goods and services mark have been extensively and continuously offered to the public through various channels of trade. Opposer has also extensively advertised its goods and services under said goods and services mark throughout the United States. By reason of such advertising and wide distribution of Opposer's services bearing the "RESPECT TRADITION" goods and services mark, the public has come to recognize "RESPECT TRADITION" as signifying Opposer and its goods and services. In addition, Opposer has built up extensive goodwill in connection with the sale of its products under its products under Opposer's goods and service mark.

In addition, Applicant's mark "RESPECT TRADITION" is identical to Opposer's mark "RESPECT TRADITION" and when applied to the goods and services set forth in Applicant's application, Applicant's mark will likely cause "confusion, mistake, or deception" within the meaning of Section 2(d) of the Trademark Act. Due to the fact that, Applicant's trademark proposed for registration, "RESPECT TRADITION," is incorporated in its entirety in Opposer's previously used in commerce mark "RESPECT TRADITION" and is applied to identical or substantially identical goods (i.e. men, women's and children's clothing) provided by the Opposer it is highly likely if not inevitable that the Opposer's senior goods and services mark will be confused with and mistaken for the Applicant's junior mark.

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## II. DESCRIPTION OF THE RECORD

1. The pleadings
2. The file of the Applicant's Application Serial No. 78807659

### Opposer Troy Ladd's Evidence

3. Troy Ladd's Notice of Reliance, comprising:
  - a. Opposer's First Requests for Admission (hereinafter "RFA") to Applicant (Exhibit 1);
  - b. Opposer's First Request for Interrogatories to Applicant (Exhibit 2);
  - c. Opposer's First Request for Production of Documents (Exhibit 3).

### Applicant Gordon Dexter's Evidence

4. Applicant, Gordon Dexter did not submit any evidence in this proceeding in support of his application, nor did he respond to Plaintiff's Discovery Requests or file a Notice of Reliance with the Trademark Trial and Appeal Board.

## III. STANDING

In Section 13 (15 U.S.C. §1063(a), the Lanham Act provides that "[a]ny person who believes that he would be damaged by the registration of a mark" may file an opposition. The rules regarding standing are liberal and merely require Opposer to show a likelihood of damage from the registration of a mark. *Golden State Salami Co. v. Gulf States Paper Corp.*, 1141 U.S.P.Q. 661 (C.C.D.A. 1964). Additionally, the Board has held that the moving party must have a "real interest" and a "reasonable basis" for his belief of damages. *Ritchie v. Simpson*, 15 U.S.P.Q. 2d 1023, 1025 (Fed. Cir. 1999). Opposer in this action believes that Applicant's registration of its mark will cause damage to Opposer, and sets forth its "real interest" and "reasonable basis" for such belief in this brief.

Applicant's admissions have established Opposer's standing insofar as Applicant has admitted that prior to filing for registration of its mark, Applicant was aware of Opposer's company (Exhibit 1, RFA 1) and more importantly, Applicant's admission that prior to filing his application, Applicant was aware Opposer had adopted and continuously used in interstate commerce the goods and services mark

“RESPECT TRADITION” for International Class 025. (Exhibit 1 RFA No. 3).

In addition, by virtue of Opposer’s use in commerce of its mark and Applicant’s admission of Opposer’s prior use in commerce of Opposer’s mark in connection with International Class 025 men’s, women’s and children’s wearing apparel..., Opposer has established a real interest in this proceeding and therefore, Opposer’s standing to challenge the registration of application Serial No. 78807659. *Lipton Industries, Inc. v. Ralston Purina Co.*, 670, F.2d 1024, 1028 (C.C.P.A. 1982).

Opposer has a real interest in the proceeding and reasonably anticipates damages if Applicant’s application is granted. *Ritchie Supra.* (stating that “an opposer must meet two judicially-created requirements in order to have standing– the opposer must have a ‘real interest’ in the proceeding and must have a ‘reasonable’ basis for his belief of damage”). Opposer’s real interest is further established by its longstanding use of the “RESPECT TRADITION” mark and the goodwill, reputation, advertising, and loyal customer base associated with that mark. Opposer can reasonably expect significant damages if Applicant’s application is granted because consumers will be confused by Applicant’s contemporaneous registration of the “RESPECT TRADITION” mark with its services. Therefore, Opposer has established standing. Finally, Applicant’s mark is the identical version of Opposer’s mark for essentially identical goods and therefore Applicant’s mark is completely indistinguishable.

#### IV. STATEMENT OF THE ISSUES

The following issues are presented in this case:

- 1) PRIORITY: Whether Opposer has priority of use rights in the mark “RESPECT TRADITION.”
- 2) CONFUSINGLY SIMILAR: Whether Applicant’s mark “RESPECT TRADITION” and the Opposer’s mark “RESPECT TRADITION” are confusingly similar.
- 3) LIKELIHOOD OF CONFUSION: Whether there is a likelihood of confusion between Applicant’s mark “RESPECT TRADITION” and Opposer’s mark “RESPECT TRADITION.”

## LEGAL ARGUMENTS

### V. APPLICANT'S ADMISSIONS IN EVIDENCE

Applicant failed to respond to any of the Opposer's Discovery requests, including Opposer's Requests For Admissions (hereinafter "RFA"). On August 24, 2007, Opposer's counsel filed a Notice of Reliance on the RFA's. (Exhibit 4 ). Based on Applicant's failure to respond to Opposer's RFA, each of the requests is deemed admitted by Applicant. Federal Rules of Civil Procedure 36(a) made applicable to this proceeding by Trademark Rule 2.116(a) and 37 C.F. R. §2.116(a). Any matter admitted under Federal Rule of Civil Procedure 36 "is conclusively established unless the Court on motion permits withdrawal or amendment of the admission" Federal Rule of Civil Procedure 36(b).

