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

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| Proceeding | 91178514 |
| Party | Plaintiff<br>The International Investment Group L.L.C. |
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| Date | 07/03/2008 |
| Attachments | Opposer's Motion to Compel the Production of Documents and Responses to Interrogatories.pdf ( 21 pages )(70279 bytes )<br>Exhibits to Opposer's Motion to Compel Production of Documents and Responses to Interrogatories.pdf ( 118 pages )(2816756 bytes ) |

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

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| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
| | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**


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Pursuant to Trademark Trial and Appellate Board ("TTAB" or "Board") Manual of Procedure ("TBMP") §523.01, Opposer International Investment Group, L.L.C ("Opposer") moves the Board to order Applicant IIG, s.a. ("Applicant") to properly respond to Opposer's document requests and interrogatories. In support of its motion, Opposer submits this brief, along with the relevant discovery requests and responses, and correspondence between counsel, attached hereto as exhibits.

## A. INTRODUCTION

Opposer International Investment Group L.L.C. is a leading investment management firm in the alternative investment market, offering asset management and financial advisory services in the United States and abroad. Opposer is also an investment advisor registered with the Securities and Exchange Commission ("SEC"). It has used the IIG mark since 1994, and is the undisputable senior user of the mark. Opposer has a number of affiliates that also offer financial services, one of which is a broker-dealer registered with the SEC and the Financial Industry Regulatory Authority. Opposer's affiliates also use the IIG mark.

Applicant IIG, s.a. is, from what limited information Opposer has been able to gather, a sham company and clearly a junior user of the IIG mark. Applicant professes to offer banking and insurance brokerage services; however, to Opposer's knowledge, Applicant does not operate a legitimate and ongoing business. Further complicating matters, and raising Opposer's suspicions, Applicant has not produced one single document in this case. Despite Opposer's many requests, Applicant has not produced any documents which would clearly show what it is that they do, what business realms they operate in, how long they have been in business, and

even whether or not they are a legal entity. Opposer has only been left to speculate that Applicant is engaged in fraudulent activities, and not in any real or legitimate business.

Regardless of what Applicant does or does not do, however, one fact is clear: Applicant is a junior user of the IIG mark. Applicant admits that it did not start using the IIG mark (if indeed, they did use it at all at that time – a fact which has remained unascertainable due to Applicant's sorely deficient discovery responses) until April 14, 2004, an entire decade after Opposer began using the mark. By that time, Opposer had clearly established itself as a trusted provider of financial services, with global outreach. Applicant's use of the same IIG mark in a similar industry constitutes an attempt to infringe on Opposer's good will and reputation. Regardless, Applicant has not provided Opposer with any documents or useful answers to interrogatories with which Opposer could test Applicant's positions of first use or any use of the mark at all.

The likelihood of confusion, as well as the potential for deception, among customers who look for the IIG mark is great. To Opposer's customers the IIG mark – which Opposer first used in 1994 and has used continuously since – conveys assurance of reputable and quality financial services. Allowing Applicant to use the IIG mark could create a false suggestion of a connection between Opposer and Applicant, potentially soiling Opposer's hard-earned reputation as a provider of excellent investment and financial services. Opposer can not sit idly by and allow Applicant to infringe on its reputation and potentially harm Opposer's customers.

## B. PROCEDURAL HISTORY

Applicant filed its trademark application nos. 78840184 and 78840194 on March 17, 2006, seeking registration, respectively, of the IIG mark and design, and for the IIG mark in the

U.S. Patent and Trademark Office. Opposer filed its trademark application no. 77113244, seeking registration for the IIG mark and design, on February 22, 2007. On July 23, 2007, Opposer timely filed a notice of Opposition to Applicant's applications, and stated that Opposer is the first user of the IIG mark. Applicant, on the other hand, contends in its trademark application – a contention they make without having produced a single piece of evidence throughout the discovery period which can support it – that it first used the IIG mark on April 14, 2004. To the contrary, it is Opposer who has produced evidence corroborating its position, that it was the first user of the IIG mark, and that it has used the mark continuously since 1994.

As set forth in its Notice of Opposition[1], Opposer argued several grounds for contesting Applicant's trademark applications. First, Opposer believes that the services offered under Applicant's mark, IIG, s.a., are likely to be offered to the same customers and through the same channels of trade as the services offered under Opposer's mark, IIG, L.L.C. Second, Opposer also believes that the continued use and proposed registration of Applicant's mark is likely to cause confusion, or mistake or deception of customers as to the respective marks owned by the parties, as well as to the sources of the services offered, or will deceive, mislead the trade and the public in general to believe that Opposer is the source of Applicant's services and/or that Applicant's service are sponsored, licensed, approved or endorsed by Opposer. Third, Applicant's continued use and proposed registration of the mark is likely to cause confusion with Opposer's rights in its IIG mark, in violation of Section 2(d) of the Trademark Act of 1946, as amended (15 U.S.C. §1052(d)). Fourth, Opposer also believes that Applicant's continued use of the mark is calculated or likely to cause irreparable loss, injury and damage to Opposer's reputation and would permit Applicant to trade on Opposer's rights and goodwill in its IIG mark.

[1] Attached hereto as Exhibit 12 is a copy of Opposer International Investment Group, L.L.C's Notice of Opposition, filed with the United States Patent and Trademark Office on July 23, 2007.

Fifth, Applicant's IIG marks are a misappropriation of Opposer's prior rights in its IIG mark and any use and registration of the mark by Applicant will disparage and falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1052(a)), resulting in irreparable harm and injury to Opposer. Finally, Opposer believes that Applicant failed to use the IIG mark, as set forth in their trademark application, in interstate commerce prior to the claimed first use date.

Applicant's refusal to comply with their discovery obligation, through their failure to produce any documents and their failure to directly answer interrogatories, has hindered Opposer's ability to ascertain the full impact of Applicant's trademark application and registration.

Opposer served its first request for the production of documents and first set of interrogatories to Applicant on April 16, 2008.[2] Opposer thereafter filed its second request for the production of documents and second set of interrogatories on May 8, 2008.[3] Applicant responded to Opposer's first request for the production of documents and first set of interrogatories on May 21, 2008[4], and to Opposer's second request for the production of documents and second set of interrogatories on June 12, 2008.[5] However, Applicant "responded" to Opposer's document requests only with objections and specious answers. To

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[2] Pursuant to 37 CFR §2.120(e), all discovery requests and responses are attached to this motion as exhibits. Attached hereto as Exhibit 1 is a copy of Opposer's First Set of Interrogatories to Applicant. Attached hereto as Exhibit 2 is a copy of Opposer's First Request for the Production of Documents to Applicant.

[3] Attached hereto as Exhibit 3 is a copy of Opposer's Second Set of Interrogatories to Applicant. Attached hereto as Exhibit 4 is a copy of Opposer's Second Request for the Production of Documents to Applicant.

[4] Attached hereto as Exhibit 5 is a copy of Applicant's Responses to Opposer's First Set of Interrogatories. Attached hereto as Exhibit 6 is a copy of Applicant's Responses to Opposer's First Request for Production of Documents.

[5] Attached hereto as Exhibit 7 is a copy of Applicant's Responses to Opposer's Second Set of Interrogatories. Attached hereto as Exhibit 8 is a copy of Applicant's Responses to Opposer's Second Request for the Production of Documents.

date, Applicant has not produced one single document. As explained below, these discovery responses are insufficient, evasive, and do not comply with Applicant's discovery obligations.

Discovery in this matter closed on May 8, 2008. Opposer's testimonial phase opens on July 5, 2008. Therefore, this motion to compel is timely. TBMP §523.01.

### C. GOOD FAITH EFFORTS TO RESOLVE

Pursuant to the Board's rules, when making a motion to compel discovery the moving party must include a statement that such party or their attorney has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion and has been unable to reach agreement. TBMP §523.02. With the goal of amicable resolution, Opposer has sought in good faith to settle these discovery issues without the need to resort to applications to this Board. To that end, by letter and telephone, Opposer has repeatedly expressed its concerns to Applicant regarding Applicant's deficient discovery responses.

Most recently, by letter dated June 27, 2008, counsel for Opposer specifically put counsel for Applicant on notice that Opposer intended to file a motion to compel if Applicant did not provide full and complete discovery responses. Opposer's counsel proposed a specific date and time for a conference call but also informed counsel for Applicant that they were available at Applicant's counsel's convenience to discuss these matters.[6] Counsel for Opposer did not receive any response to this letter. Counsel for Opposer then restated this offer to meet and

[6] See Exhibit 9, June 27, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq. "While Karl and I are available to discuss these matters next week, we suggest a teleconference on Tuesday, July 1 at 10am to discuss the deficiencies in both sets of discovery responses. Please let me know if that is convenient. Please be advised, however, that failure to provide full and complete responses by noon on Thursday, July 3, will result in an application to compel filed with the Board."

confer in a follow up letter on June 30, 2008.[7] However, counsel for Applicant did not respond to this letter either and did not participate in the proposed conference call. Undeterred, counsel for Opposer proposed another time for a conference call to discuss the deficiencies in Applicant's discovery, and reiterated that they remained available at any time to meet with Applicant's counsel.[8] Finally, counsel for Applicant responded by telephone on July 2, 2008. However, Applicant's counsel was evasive and gave no indication that Applicant would produce any documents or amend any of its discovery responses. Thus, after several attempts by Opposer's counsel to meet with Applicant's counsel to resolve this matter, it became clear that a resolution of these discovery issues without resorting to a motion to compel would not be possible.

### D. APPLICANT'S DISCOVERY NONCOMPLIANCE

Discovery in a proceeding before the Trademark Trial and Appeal Board is governed by the Federal Rules of Civil Procedure, Rule 26(b)(1). TBMP §402.01. Rule 26(b)(1) provides, in part, that "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter." Further, Rule 26(b)(1) states that "Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." Id. Thus, the Federal Rules provide for broad and liberal discovery. Each party has a duty to make a "good faith effort to satisfy the discovery needs of its adversary." TBMP §§402.01 and 408.01. However, Applicant has evaded

[7] See Exhibit 10, June 30, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.
[8] See Exhibit 11, July 1, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.

its discovery obligations with manifestly illogical and obstructionist objections and non-responsive discovery replies. Most importantly, Applicant has failed to produce even one document in response to Opposer's document requests.

Copies of Opposer's discovery requests and Applicant's responses are appended to this motion as exhibits. TBMP §523.02. The specific document requests and interrogatories for which proper, non-evasive and complete responses are requested to be ordered are described further below. Fed.R.Civ.P. 37(a)(4).

1. **Opposer's General Concerns about Applicant' Document Production and Answers to Interrogatories**

While Opposer maintains objections to specific responses offered by Applicant, there are also general concerns and complaints about Applicant's document production and answers to interrogatories.

First, to date, Applicant has not produced a single document. However, throughout its responses to Opposer's document requests and interrogatories, Applicant repeatedly states that it will produce responsive, non-privileged documents. Despite these assurances, no such documents have been provided.

Second, Applicant's answers to interrogatories frequently direct Opposer to Applicant's current website. However, Opposer has been unable to access certain areas of the website or to explore historical evidence from the website, especially evidence which pertains to Applicant's alleged first use of the IIG mark. To the extent that Applicant's website has relevant information, Opposer has requested that Applicant grant it access to historic versions of the website, as the content has changed since the filing of this action and it has been recently

updated. Despite this request, to date, no such access has been granted and Opposer is still unable to view relevant parts of Applicant's website.