In sum, Applicant has admitted each the following RFA's:

- RFA 1.** Applicant, prior to filing for registration of Applicant's alleged mark, was aware of Opposer's company.
- RFA 2.** Applicant, has never used Applicant's alleged mark in commerce prior to filing for the registration of Applicant's alleged mark.
- RFA 3.** Applicant is aware that prior to the filing date of the subject application Serial No 78807659, Opposer had adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for International Class 025.
- RFA 4.** Applicant is aware that Opposer's products bearing the "Respect Tradition" goods and services mark has been extensively and continuously offered to the public through various channels of trade.
- RFA 5.** Applicant has not adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for IC 025.
- RFA 6.** Applicant does not have products bearing the "Respect Tradition" goods and services mark.
- RFA 7.** Applicant has never advertised its goods and services under "Respect Tradition" goods and services mark.
- RFA 8.** The Applicant has not build up good will in connection with the sale of its

products under Applicant's alleged services mark "Respect Tradition."

- RFA 9.** Applicant's pending trademark application for registration of "Respect Tradition" has a 1(b) filing status for use in IC 025, men's, women's, children's wearing apparel.
- RFA 10.** Applicant has never served an answer on Opposer in response to the Opposer's Opposition No 91173879.
- RFA 11.** Applicant has never mailed any documents to Opposer in reference to Opposition No. 91173879.
- RFA 12.** Applicant has not advertised its goods and services under Applicant's alleged services mark throughout the United States.
- RFA 13.** Applicant has never offered any products bearing the "Respect Tradition" goods an services mark to the public.

**VI. OPPOSER'S PRIORITY OF USE OF THE "RESPECT TRADITION" MARK IS ESTABLISHED BY APPLICANTS INTENT TO USE 1(b) APPLICATION AS WELL AS THE APPLICANT'S OWN ADMISSIONS**

Notwithstanding the fact that the Applicant filed a 1(b) intent to use application, Applicant's own admissions establish that Opposer has priority of use of the "RESPECT TRADITION" mark. Applicant is not entitled to any special presumption of priority or validity as a result of its trademark application. *Hydro-Dynamics, Inc. v. George Putnam & Co.*, 811 F.2d 1470, 1472, (Fed. Cir. 1987) (explaining that "the act of filing a trademark application is accompanied by no legal presumption whatsoever" and that "trademark ownership [is] accorded to the first bona fide user"). In addition, **where an applicant takes no testimony the earliest date upon which Applicant may rely is the filing date of its application.** *Lone Star Mfg. Co., Inc. v. Bill Beasley, Inc.*, 498 F.2d 906, U.S.P.Q. 368, 369 (CCPA 1974). In the instant matter, Applicant has taken no testimony and is therefore restricted to its filing date of **February 6, 2006** for Applicant's first use.

Among other things, Applicant has admitted that prior to the filing date of Applicant's

application that Applicant was aware that Opposer's products bearing the "RESPECT TRADITION" goods and services mark had been extensively and continuously offered to the public through various channels of trade. (Exhibit 1, RFA No. 4). Moreover, Applicant is restricted to a first use date of February 6, 2006 and Applicant's own admissions establish that Applicant was aware Opposer used his "RESPECT TRADITION" mark in commerce prior to Applicant's filing for registration.

## VII. APPLICANT'S MARK IS CONFUSINGLY SIMILAR TO OPPOSER'S MARK

Section 2 (15 U.S.C. § 1052) of the Lanham Act sets out grounds for opposition when an Applicant's mark is confusingly similar:

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it ...

(d) consists of or comprises a mark which so resembles a mark registered in the Patent Office **or a mark or trade name previously used in the United States by another and not abandoned**, as to be likely when applied to the goods of the applicant, to cause confusion or to cause mistake, or to deceive... (emphasis added).

Thus, Opposer has grounds to oppose Applicant's mark based on Opposers' prior use of the "RESPECT TRADITION" mark. Additionally, Opposer has not abandoned the use of mark in any capacity. Applicant admits that prior to filing for registration, Applicant was aware of Opposer's trademark "RESPECT TRADITION" was continuously used in interstate commerce in connection with International Class 25. (Exhibit 1 RFA No. 3) and that Applicant is aware that Opposer's products bearing the "Respect Tradition" goods and services mark has been extensively and continuously offered to the public through various channels of trade. (Exhibit 1 RFA No. 4) Furthermore, the Applicant's mark "RESPECT TRADITION" is identical and applies to the same goods (i.e men's women's and children's apparel) as the Applicant's mark ("RESPECT TRADITION") which clearly makes it confusingly similar.

When "the marks are confusingly similar and the goods are related, then the only issue is one of priority of use between applicant and Opposer." 3 *McCarthy on Trademarks and Unfair Competition* §20:17 (4<sup>th</sup> ed. 2006); *Joseph & Feiss Co. v. Joseph Kanner Hat Co.*, 337 F.2d 1014, 143, USPQ 297

C.C.P.A. (1964). As discussed above, Opposer is the prior user between the two parties. Thus, the only question left for this Court is the likelihood of confusion between Applicant's mark and Opposer's mark.

### **VIII. THE STRIKING OVERALL SIMILARITIES OF THE MARK EVIDENCES AN INHERENT LIKELIHOOD OF CONFUSION**

The issue of likelihood of confusion under Lanham Act, 15 §U.S.C §1502(d), is a legal determination based upon factual underpinnings. *On-line CareLine, Inc. v. A.M. On-line, Inc.*, 229 F.3d 1080, 1084; U.S.P.Q. 2d 1471 (Fed. Cir. 2000). In making this determination, the Trademark Trial and Appeal Board (hereinafter "TTAB") and the Courts consider the 13 (thirteen) traditionally recognized factors from *In Re: E.I. DuPont DeNemours & Co.* 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973), recognizing that the significance of each factor is dependant upon the particular circumstances of the respective uses.

In considering the *Dupont* thirteen factor test, "the [Trademark Trial and Appeals] Board need not discuss every factor, but may focus its analysis on dispositive factors, such as similarity of the marks and relatedness of the goods." *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 133, 1338 (Fed. Cir. 2001); *In re Dixie Restaurants*, 105 F.3d 1405, 1407 (Fed. Cir. 1997) explaining that "any one of the [DuPont factors may control a particular case" and holding that "[b]ecause the dominant portion of [Appellant's mark] and design is identical to the [Appellee's] mark, and because the two marks are for identical services, the two marks are likely to cause confusion").

In deciding whether consumer confusion is likely, the Trademark Trials and Appeals Board (hereinafter "TTAB") considers only factors relevant to the issue. *Shen Mfg. Co. v. Ritz Hotel, Ltd*, 393 F.3d 1238, 1241, 73 U.S.P.Q.2d 1350 Fed. Cir. 2004). Of the thirteen (13) Dupont factors, only the following four (4) are relevant to this proceeding.

1. The similarity of the marks;
2. The similarity of the goods or services;
3. The similarity of trade channels; and
4. The extent of potential confusion, i.e., whether de minimis or substantial.

*Dupont Supra.* Each of these six factors weighs heavily in favor of finding Applicant's mark

“RESPECT TRADITION” likely to cause confusion with the Opposer’s mark “RESPECT TRADITION” when used in commerce in connection with identical, similar and commercially related goods.

a. **Similarity of the Marks as to Their Appearance, Connotation, and Commercial Impression**

In evaluating the marks, the potentially conflicting marks are compared with respect to similarity of pronunciation, appearance and verbal translation, or sight, sound and meaning trilogy. *May Department Stores, Co., v. Schloss Bros. & Co.*, 110 U.S.P.Q. 282 (C.C.P.A. 1956). The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side by side comparison, but whether the marks are **sufficiently similar that there is a likelihood of confusion as to the source of the goods or services.** (T.M.E.P. §1207.1(b)).

Moreover, “when marks would appear on virtually identical goods or services the degree of similarity necessary to support a conclusion of likelihood of confusion declines.” *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 23 U.S.P.Q. 2d, 1698, 1700 (Fed. Cir. 1992).

The focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *Spoons Restaurant, Inc. v. Morrison, Inc.*, 23 U.S.P.Q. 2d, 1737 (T.T.A.B 1991), affirmed in unpublished opinion, Appeal No. 92-1086 (Fed.Cir.June 5, 1992).

Furthermore, it must be kept in mind that where a mark is presented in standard character format, the owner of the mark is not limited to any particular depiction of its mark. T.M.E.P. §1207.01 (c)(iii). Therefore, Applicant cannot argue against confusion by noting a difference in the way in which the marks are presented because the owner of a mark that is presented in standard character format, could use the mark in any manner of display. (T.M.E.P. §1207.01(c)(iii) [citations omitted]).

Comparing the marks in view of the foregoing parameters, the two marks are in fact identical in appearance, sound, and presumably meaning. Applicant seeks to register the junior mark “RESPECT TRADITION” which visually represents the identical mark to Opposer’s mark “RESPECT TRADITION.” In sum, there are no differences to distinguish the mark in the mind of the consumers.

Furthermore, at least as important as the similarities in appearance and sound, the marks convey identical commercial impressions. The word “Respect” conveys the meaning of esteem and the word “Tradition” conveys the meaning of longstanding customs. The identicalness of the marks weighs in favor of finding likelihood of consumer confusion.

b. **Similarity of the Nature of Services**

In determining the likelihood of confusion, the board must consider the “similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.” *Dupont supra*. Additionally, the board must start from the principle that “if the parties compete directly, confusion is likely if the marks are sufficiently similar.” *Kellogg Co. v. Toucan Golf, Inc.*, F.3d 616, 624, 67 U.S.P.Q. 2d 1481, 1485 (6<sup>th</sup> Cir. 2003). It has already been established that the marks are sufficiently similar.

Due to the fact Applicant did not respond to any discovery requests or participate in the proceedings it impossible to know exactly what he claims his goods or services are under his mark. However, based on Applicants application he lists [G]ood/Services: Active men’s, women’s and children’s wearing apparel, namely, shirts, pants, jackets, sweaters, jerseys, caps, socks, underwear, knits namely knit skirts, jackets and pants, fleeces namely vests and jackets, shorts, sportswear namely sweat shirts, running shorts, sweat pants and sports bras, outerwear namely coats, ponchos ans shawls, sleep wear, shoes and sneakers. (International Class 025). It is reasonable to assume Applicants goods/services are related in some manner to **selling men, women and children’s clothing apparel**. The Applicant’s goods/services are identical to, and directly competitive with, Opposer’s goods/services, namely selling “**men, women and children’s clothing apparel**. .” The types of apparel goods each party provides and the presumed similar nature of those services presents strong evidence of similarity of apparel goods and tends to show likelihood of confusion between Applicant’s mark and Opposer’s mark. Thus, for purposes of the instant Opposition, the goods/services are legally identical. This *Dupont* factor weighs decidedly in Opposer’s favor.

c. **Similarity of Established, Likely to Continue Trade Channels**

As both Applicant and Opposer's goods/services are presumably similar if not identical, the "normal marketing channels used by both ... are parallel." *AMF, Inc. v. Sleekcraft Boats*, 599 F/2d/ 341, 351, 204 U.S.P.Q. 808 (9<sup>th</sup> Cir. 1979). In considering the similarity of trade channels utilized by each party to market its goods/services, the Board must look to whether "the conditions surrounding [the goods/services] marketing be such that they could be encountered by the same purchaser under circumstances that could give rise to the mistaken belief that the [services] come from a common source." *Resource Lenders, Inc.*, 404 F. Supp.2d at 1241 (citations omitted). It is not inconceivable that the ordinary citizen seeking clothing apparel would think that Applicant's "RESPECT TRADITION" and Opposer's "RESPECT TRADITION" were one and the same; that is that each one came from the same source or the two identical depictions of the mark were somehow connected. This confusion could lead a consumer to believe he was purchasing apparel from Opposers' "RESPECT TRADITION" apparel when in fact he or she was receiving the goods/services from Applicant's "RESPECT TRADITION" apparel.

d. **The Extent of Potential Confusions, i.e Whether De Minimus or Substantial**

The striking and obvious similarities between the two marks speaks for itself. In fact, the marks are identically the same. The marks sound the same, look the same, and would be conceived as meaning and being the same by the public. The identicalness of the marks alone can be enough to make confusion likely. *In re Shell Oil Co.*, 992 F.2d 1204, 1207 (Fed. Cir. 1933) (noting that "even when goods or services are not competitive or intrinsically related, the use of identical marks can lead to the assumption that there is a common source"). Furthermore, Applicant's use of its mark in commerce presents a strong likelihood of confusion relative to the use of Opposer's senior mark used in commerce. (Exhibit No. 1 RFA No. 3). The Opposer's use of the "RESPECT TRADITION" mark relating to IC 025 (i.e. men's women's and children's apparel) is identical to Applicant's application for IC 025 (ie good/services relating to "men's, women's and children's apparel." Therefore, the potential confusion is obvious and abundant and Applicant's registration must be denied.