Third, Applicant has stated a general objection reserving the right to object "on any ground at any time to such other or supplemental interrogatories as Opposer may at any time propound involving or relating to the subject matter of the interrogatories to which Applicant now responds." This generic objection is not well-taken. Applicant's objections, such as they are, are static and any objections not asserted in Applicant's responses are deemed waived.

Fourth, Applicant has asserted that it is preserving, "prior to response and as a condition of responding,…the confidentiality or the proprietary nature of any information which may be produced or the subject matter thereof." Withholding information and production of documents on this ground is specious at best because the parties have entered into a protective order that provides protections to both parties' confidential and proprietary information. Therefore, claims of confidentiality do not stand as an impediment to immediate and complete production. To the extent that any information and/or documents are being withheld on these grounds, Opposer has requested that Applicant provide this information.

Finally, Applicant has also asserted that information is being withheld on the grounds of attorney-client privilege and/or work product doctrine. However, to date, Applicant has not provided a privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of this privilege.

**2. <u>Opposer's Objections to Deficiencies in Applicant's Responses to Opposer's First Request for the Production of Documents</u>**

With the exception of Applicant's responses to Opposer's Document Request Nos. 7, 8, 10, 21, 27, 30, 31, 34, 35, 36, 39, and 39, the remainder of Applicant's responses each contain

the statement that Applicant will produce responsive, non-privileged documents subject to certain of its objections. To date, however, no such documents have been provided. To the extent that any documents are being withheld pursuant to these objections, Opposer has requested that Applicant so state this. Further, to the extent that any documents are being withheld on grounds of attorney-client privilege or work product doctrine, Opposer has requested that Applicant provide a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of privilege. Similarly, to the extent any documents are being withheld on the grounds that the information requested is confidential, proprietary or trade secrets, Opposer has requested that Applicant produce these documents.

Furthermore, with respect to responses to Opposer's Document Request Nos. 3, 4 and 5, these answers direct Opposer to Applicant's website. To the extent that Applicant's website has relevant information, Opposer has requested that Applicant provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

### 3. Opposer's Objections to Deficiencies in Applicant's Responses to Opposer's Second Request for the Production of Documents

With the exception of Applicant's responses to Opposer's Document Request No. 43, the remainder of Applicant's responses contain the statement that Applicant will produce responsive, non-privileged documents subject to certain of its objections. To date, however, no such documents have been provided. To the extent that any documents are being withheld pursuant to these objections, Opposer has requested that Applicant so state that. Further, to the extent that any documents are being withheld on grounds of attorney-client privilege or work product doctrine, Opposer has requested that Applicant provide a detailed privilege log with sufficient

specificity that Opposer may evaluate the propriety of the assertion of privilege. Similarly, to the extent any documents are being withheld on the grounds that the information requested is confidential, proprietary or trade secrets, Opposer has requested that Applicant produce these documents.

Opposer's objections to specific responses to document requests are detailed below.

**a. Document Request No. 41**

This Request seeks all documents produced in all domain name disputes involving Applicant's IIG Marks, including Case No. 01993 filed in June 2006 with the ADR Center. Applicant has objected on grounds of relevancy, burdensomeness, and because Case No. 01993 is "not a proceeding governed by the Laws of the United States." Opposer has requested that Applicant state whatever authority upon which they rely for this last objection. Further, Opposer argues that documents related to Case No. 01993 are indeed relevant, since that decision discusses the fact that Applicant was unable to prove legitimate use. As these objections are not well-founded, the documents should be produced.

**b. Document Request No. 42**

This Request seeks all corporate filings relating to IIG, s.a., including any predecessors-in-interest, including Urgell Shipping Line Corp. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents. However, it has not done so. Opposer has requested that Applicant provide all responsive documents.

**c. Document Request No. 44**

This Request seeks all documents relating to tax returns filed by Applicant and its predecessors since 2004. Contrary to Applicant's objection, this Request is limited in scope as it

only seeks documents from 2004 to the present. Opposer has requested that Applicant provide all responsive documents.

**d. Document Request No. 48**

This Request seeks samples of Applicant's web pages from the date of first use. As explained previously, Opposer seeks historical versions of Applicant's website as the content has changed since this filing of this action and has been recently updated. This information has not yet been produced, and Opposer has requested that Applicant provide this information.

**4. <u>Opposer's Objections to Applicant's Responses to Opposer's First Set of Interrogatories</u>**

Besides the general objections, Opposer has enumerated specific objections to Applicant's answers to interrogatories.

**a. Interrogatory No. 24**

This Interrogatory seeks the identification of and information relating to all internet domain names, web sites, or web pages that Applicant owns, controls or has developed that relate to Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Similarly, Applicant's answer simply directs Opposer to its website. To the extent that Applicant's website has relevant information, Opposer has requested that Applicant supplement this answer and provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

This Interrogatory also seeks the identification of all websites that feature, carry, or advertise Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Opposer has requested that

Applicant provide all responsive information and access to historic versions of Applicant's website.

**b. Interrogatory No. 25**

This Interrogatory seeks the identification of all domain name disputes involving Applicant's IIG Marks. Applicant has objected on grounds of relevancy, even though such information may lead directly to other discoverable information bearing on Applicant's alleged first use of its IIG Marks. Applicant's objection to the word "involve" as used in this Interrogatory is specious and should be withdrawn. Opposer has requested that Applicant supplement this answer.

**c. Interrogatory No. 26**

This Interrogatory seeks the identification of all officers, shareholders or partners, comptrollers, bookkeepers, heads of sales, heads of marketing and/or advertising, heads of production, custodians of records, and accountants. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken as these individuals may have discoverable information. This Interrogatory also seeks all current and last known contact information for each individual identified. While Applicant has provided the names of three individuals, it has not stated when and which positions these individuals held or their contact information. Opposer has requested that Applicant supplement this answer.

**d. Interrogatory No. 27**

This Interrogatory seeks specific information relating to Applicant's predecessors-in-interest with respect to Applicant's IIG Marks. While Applicant has stated that it will produce responsive documents "to the extent they exist," no such documents have been provided.

Opposer has requested that Applicant supplement this answer and provide all responsive documents.

**e. Interrogatory No. 29**

This Interrogatory seeks information regarding David Nepo, the individual who designed Applicant's IIG Marks and who provided information on behalf of Applicant in response to Opposer's First Set of Interrogatories. This Interrogatory seeks to clarify Mr. Nepo's role and affiliation with respect to Applicant, as well as his current contact information and a summary of relevant information known by Mr. Nepo. Applicant's answer, however, does not provide any of the information requested. Opposer has requested that Applicant provide this information as there is no legitimate reason to withhold it.

**f. Interrogatory No. 30**

This Interrogatory seeks information regarding Deb Lambert, the individual who had been previously authorized to file Applications on behalf of Applicant. This Interrogatory seeks to clarify Ms. Lambert's former role and affiliation with respect to Applicant, as well as her current contact information and a summary of relevant information known by Ms. Lambert. Applicant's answer, however, does not provide any of the information requested. Opposer has requested that Applicant provide this information as there is no legitimate reason to withhold it.

**g. Interrogatory No. 31**

This Interrogatory seeks information relating to Applicant's advertising of its marks, including the identification of all media where Applicant advertises its marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, Applicant's answer that it will provide representative documents "to the extent they

exist," is deficient as no documents have been produced to date. Opposer has requested that Applicant supplement this answer and provide all responsive documents.

**h. Interrogatory No. 32**

This Interrogatory seeks information regarding Applicant's decision to adopt its IIG Marks, including the identification of the date that Applicant decided to adopt Applicant's IIG Marks, the motives and reasons for its selections, alternatives considered and any prior marks that were replaced or supplemented by Applicant's IIG Marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-founded, and Applicant's answer that Applicant's IIG Marks were adopted because they were "a good indicator of source of Applicant's services" is both unintelligible and deficient. Opposer has requested that Applicant supplement this answer.

**i. Interrogatory No. 33**

This Interrogatory seeks the identification of the individual who first conceived of the Applicant's IIG Marks and relevant documents. While Applicant identifies David Nepo and states that it will provide representative documents "to the extent they exist," this answer is deficient as no documents have been produced to date. Opposer has requested that Applicant supplement this answer and provide all responsive documents.

**j. Interrogatory No. 35**

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a description of the circumstances of such first use and all documents concerning each first use identified. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Opposer has requested that Applicant supplement this answer.

**k. Interrogatory No. 36**

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a particularized description of the circumstances of such first use of each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Opposer has requested that Applicant supplement this answer.

**l. Interrogatory No. 37**

This Interrogatory seeks information relating to the way in which Applicant currently uses each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications and its website, is deficient as the documents referenced do not contain the information sought. Further, to the extent that Applicant's website has relevant information, Opposer has requested that Applicant provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated. Opposer has requested that Applicant supplement this answer.

**m. Interrogatory No. 38**

This Interrogatory seeks information regarding the way in which Applicant has used each of Applicant's IIG Marks in connection with its services on a yearly basis since 2004 and all representative documents showing the nature and extent of such usage. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Further, although Applicant states that it will provide representative documents "to the extent they exist," this answer is deficient as no documents have been

produced to date. Opposer has requested that Applicant supplement this answer and provide all responsive documents.

**n. Interrogatory No. 39**

This Interrogatory seeks information as to the revenue generated by dollar value for Applicant's services rendered under the trademarks from 2004 to the present. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, although Applicant states that it will provide representative documents "to the extent they exist," no documents have been produced to date. Opposer has requested that Applicant supplement this answer and provide all responsive documents.

**o. Interrogatory No. 40**

This Interrogatory seeks information regarding the channels of trade in which Applicant's services are rendered. Again, the answer directs Opposer to the website. This answer is insufficient. To the extent that Applicant's website has relevant information, Opposer has requested that Applicant provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

**p. Interrogatory No. 41**

This Interrogatory seeks information regarding each product or service offered by Applicant and the type of clients to whom such product or service is offered. Applicant's answer directs Opposer to its applications and its website. However, this answer is deficient as these sources do not contain the information requested. Opposer has requested that Applicant supplement this answer.

**q. Interrogatory No. 42**

This Interrogatory seeks the identification of all persons Applicant expects to call as a fact witness during trial periods in this proceeding. Applicant has not yet identified any fact witnesses. Opposer has notified Applicant that it will seek to bar any fact witnesses not disclosed during discovery.

**r. Interrogatory No. 43**

This Interrogatory seeks all U.S. regulatory and other approvals for Applicant's services in the United States. Applicant has objected that this Interrogatory is unduly burdensome because the information can be "readily accessed" by Opposer. However, Applicant's answers to all other discovery requests make this a challenge for Opposer as Applicant has not even stated where it operates or has sought approvals. Opposer has requested that Applicant withdraw this objection and answer the Interrogatory.

**s. Interrogatory No. 44**

This Interrogatory seeks all documents that support Applicant's statement that its services are rendered in the United States. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents. However, it has not done so. Opposer has requested that Applicant provide all responsive documents.

**t. Interrogatory No. 45**

This Interrogatory seeks all documents that support Applicant's statement that its services are lawfully regulated by the U.S. Congress. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents. However, it has not done so. Opposer has requested that Applicant provide all responsive documents.

**u. Interrogatory No. 46**

This Interrogatory seeks all documents and circumstances regarding governmental and criminal investigations of Applicant. Applicant has objected on grounds of relevancy. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Opposer has requested that Applicant withdraw the objection and provide a response to the Interrogatory.