VI. CONCLUSION

For the foregoing reasons, the Opposer respectfully requests that this Board deny Applicant's registration of its mark. Opposer submits that registration of Applicant's mark presents a likelihood of confusion and will damage Opposer, and thus registration of Applicant's mark must be denied.

Dated: February 8, 2008

Respectfully submitted,

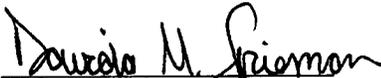
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Exhibit 1



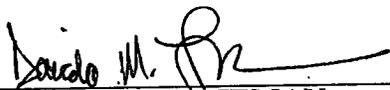
## REQUESTS FOR ADMISSIONS

- 1) Applicant, prior to filing for registration of Applicant's alleged mark, was aware of Opposer's company.
- 2) Applicant, has never used Applicant's alleged mark in commerce prior to filing for the registration of Applicant's alleged mark.
- 3) Applicant is aware that prior to the filing date of the subject application Serial No. 73807659, Opposer had adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for International Class 025.
- 4) Applicant is aware that Opposer's products bearing the "Respect Tradition" goods and services mark has been extensively and continuously offered to the public through various channels of trade.
- 5) Applicant has not adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for IC 025.
- 6) Applicant does not have products bearing the "Respect Tradition" goods and services mark.
- 7) Applicant has never advertised its goods and services under the "Respect Tradition" goods and services mark.
- 8) The Applicant has not build up goodwill in connection with the sale of its products under Applicant's alleged services mark "Respect Tradition."
- 9) Applicant's pending trademark application for registration of "Respect Tradition" has a 1(b) filing status for use in IC 025, men's, women's, children's wearing apparel.

- 10) Applicant has never served an answer on Opposer in response to the Opposer's Opposition No. 91173879.
- 11) Applicant has never mailed any documents to Opposer in reference to Opposition No. 91173879.
- 12) Applicant has not advertised its goods and services under Applicant's alleged services mark throughout the United States.
- 13) Applicant has never offered any products bearing the "Respect Tradition" goods and services mark to the public.

Dated: May 28, 2007

By:

  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS**, was served upon Defendant by depositing one copy thereof in the United States Mail, first class postage prepaid on May 29, 2007, addressed as follows:

Mr. Dexter Gordon  
Chris Rucker  
19 W 21<sup>st</sup> Rm 1004  
New York, NY 10010-6844

By:

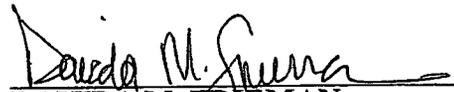
  
**DAVIDA M. FREEMAN,**  
**Attorney for Opposer, Troy Ladd**

Exhibit 2

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

TROY LADD,

Opposer,

v.

DEXTER GORDON,

Applicant.

Opposition No : 91173879

**OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

Opposer, Troy Ladd, by his attorney, hereby requests that Applicant, Dexter Gordon, answer each of the following Interrogatories separately and fully under oath, within 30 days of the date of service of this first set of interrogatories, pursuant to 37 C.F.R. §2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure.

In accordance with Federal Rules of Civil Procedure 26(e), these Interrogatories are deemed to be continuing, and to the extent that the answers to these interrogatories may be enlarged or diminished by information acquired by Applicant subsequent to the filing of such answer, Applicant is requested promptly thereafter to serve and file supplemental answers reflecting such changes.

**DEFINITIONS AND INSTRUCTIONS**

- A. In answering these interrogatories, furnish all information, however obtained, including hearsay, that is available to Applicant and information known by or in possession of Applicant, Applicant's agents and attorney's or appearing in Applicant's records.
- B. If Applicant cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, so state and answer to the extent

possible, specifying Applicant's inability to answer the remainder, stating whatever information to the extent possible and indicate that the information is estimated.

- C. A question that seeks information contained in, or information about or identification of, any documents may be answered by providing a copy of such document for inspection and copying or by furnishing a copy of such document without a Interrogatory.
- D. If applicant objects to furnishing any information requested by these interrogatories on the grounds of privilege, work product or other grounds, the response should state the existence of the information, document or communication, identify the specific grounds on which the objection is based and identify the information objected to by furnishing its date, participants (e.g. names of speakers or authors or addresses) and a general description of the nature, rather than the substance of the purportedly protected information. If the "objected to" information contains relevant non-objectionable matter, Applicant should disclose it.
- E. These interrogatories shall be deemed to be continuing until and during the course of trial. Information sought by these interrogatories which Applicant obtains after it serves its responses must be disclosed to Opposer by supplementary responses. Applicant is obligated to supplement its responses to these interrogatories no later than thirty (30) days after the discovery of the new information.
- F. The terms "APPLICANT," "YOU" or "YOUR" shall refer to Dexter Gordon, or any corporation, firm or business entity controlled, affiliated with associated with or managed by Dexter Gordon.
- G. The term "OPPOSER" shall refer to Troy Ladd.
- H. The terms "APPLICANT'S MARK" or "APPLICANT'S ALLEGED MARK" refers to Applicant's designation "RESPECT TRADITION" unless otherwise stated or rendered obvious from the context of the interrogatory.
- I. The term "MARK" means any word, name symbol, design, shape, number, slogan,

logo or devise, or any combination thereof, that is used to identify and distinguish one's goods and services from the goods and services of others.