**v. Interrogatory No. 47**

This Interrogatory seeks each and every location where Applicant's services are offered and performed. Applicant's answer that it offers services "throughout the world and throughout the United States," is markedly unspecific and deficient. Opposer has requested that Applicant provide a response to this Interrogatory.

## E. CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board: 1) compel Applicant to fully answer and produce documents responsive to Opposer's request for the production of documents; and 2) compel Applicant to fully answer Opposer's interrogatories.

This 3rd day of July, 2008.

Respectfully submitted,

/Karl M. Zielaznicki/

Karl M. Zielaznicki
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## VERIFICATION

Under penalty of perjury, I declare that all statements based on personal knowledge are true and all statements are believed to be true.

Karl M. Zielaznicki
/ Karl M. Zielaznicki /

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Motion to Compel Production of Documents and Responses to Interrogatories has been served on Applicant's counsel, Barbara Loewenthal, by mailing said copy on July 3, 2008, via First Class Mail, postage prepaid to: Barbara Loewenthal, Esq., Gottlieb, Rackman & Reisman, P.C., 270 Madison Avenue, New York, NY 10016.

Karl M. Zielaznicki
/ Karl M. Zielaznicki /

## EXHIBITS

**Discovery Requests and Responses**

| | |
|---|---|
| Exhibit 1 | Opposer's First Set of Interrogatories to Applicant, dated April 16, 2008 |
| Exhibit 2 | Opposer's First Requests for Production of Documents to Applicant, dated April 16, 2008 |
| Exhibit 3 | Opposer's Second Set of Interrogatories to Applicant, dated May 8, 2008 |
| Exhibit 4 | Opposer's Second Request for Production of Documents to Applicant, dated May 8, 2008 |
| Exhibit 5 | Applicant's Response to Opposer's First Set of Interrogatories, dated May 21, 2008 |
| Exhibit 6 | Applicant's Response to Opposer's First Request for Production of Documents, dated May 21, 2008 |
| Exhibit 7 | Applicant's Responses to Opposer's Second Set of Interrogatories, dated June 12, 2008 |
| Exhibit 8 | Applicant's Responses to Opposer's Second Request for the Production of Documents, dated June 12, 2008 |

**Communications Between Counsel**

Exhibit 9 June 27, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.
Exhibit 10 June 30, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.
Exhibit 11 July 1, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.

**Other Exhibits**

Exhibit 12 Opposer International Investment Group, L.L.C's Opposition to Applicant IIG, S.A.'s trademark registration

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
| Opposer, | ) | |
| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 1

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

| | | |
|---|---|---|
| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

## OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

In accordance with Rule 33 of the Federal Rules of Civil Procedure, International Investment Group, L.L.C., ("Opposer" or "International"), requests that IIG s.a. ("Applicant" or "s.a.") answer the following interrogatories under oath and serve such answers on the undersigned counsel within thirty (30) days hereof.

## DEFINITIONS

1. "Opposer" refers to International Investment Group L.L.C., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

2. "Applicant" refers to IIG s.a., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

3. "Applicant's IIG Marks" refers to the marks claimed in US Trademark Applications SN 78/840,184 and SN 78/840,194.

4. "Applicant's Services" refers to the services claimed in US Trademark Applications SN 78/840,184 for the mark IIG logo in International Class 36 and SN 78/840,194 for the Mark IIG in International Class 36.

5. "Opposer's IIG Marks" refers to the Opposer's IIG marks as more fully described in paragraphs 1 through 4 of the Notice of Opposition in this proceeding.

6. When used with respect to a person or other legal entity, the word "identify" means give the name, address, business affiliation and position, and such other known information as may be necessary to permit such person or entity to be subpoenaed or his, her or its deposition noticed. When used with respect to a document or other writing, the word "identify" means state the author, addressee, date, subject and such other known information as may be necessary to permit the document or writing to be subpoenaed or its production to be requested (less complete identification than is adequate to explain what the document or a legible copy of its is produced for inspection and copying, or is appended to the answers to these discover requests).

7. The word "document" shall have its customary meaning, as set forth in Fed. R. Civ. P. 34 and Fed. R. Evid. 1001, and shall include but not be limited to any kind of printed, typed, recorded, written, graphic or photographic matter (including audio and/or video tape recordings), however printed, produced, reproduced, coded or stored, of any kind or description, whether sent or not, including originals, copies, reproductions, facsimiles, drafts and both sides thereof, and including, without limitation: papers; books; accounts; magazines; statements; orders; order forms; letters; photographs; drawings; sketches; blueprints; specifications; correspondence; emails; instant messages; telegrams; cables; telex messages; memoranda; notes; notations; work papers; routing slips; intra-office and inter-office communications; intra-

departmental and inter-departmental communications; communications, between or among directors, officers, staff, agents or employees; transcripts; minutes; reports; recordings of telephone or other conversations, or of interviews, conferences, committee meetings, or other meetings; affidavits; summaries; opinions; court pleadings; indexes; studies; analyses; forecasts; projections; evaluations; contracts; licenses; permits; permit applications; agreements; notebooks; entries; ledgers; journals; books or record or account; summaries of accounts; balance sheets; income statements; questionnaires; answers to questionnaires; statistical records; catalogues; advertisements; brochures; circulars; appointment books; diaries; telephone logs; expense accounts; lists; test results; tabulations; charts; graphs; maps; surveys; sound or video recordings; data sheets; computer tapes and discs; magnetic tapes; punch cards; emails; text messages; computer files; computer programs; computer program coding sheets; microfilm; microfiche; all other recordings of data kept by electronic, computerized, photographic or mechanical means; and things similar to any of the foregoing, regardless of the author or origin, of any kind, however denominated by Applicant.

8. "Concerning" or "Relating" means and includes supporting, embodying, setting forth, evidencing, referring to, alluding to, responding to, about, regarding, discussing, showing, describing, mentioning, analyzing, reflecting or constituting.

9. "Communications" means any contact or attempted contact between two or more persons, companies or organizations, or government entities, including all of the directors, officers, officials, employees, staffs or representatives thereof, and shall include, without limitation, communication as defined by the term "document" above, and oral communication as defined by the term "document" above, and oral communication by such means as face-to-face meeting and telephone conversations.

10. The words "and" and "or" are to be construed both conjunctively and disjunctively as necessary to bring within the scope of the discover request all responses that might otherwise be construed to be outside of its scope.

11. The singular form as a word includes the plural form and vice versa.

12. The word "all" shall be construed as "each" and vice versa.

## INTERROGATORIES

**Request No. 1**

A. Identify each person employed by Applicant since April 14, 2004, through the present; and

B. Identify each person employed by Applicant with knowledge of Applicant's use of the Applicant's IIG Marks in connection with Applicant's Services.

**Request No. 2**

Identify each person having knowledge of the following:

A. Applicant's alleged first use in commerce of the Applicant's IIG Marks at the time US Trademark Applications SN 78/840,184 for the mark IIG logo in International Class 36 and SN 78/840,194 for the Mark IIG in International Class 36 were executed and filed; and

B. Applicant's use, if any, of the Applicant's IIG Marks since the first use dates claimed in US Trademark Applications SN 78/840,184 for the mark IIG logo in International Class 36 and SN 78/840,194 for the Mark IIG in International Class 36.

C. Identify all persons with knowledge of the rendition of Applicant's insurance brokerage services bearing Applicant's IIG Marks.

D. Identify all persons with knowledge of the rendition of Applicant's insurance banking services bearing Applicant's IIG Marks.

**Request No. 3**

Identify all facts, circumstances and events concerning the creation, development, selection, adoption and use of Applicant's IIG Marks including, without limitation, Applicant's actual date of first use.

**Request No. 4**

Identify the location(s) from which Applicant's Services are offered under the Applicant's IIG Marks and give the dates such services commenced.

A. Identify each specific service offered under Applicant's IIG Marks; and

B. State the annual revenue for Applicant's Services rendered under Applicant's IIG Marks.

**Request No. 5**

A. Identify the class of customers for Applicant's Services bearing the Applicant's IIG Marks; and

B. Identify three (3) commercial locations in the United States where Applicant's Services bearing the Applicant's IIG Marks have been offered.

**Request No. 6**

A. Identify all states in the United States in which Applicant is licensed or has applied for licensure to conduct business as an insurance broker.

B. Identify all insurance agencies, companies and/or carriers with whom Applicant is licensed to conduct business as an insurance broker.

**Request No. 7**

Identify all states in the United States in which Applicant is authorized or has applied for authorization to provide banking and financial services.

**Request No. 8**

A. Identify all advertising agencies and/or public relations firms which Applicant has employed, hired, or retained in connection with the advertising and promotion of Applicant's Services offered under the Applicant's IIG Marks; and

B. Identify those persons employed by each such agency or firm who are responsible for the development of advertising relating to Applicant's Services offered under the Applicant's IIG Marks with whom Applicant has had or intends to have a business relationship.

**Request No. 9**

Specify the amount of money spent to advertise and promote Applicant's Services offered under the Applicant's IIG Marks and identify all documents relating thereto.

**Request No. 10**

Identify, by date and location, and provide a general description (e.g., title, representative exhibitors, sponsors. etc.) of any trade show or other similar function at which Applicant's Services offered under the Applicant's IIG Marks were or are to be exhibited or advertisied.

**Request No. 11**

A. Describe the trade channels in which Applicant's Services offered under the Applicant's IIG Marks are marketed in the United States; and

B. Indicate the geographic area, by individual state, in which Applicant's Services offered under the Applicant's IIG Marks are marketed and the actual marketing of the same.

C. Identify all plans for expansion of Applicant's Services.

**Request No. 12**

With respect to Opposer's use in the United States of Opposer's IIG Marks, state:

A. the date Applicant first learned of Opposer's IIG Marks and its use thereof;

B. the persons employed by or affiliated with Applicant who are knowledgeable concerning Opposer's IIG Marks and its use thereof;

C. the circumstances under which Applicant learned of the existence of Opposer's IIG Marks and its use thereof, including the identity of each person who advised Applicant of the existence of Opposer's IIG Marks and its use thereof; and

D. Applicant's knowledge of Opposer's IIG Marks and its use thereof.

**Request No. 13**

A. Identify each and every incidence known to Applicant of actual confusion between Applicant's IIG Marks and Opposer's IIG Marks.

B. Identify each person having knowledge of actual confusion between Applicant's IIG Marks and Opposer's IIG Marks.

**Request No. 14**

Identify each person now or formerly in the employ of, retained by or associated with Applicant, including, without limitation, any outside law firm or attorney, who is or has been:

A. primarily responsible for, or

B. in any way involved in, Applicant's decision to adopt or use Applicant's IIG Marks.

**Request No. 15**

If Applicant has ever received an opinion or other document concerning its right to adopt, use or attempt to register the mark IIG, identify all persons with knowledge of facts connected therewith, describing their respective areas of knowledge, and the substance of the opinion received.

**Request No. 16**

Identify all awards, accolades, complaints, and/or grievances received by Applicant relating to Applicant's Services offered under Applicant's IIG Marks. Please include a description of each award, accolade, complaint, and/or grievance, the person or entity making each such appraisal, and the person or entity to whom each such appraisal was made.

**Request No. 17**

State whether Applicant intends to call any expert witnesses in this proceeding and, if so:

A. identify such witnesses;

B. state their qualifications as experts; and

C. described the substance of their proposed testimony.

**Request No. 18**

State Applicant's policy concerning the retention of documents and tangible things, including business records.

**Request No. 19**

If Applicant has contacted, been contacted by, spoken with or otherwise communicated with any third parties concerning the subject matter of this Opposition, identify said third parties and describe the nature of said communications.

**Request No. 20**

Identify all documents which Applicant will rely upon to establish Applicant's first use in commerce of Applicant's IIG Marks as alleged in Application SN 78/840,184 and Application SN 78/840,194.

**Request No. 21**

Identify all persons who prepared, assisted in the preparation of or provided information or documents for the answers to the foregoing interrogatories, indicating for each such person, each separate question to the foregoing interrogatories which he or she prepared, assisted in the preparation of or otherwise provided the information.

**Request No. 22**

Identify all persons who assisted in the preparation of Applicant's Answer to Notice of Opposition.

**Request No. 23**

Identify all persons who assisted in the collection of documents in response to Opposer's First Request for Production of Documents to Applicant, indicating for each such person, each separate request for which he or she assisted in the collection of documents.

This 16th day of April, 2008.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____

Elizabeth A. Billingsley
Karl M. Zielaznicki
Attorneys for Opposer
1660 International Drive, Suite 600
McLean, VA 22102
Phone:(703) 734-4334
Fax: (703) 734-4340

-and-

c/o Trademark Docket Clerk
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308
Phone: (404) 885-3000
Fax: (404) 885-3900
trademarks@troutmansanders.com

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

| | | |
|---|---|---|
| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

## CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice before the Bar of the State of Virginia, hereby certifies that on April 16, 2008, I caused to be served a true copy of the within First Set of Interrogatories to Applicant via facsimile and Federal Express upon the following attorney and the domestic representative for Applicant:

Barbara Loewenthal
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

Deb Lambert
Xion LLC
10800 Biscayne Blvd PH
Miami, FL 33161

Elizabeth A. Billingsley

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
| Opposer, | ) | |
| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 2

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

| | | |
|---|---|---|
| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO APPLICANT**

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 CFR 2.120, International Investment Group, L.L.C. ("Opposer" or "International"), requests that IIG s.a. ("Applicant" or "s.a.") produce and permit Opposer to inspect and copy, if desired, the documents and things designated below within thirty (30) days hereof at the offices of Troutman Sanders LLP, 1660 International Drive, Suite 600, McLean, VA 22102.

**DEFINITIONS**

"Opposer" refers to International Investment Group. L.L.C., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

"Applicant" refers to IIG s.a., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

"Applicant's IIG Marks" refers to the marks claimed in US Trademark Applications SN 78/840,184 and 78/840,194.

"Applicant's Services" refers to the services claimed in US Trademark Applications SN 78/840,184 for the mark IIG logo in International Class 36 and 78/840,194 for the mark IIG in International Class 36.

"Opposer's IIG Marks" refers to the Opposer's IIG marks as more fully described in paragraphs 1 through 4 of the Notice of Opposition in this proceeding.

When used with respect to a person or other legal entity, the word "identify" means give the name, address, business affiliation and position, and such other known information as may be necessary to permit such person or entity to be subpoenaed or his, her or its deposition noticed. When used with respect to a document or other writing, the word "identify" means state the author, addressee, date, subject and such other known information as may be necessary to permit the document or writing to be subpoenaed or its production to be requested (less complete identification than is adequate to explain what the document or a legible copy of its is produced for inspection and copying, or is appended to the answers to these discover requests).

The word "document" shall have its customary meaning, as set forth in Fed. R. Civ. P. 34 and Fed. R. Evid. 1001, and shall include but not be limited to any kind of printed, typed, recorded, written, graphic or photographic matter (including audio and/or video tape recordings), however printed, produced, reproduced, coded or stored, of any kind or description, whether sent or not, including originals, copies, reproductions, facsimiles, drafts and both sides thereof, and including, without limitation: papers; books; accounts; magazines; statements; orders; order forms; letters; photographs; drawings; sketches; blueprints; specifications; correspondence; emails; instant messages; telegrams; cables; telex messages; memoranda; notes; notations; work papers; routing slips; intra-office and inter-office communications; intra-departmental and inter-departmental communications; communications, between or among directors, officers, staff, agents or employees; transcripts; minutes; reports; recordings of telephone or other conversations, or of interviews, conferences, committee meetings, or other meetings; affidavits; summaries; opinions; court pleadings; indexes; studies; analyses; forecasts; projections; evaluations; contracts; licenses; permits; permit applications; agreements; notebooks; entries; ledgers; journals; books or record or account; summaries of accounts; balance sheets; income statements; questionnaires; answers to questionnaires; statistical records; catalogues; advertisements; brochures; circulars; appointment books; diaries; telephone logs; expense accounts; lists; test results; tabulations; charts; graphs; maps; surveys; sound or video recordings; data sheets; computer tapes and discs; magnetic tapes; punch cards; emails; text messages; computer files; computer programs; computer program coding sheets; microfilm; microfiche; all other recordings of data kept by electronic, computerized, photographic or mechanical means; and things similar to any of the foregoing, regardless of the author or origin, of any kind, however denominated by Applicant.

"Concerning" or "Relating" means and includes supporting, embodying, setting forth, evidencing, referring to, alluding to, responding to, about, regarding, discussing, showing, describing, mentioning, analyzing, reflecting or constituting.

"Communications" means any contact or attempted contact between two or more persons, companies or organizations, or government entities, including all of the directors, officers, officials, employees, staffs or representatives thereof, and shall include, without limitation, communication as defined by the term "document" above, and oral communication as defined by the term "document" above, and oral communication by such means as face-to-face meeting and telephone conversations.

The words "and" and "or" are to be construed both conjunctively and disjunctively as necessary to bring within the scope of the discover request all responses that might otherwise be construed to be outside of its scope.

The singular form as a word includes the plural form and vice versa.

The word "all" shall be construed as "each" and vice versa.

## INSTRUCTIONS

Pursuant to Rule 26(e) of the Fed. R. Civ. P., this request shall be deemed continuing in nature so as to require further and supplemental production by Applicant in the event it obtains or discovers additional documents between the time of initial production and the time of hearing or trial.

All objections to the production of the documents requested herein shall be made in writing and delivered to the offices of Troutman Sanders LLP, 1660 International Drive, Suite 600, McLean, VA 22102, on or before the date set for production.

If any documents or parts of documents, called for by this demand are withheld under a claim of privilege, a list of withheld documents is to be furnished simultaneously with written objections identifying each document so withheld, together with the following:

(a) a statement constituting the basis for any claim of privilege, work product or other ground of nondisclosure;

(b) a brief description of the document, including:

(i) the date of the document;

(ii) the number of pages, attachments, and appendices;

(iii) the names of its author, authors or preparers and an identification by employment and title of each such person;

(iv) the names of each person to whom the document, or a copy thereof, was sent, shown or made accessible, or to whom it was explained, together with an identification of each such person;

(v) the present custodian of the document requested to be produced which is in the files (whether personal, business or any other files), possession, custody or control of Applicant, or its attorneys, investment advisors, accountants, agents, representatives or employees;

(vi) subject matter of. the document, and in the case of an y document relating in any way to a meeting or conversation, identification of the participants in such meeting or conversation; and

(vii) the paragraph of this request to which the document relates.

In accordance with Rule 34(b) of the Fed. R. Civ. P., all documents are to be produced as they are kept in the usual course of business with any identifying labels, file markings or similar identifying features or shall be organized and labeled to correspond to the appropriate request herein. If there are no documents responsive to any particular category, Applicant shall state so in writing.

If any documents requested herein have been lost, discarded, or destroyed, the documents so lost, discarded, or destroyed shall be identified as completely as possible, including, without limitation, the following information: date of disposal, manner of disposal, reason for disposal, person authorizing the disposal and person disposing of the document.

With respect to each request herein to produce all documents, Applicant is requested to identify and produce all documents (as defined herein above) which are known to it or which can be located or discovered by reasonably diligent effort, including, without limitation, all such documents requested to be produced which are in the files (whether the personal, business' or any other files), possession, custody or control of Applicant, or his attorneys, advisors, accountants, agents, representatives, directors, officers or employees.

## DOCUMENTS AND THINGS TO BE PRODUCED

**Document Request No. 1**

All documents identified in response to Opposer's First Set of Interrogatories to Applicant.

**Document Request No. 2**

All documents relating to Applicant's creation, development, selection, adoption and intention to use and/or use of the Applicant's IIG Marks including, without limitation, Applicant's actual or anticipated date of first use.

**Document Request No. 3**

All documents reflecting Applicant's alleged first and current use in commerce of Applicant's IIG Marks as stated in US Trademark Application SN 78/840,184 and Application SN 78/840,194.

**Document Request No. 4**

All documents relating to the rendition of Applicant's insurance brokerage services bearing Applicant's IIG Marks.

**Document Request No. 5**

All documents relating to the rendition of Applicant's banking services bearing Applicant's IIG Marks.

**Document Request No. 6**

All documents relating to any trademark or trademark database searches and any other reports or investigations referring or relating to the mark IIG.

**Document Request No. 7**

All documents reflecting any opinions or analysis received by Applicant concerning its right to adopt, use or register the mark IIG.

**Document Request No. 8**

All documents relating or referring to advertising agencies and/or public relations firms which Applicant has at any time employed, hired, or retained or intends to employ, hire or retain in connection with the advertising and promotion of Applicant's Services offered under Applicant's IIG Marks.

**Document Request No. 9**

All documents relating to the filing of US Trademark Application SN 78/840,184 for the mark IIG logo in International Class 36 and SN 78/840,194 for the mark IIG logo in International Class 36.

**Document Request No. 10**

All documents relating to any other federal trademark applications and registrations in the United States containing the mark IIG at any time filed, prosecuted or maintained by the Applicant.

**Document Request No. 11**

All documents reflecting marketing plans for Applicant's Services under Applicant's IIG Marks.

**Document Request No. 12**

All documents relating to market research for Applicant's Services under Applicant's IIG Marks.

**Document Request No. 13**

All documents relating to plans or efforts to expand Applicant's Services.

**Document Request No. 14**

All documents relating to the amount of money spent or to be spent, by year, to advertise and promote Applicant's Services offered under Applicant's IIG Marks.

**Document Request No. 15**

All documents relating to licensing or regulatory approvals to render Applicant's Services under Applicant's IIG Marks, including but not limited to, brokerage licenses.

**Document Request No. 16**

All documents filed with state and federal regulatory for approval purposes relating to Applicant's Services under Applicant's IIG Marks, including all bank charters

**Document Request No. 17**

All documents relating to radio scripts, television videotapes, digital advertisement, newspaper advertisements, point of sale displays, flyers and any other advertisements or promotional materials created, used or intended to be used in connection with the advertising and promotion of Applicant's Services under Applicant's IIG Marks including, without limitation, layouts, preliminary drawings and art work.

**Document Request No. 18**

All documents identifying Applicant's bank routing transit number and samples of banking documents bearing its bank routing transit number and Applicant's IIG Marks.

**Document Request No. 19**

All documents relating to insurance policies or contracts procured by Applicant for any person or entity under Applicant's IIG Marks.

**Document Request No. 20**

All documents relating to insurance agencies, companies and/or carriers with whom Applicant is licensed to conduct business as an insurance broker under Applicant's IIG Marks.

**Document Request No. 21**

All documents relating to any trade show or other similar function at which Applicant's Services bearing the Applicant's IIG Marks were advertised.

**Document Request No. 22**

All documents relating to communications between Applicant and any Federal or state governmental agency concerning Applicant's Services offered or rendered under Applicant's IIG Marks.