- J. The terms, "DOCUMENT," "DOCUMENTS," or "WRITINGS" are used in their customary broad sense as generic to all forms of information recording and shall include without being limited to, the following items, whether printed, written produced by hand, or reproduced by any process, whether in office or with parties outside party, and whether or not claimed to be privileged or otherwise excludable from discovery, namely, memoranda, correspondence, emails, records, letters, notes, reports diaries, cables, telegrams, tele-copies, telexes, wires, photographs, summaries of records or telephone conversations, summaries or records of personal conversations, summaries or reports of investigations, opinions or reports of consultants, reports of counsel, minutes or records of meetings, or conferences, product specifications, sales literature of any nature, invoices, purchase orders, brochures, catalogs, pamphlets, advertisements, circulars, or trade letters, press releases, trade releases, publicity releases, marginal notes appearing on any document (s), drafts of all documents and revisions thereof, tables, schedules, books of accounts, construction manuals and contracts and all other writings as well as all records on non paper information storage means, such as discs, tapes, film and computer memory devices, regardless of the origin of such document(s) and, specifically, including all originals, copies, drafts of originals, or copies of drafts on which appear any notes or writings placed thereon after the document was first made or produced.
- K. Whenever used herein, the singular shall include the plural and vice versa.
- L. Whenever used herein, "AND" may be understood to mean "OR" and vice versa whenever such constructions results in a broader request for information.
- M. The term "COMMUNICATION" means any correspondence and any face-to-face conversations, meetings, conferences, video-conferences, telephone conversations.

N. "Identify"

- a) With Respect to Persons. When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- b) With Respect to a Business Entity. When referring to a business entity, "to identify" means to give the entity's full name, a description of the type of organization or entity being identified, the address of the principal and all other places of business and the state and date of incorporation or organization.
- c) With respect to Documents. When referring to documents, "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- d) With respect to Products or Services. When referring to products or services "to identify" means to give, to the extent known, the (i) type of product or service; (ii) the trademark, service mark or trade name, whether registered or unregistered, under which the product or service is sold; (iv) the date on which the registered or unregistered trademark, service mark or trade name was first used in connection with the product or service; (v) the target market for the product or service; (vi) the Channels of Trade through which the product or service was or is distributed and/or sold; (vii) the amount of sales and revenues from the product or service; and (viii) any cessation in offering, selling or distributing the product or service.

- O. The term "person" is defined, as any natural person or any business, legal, or governmental entity or association and all present and former officers, directors, agents, representatives and employees, acting or purporting to act on behalf of such person.
- P. "CHANNELS OF TRADE" means any method of advertising or disseminating any products or services to consumers or businesses, whether through an offer, actual sale or free of charge, including, but not limited to Internet websites, advertising, direct mail catalogs, personal visits, distributors, sales force and retail sales through the Internet and traditional retail locations.
- Q. The terms "RELATE TO," or "RELATES TO," or "RELATING TO," shall mean, concern, reflect, contain, show, evidence, constitute, summarize, describe, mention, memorialize, refer to or about.
- R. The terms "IDENTIFY," or "IDENTITY," when used in reference to a person or entity, shall be understood to mean provide the full name and current business and residence address and telephone number, if known.
- S. If in answering these requests you claim there is any ambiguity in either a particular request or a definition or an instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, but there shall be set forth, as part of your response, the language deemed to be ambiguous and the interpretation chosen or used in responding to the particular request.

## INTERROGATORIES

### INTERROGATORY NO. 1

Identify the principal business of Applicant.

### INTERROGATORY NO. 2

Identify every type of good or service intended to be sold or being sold under Applicant's mark, and state the date and place of first sale for each type of good or service that has been sold.

### INTERROGATORY NO. 3

For each good and/or service identified in answer to Interrogatory 2 state:

- (a) the earliest date susceptible of proof when the Applicant made such use;
- (b) The city and state in which use was first made;
- (c) the identity of all documents showing or describing such product; and
- (d) the identity of all documents related to each such first use.

### INTERROGATORY NO. 4

State the date when the Applicant's alleged mark was first adopted, and the person or persons involved, and used in connection with the goods set forth in the trademark application.

### INTERROGATORY NO. 5

Identify the person or person who performed any form of research that was relied upon in the decision to select Applicant's alleged mark and identify all documents relating to such research.

### INTERROGATORY NO. 6

Identify and describe in detail the manner in which Applicant's alleged mark is used or intended to be used, the geographical location or locations at which the alleged mark is used or intended to be used, and the person or persons responsible for deciding the manner and geographical location in which the mark is used. To the extent that applicant's mark has not been used in the United States or in interstate commerce, please verify that the mark has not been used.

**INTERROGATORY NO. 7**

State the date or approximate date when Applicant first became aware of Opposer's mark, and whether or not Applicant understood the mark as belonging to Opposer.

**INTERROGATORY NO. 8**

Identify all business locations where the Applicant's goods or services are sold or intended to be sold under Applicant's alleged mark.

**INTERROGATORY NO. 9**

Describe in detail any known or suspected instances of confusion, mistaken identity or relationship, or possible mistake between Applicant and Opposer, or between the respective marks utilized by Applicant and Opposer.

**INTERROGATORY NO. 10**

Identify all witnesses Applicant intends to present and rely on in proof of any issue in this proceeding and describe the subject matter and content of their expected testimony.

**INTERROGATORY NO. 11**

Describe in detail all channels of trade where Applicant's goods and/or services are sold and/or intended to be sold under Applicant's alleged mark.

**INTERROGATORY NO. 12**

For each product or service sold or intended to be sold in the United States under the alleged mark, specify the dollar value of sales on an annual basis of each product or service and the type of advertising media used or intended to be used to advertise each product or service under applicant's alleged mark in the United States

**INTERROGATORY NO. 13**

Identify every person who supplied documents or information in preparation of these responses to Opposer's First Set of Interrogatories, and indicate the specific Interrogatories to which each person contributed documents or information comprising the answer.

**INTERROGATORY NO. 14**

Describe in detail Applicant continuous use in interstate commerce of the goods and services mark Respect Tradition for IC 025.

**INTERROGATORY NO. 15**

Describe in detail the types of products bearing the Applicant's alleged mark "Respect Tradition" that have been extensively and continuously offered to the public through various channels of trade.

**INTERROGATORY NO. 16**

Describe in detail any advertising Applicant alleges that it is has used in connection with the goods under Applicants alleged mark.

**INTERROGATORY NO. 17**

State in detail any and all information to support YOUR contention in your 11/30/2006 answer that the public has come to recognize "Respect Tradition" as signifying Applicant and its goods and services.

**INTERROGATORY NO. 18**

State in detail, any and all information to support YOUR in your contention in your 11/30/2006 answer that the Applicant has built up extensive goodwill in connection with the sale of its products under Applicant's alleged mark.

**INTERROGATORY NO. 19**

Explain in detail the contention set forth in YOUR answer dated 11/30/2006 that Oppose's mark so resembles Applicant's mark to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act.

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Dated: May 28, 2007

By:   
**DAVIDA M. FRIEMAN,**  
**Attorney for Opposer, Troy Lat@d**

Davida M. Frieman, Attorney at Law  
8635 Cashio St. Suite 1  
Los Angeles, California 90035  
Telephone: (310) 402 - 3297

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES**, was served upon Defendant by depositing one copy thereof in the United States Mail, first class postage prepaid on May 29, 2007, addressed as follows:

Mr. Dexter Gordon  
Chris Rucker  
19 W 21<sup>st</sup> Rm 1004  
New York, NY 10010-6844

By:

  
**DAVIDA M. FRIEDMAN,**  
Attorney for Opposer, Troy Ladd

Exhibit 3



memorialize, refer to or about.

- E. The terms "IDENTIFY," or "IDENTITY," when used in reference to a person or entity, shall be understood to mean provide the full name and current business and residence address and telephone number, if known.
- F. The terms, "DOCUMENT," "DOCUMENTS," or "WRITINGS" are used in their customary broad sense as generic to all forms of information recording and shall include without being limited to, the following items, whether printed, written produced by hand, or reproduced by any process, whether interoffice or with parties outside party, and whether or not claimed to be privileged or otherwise excludable from discovery, namely, memoranda, correspondence, emails, records, letters, notes, reports diaries, cables, telegrams, tele-copies, telexes, wires, photographs, summaries of records or telephone conversations, summaries or records of personal conversations, summaries or reports of investigations, opinions or reports of consultants, reports of counsel, minutes or records of meetings, or conferences, product specifications, sales literature of any nature, invoices, purchase orders, brochures, catalogs, pamphlets, advertisements, circulars, or trade letters, press releases, trade releases, publicity releases, marginal notes appearing on any document (s), drafts of all documents and revisions thereof, tables, schedules, books of accounts, construction manuals and contracts and all other writings as well as all records on non paper information storage means, such as discs, tapes, film and computer memory devices, regardless of the origin of such document(s) and, specifically, including all originals, copies, drafts of originals or copies of drafts on which appear any notes or writings placed thereon after the document was first made or produced.
- G. Whenever used herein, the singular shall include the plural and vice versa.
- H. Whenever used herein, "AND" may be understood to mean "OR" and vice versa.

whenever such constructions results in a broader request for information.

- I. The term "COMMUNICATION" means any correspondence and any face-to-face conversations, meetings, conferences, video-conferences, telephone conversations
- J. Documents produced pursuant to this Inspection Demand should be organized or labeled to indicate the specific requests to which they respond. In addition, for each document produced pursuant to this Inspection Demand, plaintiff should indicate the identity of the person from whom each document was obtained.
- K. Whenever a requested document or category of documents is found or kept in a file, produce the document or documents along with the file in which they are contained. Whenever a requested document or file or group of documents are found in a file drawer, file box or other place, before the same is produced, attach to it a copy of the label, number or title on the file drawer, file box or other place from which the document was found or removed.
- L. No document requested should be altered, changed or modified in any request, nor should any document be disposed of or destroyed.
- M. If you assert a claim of privilege with respect to information requested by any of the following requests or portions thereof, which prevents your responding to such requests either in whole or in part, state fully the grounds of the privilege with sufficient particularity that existence of the privilege may be determined on a motion to compel responses under Rules 34(b) and 37(a) of the Federal rules of Civil Procedure and identify any person, document or communication upon which you rely in support of the assertion of such privilege. If only a portion of the information requested is claimed to be privileged, in addition to the foregoing, provide those documents and things responsive to the portion of the request to which no privilege is asserted. If any document is withheld under a claim of privilege or other protection, so as to aid the Trademark and Appeals Board and the parties hereto to determine the

validity of the claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the documents with sufficient particularity to enable the Court and parties thereto to identify the documents;
- (d) the date of the document;
- (e) the identity of the person(s) who has (have) custody of, or control over, the documents and each copy thereof;
- (f) the identity of each person to whom copies of the documents were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed;
- (i) whether any non-privileged or non-protected matter is included in the document.

- N. These requests for production of documents and things seek information as of the date thereof. In addition, Applicant should supply any additional information relating in anyway to these requests for production of documents and things that is acquired by or that becomes known to Applicant up to and including the time of final hearing promptly after such information is acquired or becomes known.
- O. To the extent precise and complete information cannot be furnished in response to any request for production of documents and things, such information as is available shall be supplied together with an estimate of when the precise and complete information will be supplied and the reason for the delay.
- P. The following requests for production of documents and things encompass originals, and identical copies if the original is unavailable, and non-identical copies if the original is unavailable, and non identical copies whether different from the original because of notes

made on such copies or otherwise, of the documents described in the requests.

- Q. If you know of the past or present existence of any documents or things described in a request but are unable to produce such documents because it is not presently in your possession you shall so state in your response to such request, shall identify the document and shall identify by name and address, the person in whose possession the document was last known to exist.
- R. If in answering these requests you claim there is any ambiguity in either a particular request or a definition or an instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, but there shall be set forth, as part of your response, the language deemed to be ambiguous and the interpretation chosen or used in responding to the particular request.
- S. If any documents requested herein have been lost, discarded or destroyed, the document so lost, discarded or destroyed shall be identified as completely as possible in your response, including the following information: date, content, author, recipient(s) date of disposal, manner of disposal, reason for disposal, person authorizing the disposal and person disposing the document.
- T. If a document is responsive to more than one request, produce it in response to the first request to which it is responsive and identify the other request to which it is responsive.
- U. "CHANNELS OF TRADE" means any method of advertising or disseminating any products or services to consumers or businesses, whether through an offer, actual sale or free of charge, including, but not limited to Internet websites, advertising, direct mail catalogs, personal visits, distributors, sales force and retail sales through the Internet and traditional retail locations.