**Document Request No. 23**

All documents relating to compliance with any Federal or state regulations or other requirements concerning Applicant's Services offered or rendered under Applicant's IIG Marks.

**Document Request No. 24**

All documents relating to Applicant's continuous use of the Applicant's IIG Marks in connection with Applicant's Services since the dates of first use claimed in US Trademark Application SN 78/840,184 and Application SN 78/840,194.

**Document Request No. 25**

All documents relating to the locations in the United States at which Applicant's Services under Applicant's IIG Marks are offered or rendered.

**Document Request No. 26**

All documents relating to geographic expansions in the United States at which Applicant's Services under the Applicant's IIG Marks are offered or rendered.

**Document Request No. 27**

All documents proposed for use by any expert witness retained by Applicant and expected to testify in this proceeding.

**Document Request No. 28**

All documents relating to the actual class of customers for Applicant's Services offered or rendered under Applicant's IIG Marks.

**Document Request No. 29**

All documents relating to the annual revenue for Applicant's Services rendered under Applicant's IIG Marks.

**Document Request No. 30**

All documents relating to Opposer's use of Opposer's IIG Marks and:

A. the date Applicant first learned of Opposer's use of Opposer's IIG Marks;

B. the persons employed by or affiliated with Applicant who are knowledgeable concerning Opposer's use of Opposer's IIG Marks;

C. the circumstances under which Applicant learned of the existence of Opposer's IIG Marks and use thereof, including the identity of each person who advised Applicant of the existence of Opposer's IIG Marks and its use thereof; and

D. Applicant's knowledge of Opposer's IIG Marks.

**Document Request No. 31**

All documents relating to each and every incidence known to Applicant of actual confusion between Applicant's IIG Marks and Opposer's IIG Marks.

**Document Request No. 32**

All documents relating to communications between Applicant and any third party concerning US Trademark Application SN 78/840,184 IIG logo in International Class 36 and SN 78/840,194 for the mark IIG logo in International Class 36.

**Document Request No. 33**

All documents relating to communications between Applicant and any third party concerning this Opposition proceeding.

**Document Request No. 34**

All documents concerning any right or lack of right to use any designation consisting of or containing the mark IIG by Applicant.

**Document Request No. 35**

All documents referring or relating to Opposer.

**Document Request No. 36**

All documents referring or relating to Opposer's US Trademark Applications for Opposer's IIG Marks.

**Document Request No. 37**

All documents relating to:

A. the trade channels in which Applicant's Services bearing Applicant's IIG Marks are offered or rendered in the United States; and

B. the geographic area, by individual state, in which Applicant's Services under Applicant's IIG Marks are offered or rendered.

**Document Request No. 38**

Any and all documents which support or will be relied upon to support the allegations set forth in any of the Paragraphs of Applicant's Answer to Notice of Opposition ("Applicant's Answer").

**Document Request No. 39**

All documents relating to awards, accolades, complaints, and/or grievances received by Applicant relating to Applicant's Services offered under Applicant's IIG Marks.

This 16th day of April, 2008.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____

Elizabeth A. Billingsley
Karl M. Zielaznicki
Attorneys for Opposer
1660 International Drive, Suite 600
McLean, VA 22102
Phone:(703) 734-4334
Fax: (703) 734-4340

-and-

c/o Trademark Docket Clerk
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308
Phone: (404) 885-3000
Fax: (404) 885-3900
trademarks@troutmansanders.com

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

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|---|---|---|
| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

## CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice before the Bar of the State of Virginia hereby certifies that on April 16, 2008, I caused to be served a true copy of the within First Request for the Production of Documents to Applicant via facsimile and Federal Express upon the following attorney and domestic representative for Applicant:

Barbara Loewenthal
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

Deb Lambert
Xion LLC
10800 Biscayne Blvd PH
Miami, FL 33161

Elizabeth A. Billingsley

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

| | | |
|---|---|---|
| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
| | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 3

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

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| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
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## OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT

In accordance with Rule 33 of the Federal Rules of Civil Procedure, International Investment Group, L.L.C., ("Opposer" or "International"), requests that IIG s.a. ("Applicant" or "s.a.") answer the following second set of interrogatories under oath and serve such answers on the undersigned counsel within thirty (30) days hereof.

## INSTRUCTIONS AND DEFINITIONS

Opposer hereby incorporates by reference the Instructions and Definitions set forth in the Opposer's First Set of Interrogatories to Applicant as if set forth fully herein.

## INTERROGATORIES

**Request No. 24**

With respect to Applicant,

A. State all internet domain names, web site, or web pages that Applicant owns, controls, or has developed that relates in any way to Applicant's IIG Marks and state the date when each such internet domain name, web site, or web page was first used, owned, controlled or developed by Applicant;

B. Identify all websites which feature, carry, or advertise Applicant's IIG Marks.

**Request No. 25**

A. Identify all domain name disputes involving Applicant's IIG Marks, including the jurisdiction, parties, and disposition of each such dispute.

**Request No. 26**

Identify:

A. Each of Applicant's present: (1) officers, (2) shareholders or partners, (3) comptroller, (4) bookkeeper, (5) head of sales, (6) head of marketing and/or advertising, (7) head of production, (8) custodian of records, and (9) accountants; and

B. Each person who held the positions listed in (a) above, for the period from April 2004 to the present, including all current and last known address and phone numbers for each identified person.

**Request No. 27**

State whether Applicant has any predecessor(s) in interest (including predecessor(s) in title or other names in which Applicant has been doing business) with respect to Applicant's IIG Marks. For any predecessors identified, include (1) a description of the principal businesses of each such predecessor, (2) the period in which each predecessor conducted business, (3) a description of how each predecessor used the Applicant's IIG Marks and the dates of such use, (4) the location of each such predecessor, and (5) the legal means by which Applicant became the successor to any identified predecessors.

**Request No. 28**

For each of Applicant's IIG Marks, state whether there has ever been a period when Applicant's use was discontinued or interrupted for any period and, if so, for each period state:

(a) the inclusive dates;

(b) whether the discontinuance or interruption was temporary, or permanent;

(c) the reason the mark was not used; and

(d) the identity of each document or oral communication supporting or contradicting or otherwise referring or relating to, in whole or in part, each of the answers to each subpart in this interrogatory.

**Request No. 29**

Identify David Nepo, including his affiliation with Applicant, current and last known address and phone number, and a summary of the information known by David Nepo of Applicant's IIG Marks and Opposer's IIG Marks.

**Request No. 30**

Identify Deb Lambert, including her affiliation with Applicant, current and last known address and phone number, and a summary of the information known by Deb Lambert of Applicant's IIG Marks and Opposer's IIG Marks.

**Request No. 31**

Provide a list of all media where Applicant advertises each Applicant's IIG Marks, indicating where each of Applicant's IIG Marks are currently advertised, marketed, or promoted in the United States, including the name of each newspaper, periodical, or other publication where such advertisements have appeared, the name and URL of each Internet site where such advertisements have been displayed, the name of each broadcast network, cable network, satellite network, broadcast station, cable system or satellite system where such advertisements have been carried (if any), and the geographic areas where any direct mail, outdoor advertisements, or any other form of advertising, marketing, or promotion has been distributed.

**Request No. 32**

State the date Applicant decided to adopt the Applicant's IIG Marks and the motives or reasons for its selection and adoption including any alternatives considered, and any prior marks that were replaced or supplemented with the respective Applicant's IIG Marks.

**Request No. 33**

Identify the person(s) who first conceived of each of the Applicant's IIG Marks for use by Applicant or who participated in its selection and in the decision to adopt it, and identify all documents referring or relating to such first conception and selection

**Request No. 34**

Identify by common commercial descriptive name each service rendered, offered for sale, advertised and/or promoted by Applicant in the United States which bears or has borne each of Applicant's IIG Marks.

**Request No. 35**

A. State the date of first use in commerce and in interstate commerce of such Applicant's IIG Marks in conjunction with the Applicant's service(s), and describe the circumstances surrounding such first use;

B. Identify all documents concerning each such first use mentioned in response to subpart A.

**Request No. 36**

Describe with particularity the way in which Applicant first used each of the Applicant's IIG Marks in connection with each of the Applicant's services.

**Request No. 37**

Describe with particularity the way in which Applicant is now using each of the Applicant's IIG Marks in connection with each of the Applicant's Services.

**Request No. 38**

A, Describe with particularity the way in which Applicant has used each of Applicant's IIG Marks with Applicant's services, on a yearly basis, namely from 2004 to the present; and

B. Identify representative documents sufficient to show the nature and extent of the usage.

**Request No. 39**

For each of the Applicant's services, indicate by month and year, revenue generated by dollar value, from services rendered under the trademarks from 2004 to present.

**Request No. 40**

Describe in detail the channels of trace in which Applicant's Services are rendered, including:

a) a general description of the chain of distribution of services rendered under each of the Applicant's IIG Marks, and

b) the website(s) which feature or carry or advertise the Applicant's IIG Marks.

**Request No. 41**

List each investment product or service offered by Applicant and provide the type of clients to whom each such product or service is offered (Institutional, corporate or individual). For each product or service identified, indicate whether any government authority or agency has licensed or authorized Opposer to offer such product or service, if none, explain why?

**Request No. 42**

Identify each person whom Applicant expects to call as a fact witness during trial periods in this proceeding. As to each person state the subject matter on which the witness is expected to testify, the substance of the facts and to which the witness is expected to testify and a summary of the grounds for each opinion.

**Request No. 43**

Identify all United States regulatory and other approvals for Applicant's services in the United States.

**Request No. 44**

Identify all documents which support that Applicant's services are rendered in the United States.

**Request No. 45**

Identify all documents which support that Applicant's services are lawfully regulated by the Congress of the United States.

**Request No. 46**

Identify all documents and circumstances concerning governmental and criminal investigations of Applicant, including but not limited to any investigations by Interpol.

**Request No. 47**

Identify each and every location where Applicant's services are offered and performed.

This 8th day of May, 2008.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____

Elizabeth A. Billingsley
Karl M. Zielaznicki
Attorneys for Opposer
1660 International Drive, Suite 600
McLean, VA 22102
Phone:(703) 734-4334
Fax: (703) 734-4340

-and-

c/o Trademark Docket Clerk
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308
Phone: (404) 885-3000
Fax: (404) 885-3900
trademarks@troutmansanders.com

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

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|---|---|---|
| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**CERTIFICATE OF SERVICE**

The undersigned, an attorney duly admitted to practice before the Bar of the State of Virginia, hereby certifies that on May 8, 2008, I caused to be served a true copy of the foregoing to Applicant via facsimile and Federal Express upon the following attorney and the domestic representative for Applicant:

Barbara Loewenthal
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

Deb Lambert
143569 Miramar Parkway #162
Miramar, FL 33027

Elizabeth A. Billingsley

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

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|---|---|---|
| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
| | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 4

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

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| **International Investment Group, L.L.C.,** | ) | |
| | ) | |
| **Opposer,** | ) | **Opposition No. 91178514** |
| | ) | |
| **v.** | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| | ) | |
| **IIG s.a.,** | ) | **Mark: IIG** |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO APPLICANT**

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 CFR 2.120, International Investment Group, L.L.C. ("Opposer" or "International"), requests that IIG s.a. ("Applicant" or "s.a.") produce and permit Opposer to inspect and copy, if desired, the documents and things designated below within thirty (30) days hereof at the offices of Troutman Sanders LLP, 1660 International Drive, Suite 600, McLean, VA 22102.