PLEASE NOTE: WHEN A REQUEST TO PRODUCE A PHOTOGRAPH IS MADE OR A COPY OF A PHOTOGRAPH IS TO BE PRODUCED, A PHOTOCOPY OF A PHOTOGRAPH IS INSUFFICIENT. THIS DEMAND FOR INSPECTION WILL ONLY BE SATISFIED BY A NATURAL PHOTOGRAPHIC COPY OF THE PHOTOGRAPH OR A COLOR COPY FOR

WHICH THE ASKING PARTY WILL PAY THE REASONABLE COSTS OF PRODUCTION

**REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1**

Specimens of all current and proposed advertising and or promotional materials including journals, catalogs, circulars, sales sheets, price sheets, leaflets, direct mail pieces, newspapers and magazine advertisements, telephone book advertisements, press releases, advertisement in electronic form and any such other materials used, or to be used, by Applicant that used the Applicant's alleged mark "Respect Tradition."

**REQUEST FOR PRODUCTION NO. 2**

All documents which evidence, refer or relate to the conception, selection, and or adoption of the Applicants alleged mark "Respect Tradition" by Applicant.

**REQUEST FOR PRODUCTION NO. 3**

All documents relating or referring to any investigation or searches undertaken by or on behalf of Applicant which relate or refer to the Applicant's alleged mark "Respect Tradition" including but not limited to any trademark or trade name done pursuant to the use of or application for Registration of the Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 4**

All documents which evidence, refer to or relate to the geographic areas in which the Applicant's alleged mark was used in the sale or promotion of the goods set forth in your application.

**REQUEST FOR PRODUCTION NO. 5**

All documents and things describing the goods with which the Applicant's alleged mark is used or intended to be used by the Applicant.

**REQUEST FOR PRODUCTION NO. 6**

All documents which evidence, refer or relate to the geographic areas and channels of trade in

which the Applicant's alleged mark has been or is proposed to be used by Applicant.

**REQUEST FOR PRODUCTION NO. 7**

All documents which evidence, refer or relate to statements, inquiries, comments or other communications by or from Applicant's customers, competitors, suppliers or other third parties, either written or oral evidencing any confusion, suspicion, belief or doubt on the part of said customer, competitor, supplier, or other third party as to the relationship between Applicant and Opposer, or the respective businesses.

**REQUEST FOR PRODUCTION NO. 8**

All packaging, signs displays, and labeling materials for Applicant's products bearing the Applicant's alleged mark "respect tradition" including all prototypes, drafts, and sketches for said packaging, signs, displays and labeling and all documents relating or referring to the design and or creation of said packaging, signs, displays and labeling.

**REQUEST FOR PRODUCTION NO. 9**

All documents sufficient to identify each publication in which Applicant has advertised or promoted is advertising or promoting, or plans to advertise or promote any or all of its goods under the Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 10**

Each label, tag, decal, imprint, package insert, or other means by which the Applicant's alleged mark, or any variation thereof, is intended to be used, is being used, or has been used on or in products or product packaging.

**REQUEST FOR PRODUCTION NO. 11**

All documents which relate to any trademark, trade name or service mark applications for the Applicant's alleged mark filed in the United States.

**REQUEST FOR PRODUCTION NO. 12**

All papers, documents and other records of any type relating to television or radio advertising or any other form of non print advertising placed by or on behalf of Applicant which in any way includes any reference or depiction of the Applicant's alleged mark or any mark similar

thereto and identify the person or persons responsible for ordering or placing each such advertisement.

**REQUEST FOR PRODUCTION NO. 13**

All documents relating or referring to and or showing the categories of consumers with whom Applicant does business or to whom Applicant offers or intends to offer products under Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 14**

All documents relating or referring to the dollar value of sales of products under Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 15**

All documents relating to or referring to the amount of money expended by Applicant to advertise or promote Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 16**

All studies, surveys, market research tests, or memoranda, including, but not limited to demographic or consumer profile studies, relating to the purchasers or potential purchasers of Applicant's products, sold, offered for sale, advertised, or promoted under Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 17**

All documents relating or referring to the date and circumstances under which Applicant became aware of Opposer's use of Applicant's alleged mark and action taken by Applicant in response of Opposer's use.

**REQUEST FOR PRODUCTION NO. 18**

All documents in the custody, use or control of Applicant which relate or refer in anyway to Applicant's products or services under Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 19**

All documents reflecting any proceedings between Applicant and any other entity (other than the present Opposer) which in any way involve or reflect Applicant's past, present or future use

of Applicant's alleged mark.

**REQUEST FOR PRODUCTION NO. 20**

Any agreements between Applicant and any other entity which in any way involve or affect Applicant's rights, title or interest in the Applicant's alleged mark, including but not limited to any license, transfer, consent to use or assignment.

**REQUEST FOR PRODUCTION NO. 21**

All documents that show or identify the customers to whom Applicant sells or has offered to sell the goods designated in Applicant's trademark application.

**REQUEST FOR PRODUCTION NO. 22**

All documents, not otherwise requested that are identified or requested to be identified in response to the Opposer's first set of interrogatories to the Applicant.

**REQUEST FOR PRODUCTION NO. 23**

All internal correspondence which mentions the alleged mark or the products associated therewith.

**REQUEST FOR PRODUCTION NO. 24**

All documents in the possession or control of Applicant either internal documents or correspondence with third parties, which mention Opposer or any of Opposer's mark(s).

May 28, 2007

By:

  
\_\_\_\_\_  
DAVIDA M. FRIEMAN,  
Attorney for Opposer, Troy Ladd

Davida M. Frieman, Attorney at Law  
8635 Cashio St. Suite 1  
Los Angeles, California 90035  
Telephone: (310) 402 - 3297

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS**, was served upon Defendant by depositing one copy thereof in the United States Mail, first class postage prepaid on May 29, 2007, addressed as follows:

Mr. Dexter Gordon  
Chris Rucker  
19 W 21<sup>st</sup> Rm 1004  
New York, NY 10010-6844

By:

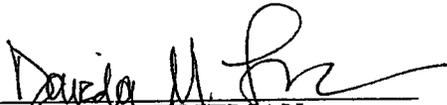
  
\_\_\_\_\_  
**DAVIDA M. FRIEMAN,**  
**Attorney for Opposer, Troy Ladd**

Exhibit 4

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

TROY LADD,

Opposer,

v.