**DEFINITIONS AND INSTRUCTIONS**

Opposer hereby incorporates by reference the Instructions and Definitions set forth in the Opposer's First Set of Requests for Production of Documents to Applicant as if set forth fully herein.

**DOCUMENTS AND THINGS TO BE PRODUCED**

**Document Request No. 40**

All documents identified in response to Opposer's Second Set of Interrogatories to Applicant.

**Document Request No. 41**

All documents produced in all domain name disputes involving Applicant's IIG Marks, including but not limited to Case No. 01993 filed in June 2006 with the ADR Center attached to the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic.

**Document Request No. 42**

All corporate filings relating to IIG, s.a. and any predecessors-in-interest of IIG, s.a., including Urgell Shipping Line Corp.

**Document Request No. 43**

All documents relating to Urgell Shipping Line Corp.'s use of the Applicant's IIG Marks.

**Document Request No. 44**

All documents relating to tax returns filed by Applicant and its predecessors since 2004.

**Document Request No. 45**

Produce representative documents showing:

(a) the first use, in commerce and in interstate commerce, of each of Applicant's IIG Marks in connection with banking services on behalf of institutional and retail investors; and

(b) consecutive use, in commerce and in interstate commerce, of each of Applicant's IIG Marks from the date of first use to the present in connection with banking services on behalf of institutional and retail investors.

**Document Request No. 46**

Produce representative documents showing:

(a) the first use, in commerce and in interstate commerce, of each of Applicant's IIG Marks in connection with insurance services on behalf of institutional and retail investors; and

(b) consecutive use, in commerce and in interstate commerce, of each of Applicant's IIG Marks from the date of first use to the present in connection with insurance services on behalf of institutional and retail investors.

**Document Request No. 47**

Produce representative promotional and advertising materials for Applicant's services.

**Document Request No. 48**

Produce samples of Applicant's web pages from date of first use.

**Document Request No. 49**

Produce exemplars and drawings of Applicant's IIG Marks, including the dragon logo.

This 8th day of May, 2008.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____

Elizabeth A. Billingsley
Karl M. Zielaznicki
Attorneys for Opposer
1660 International Drive, Suite 600
McLean, VA 22102
Phone:(703) 734-4334
Fax: (703) 734-4340

-and-

c/o Trademark Docket Clerk
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Suite 5200
Atlanta, GA 30308
Phone: (404) 885-3000
Fax: (404) 885-3900
trademarks@troutmansanders.com

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

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| **International Investment Group, L.L.C.,** | ) | |
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| **Applicant.** | ) | |
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney duly admitted to practice before the Bar of the State of Virginia, hereby certifies that on May 8, 2008, I caused to be served a true copy of the foregoing to Applicant via facsimile and Federal Express upon the following attorney and the domestic representative for Applicant:

Barbara Loewenthal
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

Deb Lambert
143569 Miramar Parkway #162
Miramar, FL 33027

Elizabeth A. Billingsley

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

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| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
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| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
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**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 5

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

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|---|---|
| The International Investment Group L.L.C., Opposer, v. IIG S.A., Applicant. | Opposition No. 91178514<br>Serial Nos. 78/840,194 and 78/840,184 |

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

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. §2.120), Applicant IIG S.A., ("Applicant") hereby answers and objects to Opposer International Investment Group, L.L.C.'s ("Opposer") OPPOSER'S FIRST SET OF INTERROGATORIES. Applicant reserves the right to amend or supplement these answers and objections as discovery and inspections continue.

1. Applicant's responses to these interrogatories are made to the best of its present knowledge, information and belief. Said responses are at all times subject to additional or different information that discovery or further investigation may disclose and, while based on its present state of Applicant's recollection, are subject to refreshing of such recollection with such additional knowledge or facts that may result from further discovery or investigation. Applicant reserves the right to make any use of, or to introduce at any hearing, information responsive to Opposer's interrogatories that is

discovered subsequent to the date of these responses, including, but not limited to, any information obtained and discovered herein.

2. Applicant reserves all objections or other questions as to the confidentiality, competency, relevance, materiality, privilege or admissibility as evidence, in any subsequent proceeding or trial or any other action for any purpose whatsoever, of these responses and any documents or things identified in these responses. By responding to any interrogatory, Applicant does not concede the materiality of the subjects to which it refers.

3. Applicant reserves the right to object on any ground at any time to such other or supplemental interrogatories as Opposer may at any time propound involving or relating to the subject matter of the interrogatories to which Applicant now responds.

4. These objections are made without waiving or intending to waive, but rather intending to preserve and preserving:

A. All objections to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose in this or any other action or any subsequent proceedings;

B. The right to object to the use of any documents which may be produced or the subject matter thereof, in this or any other action or any subsequent proceedings on any grounds;

C. The right to preserve, prior to response and as a condition of responding, by mutual agreement or otherwise, the confidentiality or the proprietary nature of any information which may be produced or the subject matter thereof,

including without limitation restrictions on distribution of such information to attorneys only;

D. The right to object on any ground at any time to demand for further information or other discovery proceedings involving or relating to the subject matter of these interrogatories; and

E. The right at any time to revise, correct, supplement, clarify or amend the objections and responses to these interrogatories, if further factual developments or analysis warrants a modification, or if additional information is obtained or located.

## GENERAL OBJECTIONS

Applicant makes the following objections, whether or not separately set forth in response to each and every interrogatory propounded by Opposer. The assertion of the same, similar, or additional objections or partial responses to Opposer's individual interrogatories does not waive any of Applicant's following general objections:

1. Applicant objects generally to the extent that any of the interrogatories seek information that is: (a) protected by the attorney-client privilege as prepared in anticipation of litigation or for trial or reflective of the attorney thought process, or that is otherwise subject to the attorney work product doctrine; (b) protected by the joint defense privilege, common interest privilege, or similar privileges; (c) information or documents which reflect the mental impressions, conclusions, opinions or legal authorities of an attorney or other representative of Opposer or which constitute work product and/or (d) protected by any other applicable privilege, doctrine or immunity. Such information shall not be produced in response to Opposers' interrogatories and

any inadvertent disclosure thereof shall not be deemed a waiver of any privilege, doctrine or immunity with respect to such information, including any attorney work product privilege that may attach thereto. In the event any document containing privileged, immune or otherwise protected information is produced inadvertently, such disclosure does not constitute a waiver of any privilege, protection or immunity and the document should be returned immediately upon notification that such disclosure was inadvertent.

2. Applicant objects generally to the extent that any of the interrogatories seek to require Applicant to identify persons, entities or events not known, on the grounds that such instructions, definitions, or interrogatories are overbroad and seek to require more of Applicant than any obligation imposed by law, subject Applicant to unreasonable and undue annoyance, oppression, burden and expense, and seek to impose upon Applicant an obligation to investigate and discover information and materials from third parties or sources which are equally accessible to the parties. Applicant further objects to the extent the interrogatories require Applicant to engage in time-consuming analysis.

3. Applicant objects to Opposer's purported instructions and definitions provided in its first set of interrogatories to the extent that such instructions vary from the Federal Rules of Civil Procedure, and to the extent such definitions are not synonymous in meaning with and/or are not equal in scope with the usage of the purportedly defined terms in the Federal Rules of Civil Procedure. Applicant objects generally to the Opposer's use of preparatory definitions and will respond instead treating the words of each interrogatory as they are commonly understood in the English language and within their meaning and scope of usage in the Federal Rules of Civil Procedure. Applicant

will treat each such purportedly defined term as if it did not seek information or documents protected by the attorney-client privilege and attorney work product privilege. Applicant will ignore any purported definition offered by Opposer that assumes a fact or facts in dispute.

4. Applicant objects to Opposer's interrogatories to the extent that they seek information which is not relevant to the subject matter of this proceeding in that any such irrelevant information is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to any claim.

5. Applicant objects to Opposer's interrogatories to the extent that they seek confidential or private business information, including, without limitation, trade secret information, personnel information, and/or competitively sensitive information.

6. Applicant objects to Opposer's interrogatories to the extent that they attempt to impose on Applicant any obligations or requirements that exceed, enlarge and/or alter those imposed by the Federal Rules of Civil Procedure. Specifically without limitation, Applicant objects to the interrogatories to the extent that they fail to comply with the Federal Rules of Civil Procedure.

7. Applicant objects to Opposer's interrogatories to the extent that they are vague, ambiguous, misleading, uncertain, unintelligible, overly broad, fail to specifically describe the information sought, seek information outside the scope of the instant lawsuit and/or would require Applicant to speculate as to the nature and scope of the information sought.

8. Applicant objects to Opposer's interrogatories to the extent that they call for information regarding expert discovery, for which the interrogatory is presently both unwarranted and premature.

9. Applicant objects to Opposer's interrogatories to the extent that they purport to seek information that is already in Opposer's possession, custody or control, information contained in documents that are a matter of public record, and/or information contained in documents or things that are otherwise equally accessible to Opposer. If and when Applicant becomes aware of such additional relevant information it will supplement these responses in accordance with Fed. R. Civ. Pro. 26 (e).

10. Applicant objects to Opposer's interrogatories to the extent that they contain inappropriate and/or argumentative headings and subheadings, or content.

11. Applicant objects to Opposer's interrogatories to the extent that they call for the mailing addresses and telephone numbers of employees of Applicant, as an unwarranted invasion of privacy and potentially facilitative of improper direct contact by opposing counsel. Applicant requires that those employees not be contacted directly, but only through counsel for Applicant.

12. Applicant objects to Opposer's interrogatories to the extent that they seek information created or obtained by Applicant subsequent to the filing of the proceeding.

13. Applicant objects to Opposer's interrogatories to the extent that they seek information not in the possession, custody, or control of Applicant as beyond the scope of the Federal Rules.

14. Any objection or lack of objection to any of the interrogatories is not to be deemed an admission that Applicant has any information responsive to the particular interrogatory.

15. Applicant also objects to each interrogatory in that the propounded interrogatories are not a more practical method of obtaining the information sought than a request for production of documents or a deposition, and, when appropriate, in accordance with Federal Rule of Civil Procedure 33(d), Applicant will produce business records from which Opposer can derive the answer to the interrogatory.

16. Applicant objects to the Interrogatories to the extent that they seek information or documents relating to matters not affecting or relating to Applicant's activities or rights with respect to the issues in this proceeding and beyond the United States. Without limitation of the foregoing, and unless otherwise expressly stated, responses and production in response to the interrogatories are limited to matters occurring in or relating to the United States.

17. Applicant objects to the definition of the term "Applicant" as overbroad and to the extent that it imposes or attempts to impose a discovery obligation on any person/entity who/which is not a party to this proceeding and will treat the term to mean the party in this proceeding.

18. Applicant objects to the definition of "Opposer" in that Applicant lacks knowledge of "each of [Opposer's] predecessors, subsidiaries, licensees, divisions, affiliates, directors, officers, employees, agents and all other persons acting on its behalf and each person acting on [Opposer's] behalf or under its control."

19. Applicant objects to the instruction that each request should be treated as requiring response concerning future activity and will limit the request as seeking only present information unless otherwise specifically stated in the request.

20. In an effort to obviate certain of general objections and the objections specified in response to the specific requests, Applicant's counsel is willing to confer with counsel for Opposer.

## RESPONSES TO INTERROGATORIES

Response to Request No. 1

A. Applicant objects to this interrogatory on the basis that it is not relevant.

B. Applicant is collecting the names of any such employees and will supplement these responses.

Response to Request No. 2

A. Applicant objects to this interrogatory on the basis that it is overly broad and unduly burdensome in that it seeks identification of each person having knowledge of Applicant's use of its IIG Marks from the dates of first use to present; e.g., this may include not only persons associated with Applicant, its client's but could include anyone remotely associated with Applicant and or persons from the general public with "knowledge" of use of the mark. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

B. Applicant objects to this interrogatory on the basis that it is overly broad and unduly burdensome in that it seeks identification of each person having knowledge of Applicant's use of its IIG Marks from the dates of first use to present; e.g., this may include not only persons associated with Applicant, its client's but could include anyone

remotely associated with Applicant and or persons from the general public with "knowledge" of use of the mark. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

C. Applicant objects to this interrogatory on the basis that it is overly broad and unduly burdensome in that it seeks identification of each person having knowledge of Applicant's use of its IIG Marks from the dates of first use to present; e.g., this may include not only persons associated with Applicant, its client's but could include anyone remotely associated with Applicant and or persons from the general public with "knowledge" of use of the mark. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

D. Applicant objects to this interrogatory on the basis that it is overly broad and unduly burdensome in that it seeks identification of each person having knowledge of Applicant's use of its IIG Marks from the dates of first use to present; e.g., this may include not only persons associated with Applicant, its client's but could include anyone remotely associated with Applicant and or persons from the general public with "knowledge" of use of the mark. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 3

Representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 4

Applicant's Services are offered in commerce and in commerce between foreign countries and the United States. See Serial Nos. 78/840,184 and 78/840,194 which set forth the dates of first use.

A. See identification of services in U.S. Application Serial No. 78/840,184 and Application Serial No. 78840194.

B. Representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 5

A. Applicant objects to this interrogatory on the grounds that it is overbroad and unduly burdensome and vague in that it seeks identification of the "nature of class of customers" for Applicant's Services bearing the Applicant's IIG Marks.

B. Representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 6

A. Applicant objects to this interrogatory on the ground that it is unduly burdensome since Applicant's licenses are matters of public record which can be obtained by Opposer.

B. Representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 7

Applicant objects to this interrogatory on the ground that it is unduly burdensome because it calls for identification of information that is a matter of public record, which can be readily accessed by Opposer.

Response to Request No. 8

A. Applicant has not hired any advertising agencies or public related firms to promote its IIG Marks.

B. See Response to Request 8 (A).

Response to Request No. 9

Representative documents responsive to this request will be produced to the extent they exist.

Response to Request No. 10

Applicant has not attended trade shows or exhibits to advertise its services.

Response to Request No. 11

A. Applicant's website www.iig.com provides an explanation of the channels of trade in which its services are rendered. Additional representative documents responsive to this request will be produced to the extent they exist.

B. Representative documents responsive to this request will be produced to the extent they exist.

C. Applicant objects to this interrogatory on the grounds that it seeks proprietary information concerning its internal expansion plans.

Response to Request No. 12

A. Applicant first learned of Opposer's IIG Marks in July, 2007, when it received notice of the filing of the Notice of Opposition in this proceeding. Applicant has no knowledge of Opposer's use of its IIG Marks.

B. There are no persons employed or affiliated with Applicant who are knowledgeable concerning Opposer's IIG Marks and its use.

C. See Responses 12 (B) and (C) above.

D. See Response 12 (A), above.

Response to Request No. 13

A. Applicant is not aware of any instances of confusion.

B. Applicant is unaware of any persons having knowledge of confusion between Applicant's IIG Marks and Opposer's IIG Marks.

Response to Request No. 14

A. Applicant objects to this interrogatory on the ground that it is vague in that it seeks information concerning each person formerly "employed", "retained" or "associated with Applicant."

B. Applicant objects to the subpart of this interrogatory because it is vague with respect to the meaning of "in any way."

Response to Request No. 15

Applicant never received an opinion or other document concerning its right to adopt, use or attempt to register the mark IIG.

Response to Request No. 16

Applicant has not received awards, accolades, and/or grievances relating to Applicant's Services.

Response to Request No. 17

Applicant has not yet designated its expert witnesses.

Response to Request No. 18

Applicant has no written policy. Applicant only keeps documents which it is legally obligated to keep.

Response to Request No. 19

Applicant objects to this interrogatory request in that it is overly broad in seeking information concerning any "contact" or other "communication" between Applicant and any "third party" concerning the "subject matter" of the Opposition.

Response to Request No. 20

Applicant is collecting any such documents.

Response to Request No. 21

David Nepo, 10800 Biscayne Blvd., Penthouse, Miami, Florida 33161.

Response to Request No. 22

Applicant's counsel prepared to answer.

Response to Request No. 23

Applicant's counsel along with David Nepo. The collection efforts are ongoing.

AS TO OBJECTIONS:

Dated: New York, New York
May 21, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: _____

Barbara H. Loewenthal
Attorneys for Applicant
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES was served on Elizabeth A. Billingsley, Opposer's attorney of record, on May 21, 2008, via first class mail, postage prepaid, addressed as follows as well as by e-mail to the below noted e-mail address:

Elizabeth A. Billingsley
Troutman Sanders LLP
1660 International Drive, Suite 600
McLean, VA 22102
elizabeth.billingsley@troutmansanders.com

Dated: New York, New York
May 21, 2008

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

| | | |
|---|---|---|
| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
| | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 6

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

| | |
|---|---|
| The International Investment Group L.L.C.,<br><br>Opposer,<br><br>v.<br><br>IIG S.A.,<br><br>Applicant. | Opposition No. 91178514<br>Serial Nos. 78/840,194 and 78/840,184 |

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Opposer responds as follows to Applicant's First Request for Production of Documents and Things:

**GENERAL OBJECTIONS**

A. Opposer objects to the document requests to the extent that they seek to impose duties beyond those contemplated by the Federal Rules.

B. Opposer objects to the documents requests to the extent that they seek disclosure of information or documents protected by the attorney-client privilege and/or work product or information or documents which reflect the mental impressions, conclusions, opinions or legal authorities of an attorney or other representative of the Opposer.

C. Opposer objects to the documents requests to the extent that they seek information or documents that are neither relevant to the subject matter of this litigation, nor reasonably calculated to lead to the discovery of admissible evidence.

D. Opposer objects to the documents requests to the extent that they seek information or documents containing proprietary or confidential business information.

E. Opposer objects to these documents requests to the extent that they do not contain any limitation on time or scope, making them overly broad.

F. Opposer objects to producing each and every document responsive to these requests to the extent that producing each and every responsive document would be unduly burdensome and expensive given the needs of this opposition, and as appropriate will produce representative documents instead.

G. Opposer objects to these documents requests to the extent that they seek information or documents already known to Applicant or available to Applicant from documents in its own files or from public sources.

H. Any statement by Opposer that documents shall be produced and/or made available for inspection is not and should not be taken as an affirmative indication that responsive documents exist.

Rather, the statement only indicates that if responsive documents do exist, they will be made available.

I. Applicant objects to the definition of the term "Applicant" as overbroad and to the extent that it imposes or attempts to impose a discovery obligation on any person/entity who/which is not a party to this proceeding and will treat the term to mean the party in this proceeding.

J. Applicant objects to the definition of "Opposer" in that Applicant lacks knowledge of "each of [Opposer's] predecessors, subsidiaries, licensees, divisions, affiliates, directors, officers, employees, agents and all other persons acting on its behalf and each person acting on [Opposer's] behalf or under its control."

## Responses to Documents Requests

Response to Document Request No. 1

Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 2

Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by

Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 3

Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information. Additionally, representative documents evidencing Applicant's current use of Applicant's IIG Marks in U.S. Trademark Application Serial No. 78/840,184 and Application Serial No. 78/840,194 can be seen at Applicant's website at www.iig.com.

Response to Document Request No. 4

Applicant objects to this document request on the ground that it is overly broad and unduly burdensome in that it seeks "all documents concerning Applicant's insurance brokerage services bearing Applicant's IIG Marks." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information. Additionally, representative documents relating to the rendition of Applicant's insurance services bearing the IIG Marks can be seen at Applicant's website at www.iig.com and additional

representative documents relating to the rendition of such services will be produced.

Response to Document Request No. 5

Applicant objects to this document request on the ground that it is overly broad and unduly burdensome in that it seeks "all documents relating to the rendition of Applicant's banking services bearing Applicant's IIG Marks." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. Also, the term "relating to" is indefinite.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information. Additionally, representative documents relating to the rendition of Applicant's insurance services bearing the IIG Marks can be seen at Applicant's website at www.iig.com, and additional representative documents relating to the rendition of such services will be produced.

Response to Document Request No. 6

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 7

No such documents exist.

Response to Document Request No. 8

No such documents exist.

Response to Document Request No. 9

Applicant objects to this request because it is unduly burdensome since it seeks all documents relating to the filings of Application Serial No. 78/840,184 for the mark IIG logo in International Class 36 and Serial No. 78/840,194 for IIG logo. Opposer further objects to the production of Attorney Client Privilege document.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 10

No such documents exist.

Response to Document Request No. 11

Applicant objects to this document request on the ground that it is overly broad and unduly burdensome in that it seeks "all documents concerning Applicant's marketing plans." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 12

Applicant objects to the definition of Applicant because it is overly broad in that it seeks all documents relating to the market research plans. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 13

Applicant objects to production of proprietary information concerning expansion of its services.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 14

Applicant objects to this document request because it is unduly burdensome in that it seeks all documents relating to the amount of money spent, or to be spend by, to advertise and promote Applicant's Services offered under Applicant's IIG Marks. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 15

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks all documents relating to licensing or regulatory approvals to render Applicant's Services under Applicant's IIG Marks. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. The term "relating to" is also indefinite.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 16

Applicant objects to this document request because it is unduly burdensome in that it seeks all documents filed with state and federal regulatory for approval purposes, including bank charters. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Applicant further objects to this request because this documents are a matter of public record which can be obtained by Opposer.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 17

Applicant objects to the interrogatory because it is overly broad as it seeks all documents.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 18

Applicant objects to this document request because it is unduly burdensome in that it seeks all documents identifying Applicant's bank routing transit number and samples of banking documenting documents bearing its bank

routing transit number and Applicant's IIG Marks. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 19

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks all documents "relating" to insurance policies or contracts procured by Applicant for any person or entity under Applicant's IIG Marks. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. Also, the term "relating to" is indefinite.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 20

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks all documents "relating" to insurance policies or contracts procured by Applicant for any person or entity under Applicant's IIG Marks. Any arguably relevant information can be obtained from

representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. Also, the term vague is indefinite.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 21

No such documents exist.

Response to Document Request No. 22

Applicant objects to this document because it is unduly burdensome and vague in that it seeks all documents "relating" to "communications" between Applicant and any Federal or state governmental agency. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. Also, the term "relating to" is indefinite.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 23

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks all documents "relating" to compliance with any Federal or state regulation "or other requirements" concerning

Applicant's Services offered or rendered under Applicant's IIG Marks. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome. Also, the term "relating to" is indefinite.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 24

Applicant objects to this document request because it is unduly burdensome in that it seeks "all documents relating to Applicant's continuous use of the Applicant's IIG Marks." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 25

Applicant objects to this document request because it is unduly burdensome in that it seeks "all documents relating to the locations in the United States at which Applicant's services under Applicant's IIG Marks are offered or rendered." Any arguably relevant information can be obtained from

representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 26

Applicant objects to this document request because it is overly broad in that it seeks all documents relating to geographic expansions in the United States. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 27

Applicant has not yet designated an expert witness, accordingly, no documents exist as of yet.