GORDON DEXTER,

Applicant.

) Opposition No.: 91173879

) NOTICE OF RELIANCE

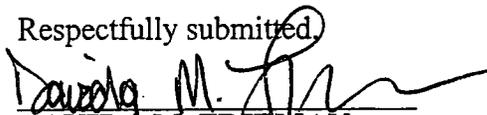
NOTICE OF RELIANCE

NOTICE is hereby given that pursuant to 37 c.f.r. 2.122(d), Opposer, Troy Ladd ("Opposer"), hereby offers into evidence, and will rely upon Applicant's resultant admissions due to his failure to respond to Opposer's First Request Request for Admission to Applicant. The Request for Admissions are relevant to this proceeding in that they establish Opposer's prior right in the mark Respect Tradition for use in connection with men's, women's children's wearing apparel. They also establish Applicant committed fraud in the filing of his application and thus should not be entitled to registration.

Dated: August 24, 2007

Respectfully submitted,

By:



DAVIDA M. FRIEMAN  
Attorney for *Troy Ladd*  
8635 Cashio St. Suite 1  
Los Angeles, CA 90035  
Tel. (310) 402 - 3297

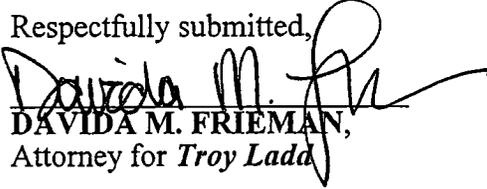
**DECLARATION OF DAVIDA M. FRIEMAN**

I, Davida M. Friema, declare as follows:

1. I am an attorney at law, duly licensed to practice before all of the Courts in the State of California and am the attorney for Opposer, Troy Ladd ("Opposer"), in the above-captioned matter. I have personal knowledge of the facts contained herein and if called as a witness, I could and would testify under oath competently hereto.
2. On May 29, 2007, I served Opposer's First Request for Admissions to Applicant to Applicant on Applicant.
3. Responses to the Requests for Admission were due on July 3, 2007. To date, Opposer has not received responses to the Request for Admission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 24, 2007

Respectfully submitted,  
By:   
**DAVIDA M. FRIEMAN,**  
Attorney for *Troy Ladd*



## REQUESTS FOR ADMISSIONS

- 1) Applicant, prior to filing for registration of Applicant's alleged mark, was aware of Opposer's company.
- 2) Applicant, has never used Applicant's alleged mark in commerce prior to filing for the registration of Applicant's alleged mark.
- 3) Applicant is aware that prior to the filing date of the subject application Serial No. 78807659, Opposer had adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for International Class 025.
- 4) Applicant is aware that Opposer's products bearing the "Respect Tradition" goods and services mark has been extensively and continuously offered to the public through various channels of trade.
- 5) Applicant has not adopted and continuously used in interstate commerce the goods and services mark "Respect Tradition" for IC 025.
- 6) Applicant does not have products bearing the "Respect Tradition" goods and services mark.
- 7) Applicant has never advertised its goods and services under the "Respect Tradition" goods and services mark.
- 8) The Applicant has not build up goodwill in connection with the sale of its products under Applicant's alleged services mark "Respect Tradition."
- 9) Applicant's pending trademark application for registration of "Respect Tradition" has a 1(b) filing status for use in IC 025, men's, women's, children's wearing apparel.

- 10) Applicant has never served an answer on Opposer in response to the Opposer's Opposition No. 91173879.
- 11) Applicant has never mailed any documents to Opposer in reference to Opposition No. 91173879.
- 12) Applicant has not advertised its goods and services under Applicant's alleged services mark throughout the United States.
- 13) Applicant has never offered any products bearing the "Respect Tradition" goods and services mark to the public.

Dated: May 28, 2007

By:   
\_\_\_\_\_  
**DAVIDA M. FRIEMAN,**  
**Attorney for Opposer, Troy Ladd**

Davida M. Frieman, Attorney at Law  
8635 Cashio St. Suite 1  
Los Angeles, California 90035  
Telephone: (310) 402 - 3297

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS**, was served upon Defendant by depositing one copy thereof in the United States Mail, first class postage prepaid on May 29, 2007, addressed as follows:

Mr. Dexter Gordon  
Chris Rucker  
19 W 21<sup>st</sup> Rm 1004  
New York, NY 10010-6844

By:

  
**DAVIDA M. FREEMAN,**  
Attorney for Opposer, Troy Ladd

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF RELIANCE and DECLARATION OF DAVIDA M. FRIEMAN** was served upon Applicant by depositing one copy there of in the United States Mail, first class postage prepaid, on **August 27, 2007**, addressed as follows:

**Gordon Dexter  
C/O Chris Rucker  
19 W. 21<sup>st</sup> Rm. 1004  
New York, Ny 10010-6844**

**Commissioner for Trademarks  
P.O. Box 1451  
Alexandria , VA 22313-1451**

DATED this 27<sup>th</sup> day of August 2007

By:

  
**DAVIDA M. FRIEMAN,**  
Attorney for *Troy Ladd*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSER TROY LADD'S TRIAL BRIEF IN OPPOSITION** was served upon Applicant by depositing one copy there of in the United States Mail, first class mail postage prepaid, on February 8, 2008, addressed as follows:

**Gordon Dexter  
C/O Chris Rucker  
19 W. 21<sup>st</sup> Rm. 1004  
New York, Ny 10010-6844**

**Commissioner for Trademarks  
P.O. Box 1451  
Alexandria , VA 22313-1451**

DATED this 8<sup>th</sup> day of February 2008

By:

  
**DAVIDA M. FRIEMAN,**  
Attorney for *Troy Ladd*