Response to Document Request No. 28

Applicant objects to this document request on the ground that it is unduly vague with respect to the meaning of "actual class of customers."

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 29

Applicant objects to this document request on the ground it is unduly burdensome in as much as it requests "all documents relating to the annual revenue for Applicant's Services rendered under Applicant's IIG Marks." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 30

With the exception of documents related to this proceeding, no such documents exist.

Response to Document Request No. 31

No such documents exist.

Response to Document Request No. 32

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks "all documents relating to

communications between Applicant and any third party concerning U.S. Trademark Application Serial No. 78/840,184 for the mark IIG logo in International Class 36 and Serial No. 78/840,194 for the mark IIG logo in International Class 36." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 33

Applicant objects to this document request because it is unduly burdensome and vague in that it seeks "all documents relating to communication between Applicant and any third party concerning the opposition proceeding." Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and these specific objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 34

No such documents exist.

Response to Document Request No. 35

With the exception of documents related to this proceeding, no such documents exist.

Response to Document Request No. 36

See Response to Document Request No 35.

Response to Document Request No. 37

A. Applicant objects to this document request because it is unduly burdensome in that it seeks all documents relating to the trade channels in which Applicant's Services bearing Applicant's IIG Marks are offered or rendered in the United States. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

B. Applicant objects to this document request because it is unduly burdensome in that it seeks all documents relating to the geographic area, by state in which Applicant's Services bearing Applicant's IIG Marks are offered or rendered. Any arguably relevant information can be obtained from representative documents. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Response to Document Request No. 38

Responsive documents will be produced.

Response to Document Request No. 39

No such documents exist.

Dated: New York, New York
May 21, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By:_____

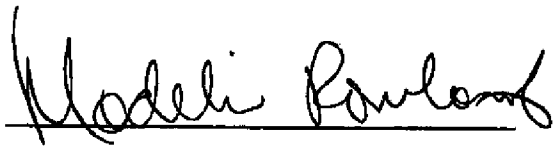
Barbara H. Loewenthal
Attorneys for Applicant
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS was served on Elizabeth A. Billingsley, Opposer's attorney of record, on May 21, 2008, via first class mail, postage prepaid, addressed as follows as well as by e-mail to the below noted e-mail address:

Elizabeth A. Billingsley
Troutman Sanders LLP
1660 International Drive, Suite 600
McLean, VA 22102
elizabeth.billingsley@troutmansanders.com

Dated: New York, New York
May 21, 2008



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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
| Opposer, | ) | |
| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 7

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

| | |
|---|---|
| The International Investment Group L.L.C.,<br><br>Opposer,<br><br>v.<br><br>IIG S.A.,<br><br>Applicant. | Opposition No. 91178514<br>Serial Nos. 78/840,194 and 78/840,184 |

**APPLICANT'S RESPONSES TO**
**OPPOSER'S SECOND SET OF INTERROGATORIES**

Applicant incorporates by reference objections A through E, and Applicant's General Objections raised in Applicant's Responses to Opposer's First Set of Interrogatories.

**RESPONSES TO INTERROGATORIES**

Request No. 24

With respect to Applicant,

A. State all internet domain names, web site, or web pages that Applicant owns, controls, or has developed that relates in any way to Applicant's IIG Marks and state the date when each such internet domain name, web site, or web page was first used, owned, controlled or developed by Applicant.

B. Identify all websites which feature, carry, or advertise Applicant's IIG Marks.

Response to Request No. 24

A. Applicant objects to this interrogatory on the basis that it is vague, overly broad and unduly burdensome in that it seeks information concerning all domain names, web sites or web pages "that relates in any way to Applicant's IIG Mark". This could call for information regarding identification of one of Applicant's many client's that utilize Applicant's services, which may mention or refer to Applicant's Marks. Without waiving the foregoing objection, Applicant has a website at www.iig.com.

B. Applicant objects to this interrogatory on the basis that it is vague, overly broad and unduly burdensome in that it seeks information concerning web sites "which feature, carry, or advertise Applicant's Marks, since this could call for information regarding identification of one of Applicant's many client's that utilize Applicant's services, which may mention Applicant's Marks. Without waiving the foregoing objection, Applicant has a website at www.iig.com.

Request No. 25

A. Identify all domain name disputes involving Applicant's IIG Marks, including the jurisdiction, parties, and disposition of each such dispute.

Response to Request No. 25

Applicant objects to this interrogatory on the basis that it is irrelevant to the subject matter of this proceeding. Applicant further objects to this interrogatory on the basis that it is vague in that domain name disputes do not "involve" marks.

Request No. 26

Identify:

A. Each of Applicant's present: (1) officers, (2) shareholders or partners, (3)

Comptroller, (4) bookkeeper, (5) head of sales, (6) head of marketing and/or advertising, (7) head of production, (8) custodian of records, and (9) accountants; and

B. Each person who held the positions listed in (a) above, for the period from April 2004 to the present, including all current and last known address and phone numbers for each identified person.

Response to Request No. 26

Applicant objects to this interrogatory on the basis that it is overbroad and unduly Burdensome in the scope and time period and is irrelevant that it seeks Opposer's accountants and each and every officer, etc. from 2004 to date.

A. Subject to the foregoing objections and without waiving the foregoing objection, Applicant's officers are Jose Francisco Castrelon, Zoleyka Alleman Calderson and Aracelly Maridel Ollnor.

Request No. 27

State whether Applicant has any predecessor(s) in interest (including predecessor(s) in title or other names in which Applicant has been doing business) with respect to Applicant IIG Marks. For any predecessor's identified, include (1) a description of the principal businesses of each such predecessor, (2) the period in which each predecessor conducted business, (3) a description of how each predecessor used the Applicant's IIG Marks and the dates of such use, (4) the location of each such predecessor, and (5) the legal means by which Applicant became the successor to any identified predecessors.

Response to Request No. 27

Representative document responsive to this Interrogatory will be produced to the extent they exist.

Request No. 28

For each of Applicant's IIG Marks, state whether there has ever been a period when Applicant's use was discontinued or interrupted for any period and, if so, for each period state:

(a) the inclusive dates;

(b) whether the discontinuance or interruption was temporary or permanent;

(c) the reason the mark was not used; and

(d) the identity of each document or oral communication supporting or contradicting or otherwise referring or relating to, in whole or in part, each of the answers to each subpart in this interrogatory.

Response to Request No. 28

There was never a period when Applicant's use of its Marks was discontinued or interrupted.

(a) – (d), not applicable.

Request No. 29

Identify David Nepo, including his affiliation with Applicant, current and last known address and phone number, and a summary of the information known by David Nepo of Applicant's IIG Marks and Opposer's IIG Marks.

Response to Request No. 29

David Nepo, on behalf of Applicant, provided information to respond to the First Set of Discovery of Opposer. David Nepo is not an officer, director, shareholder or employee of Applicant.

Request No. 30

Identify Deb Lambert, including her affiliation with Applicant, current and last known address and phone number, and a summary of the information known by Deb Lambert of Applicant's IIG Marks and Opposer's IIG Marks.

Response to Request No. 30

Deb Lambert was authorized by Applicant to file the Applications for Applicant's Marks. Deb Lambert no longer has a relationship with Applicant.

Request No. 31

Provide a list of all media where Applicant advertises each Applicant's IIG Marks, indicating where each of Applicant's IIG Marks are currently advertised, marketed, or promoted in the United States, including the name of each newspaper, periodical. or other publication where such advertisements have appeared, the name and URL of each Internet site where such advertisement have been displayed, the name of each broadcast network, cable network, satellite network, broadcast station, cable system or satellite system where such advertisement have been carried (if any), and the geographic areas where any direct mail, outdoor advertisements, or any other form of advertising, marketing, or promotion has been distributed.

Response to Request No. 31

Applicant objects to this request on the ground it is overbroad and unduly burdensome in that it seeks identification of all the media where Applicant advertises Applicant's Marks. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

Request No. 32

State the date Applicant decided to adopt the Applicant's IIG Marks and the motives or reasons for its selection and adoption including any alternatives considered, and any prior marks that wore replaced or supplemented with the respective Applicant's IIG Marks.

Response to Request No. 32

Applicant objects to this interrogatory on the basis that it is overbroad and unduly burdensome in that it calls for the specific date Applicant decided to adopt the Applicant's Mark. Without waiving the foregoing objection, the decision was made to adopt Applicant's Marks because the IIG Marks were believed to be a good indicator of source of Applicant's services.

Response No. 33

Identify the person(s) who first conceived of each of the Applicant's IIG Marks for use by Applicant or who participated in its selection and in the decision to adopt it, and identify all documents referring to such first conception and selection.

Response to Request No. 33

David Nepo. Representative document responsive to this Interrogatory will be produced to the extent they exist

Response No. 34

Identify by common commercial descriptive name each service rendered, offered for sale, advertised and/or promoted by Applicant in the United States which bears or has borne each of Applicant's IIG Marks.

Response to Request No. 34

See the recitation of services in Serial Nos. 78/840,184 and 78/840,194.

Response No. 35

A. State the dates of first use in commerce and in interstate commerce of such Applicant's IIG Marks in conjunction with the Applicant's service(s), and describe the circumstances surrounding such first use;

B. Identify all documents concerning each such first use mentioned in response to subpart A.

Response to Request No. 35

See the dates of first use claimed in connection with Serial Nos. 78/840,184 and 78/840,194.

Response No. 36

Describe with particularity the way in which Applicant first used each of the Applicant's IIG Marks in connection with each of the Applicant's services.

Response to Request No. 36

See Serial Nos. 78/840,184 and 78/840,194.

Response No. 37

Describe with particularity the way in which Applicant is now using each of the Applicant's IIG Marks in connection with each of the Applicant's Services.

Response to Request No. 37

See Response to Request No. 36. Also see www.iig.com.

Response No. 38

A. Describe with particularity the way in which Applicant has used each of Applicant's IIG Marks with Applicant's services, on a yearly basis, namely from 2004 to the present; and

B. Identify representative documents sufficient to show the nature and extent of the usage.

Response to Request No. 38

A. See Response to Request No. 36.

B. Applicant objects to the request for identification of document on the basis that it is overbroad and unduly burdensome. Without waiving the foregoing objection, representative documents responsive to this request will be produced to the extent they exist.

Response No. 39

For each of the Applicant's services, indicate by month and year, revenue generated by dollar value, from services rendered under the trademarks from 2004 to present.

Response to Request No. 39

Applicant objects to this interrogatory on the basis that it is overbroad and unduly

burdensome. Without waiving the foregoing objection documents responsive to this request will be produced to the extent they exist.

Response No. 40

Describe in detail the channels of trade in which Applicant's Services are rendered, including:

a) a general description of the chain of distribution of services rendered under each of the Applicant's IIG Marks, and

b) the website(s) which feature or carry or advertise the Applicant's Marks.

Response to Request No. 40

a) See www.iig.com which provides an explanation and examples of the channels of trade in which Applicant's services are rendered;

b) See Response to Request No. 24 (b) above.

Response No. 41

List each investment product or service offered by Applicant and provide the type of clients to whom each such product or service is offered (institutional, corporate or individual). For each product or service identified, indicate whether any government authority or agency has licensed or authorized Opposer to offer such product or service, if none, explain why?

Response to Request No. 41

Applicant's services are described in Serial Nos. 78/840,184 and 78/840,194. Also, see www.iig.com for a description of the services offered by Applicant and the clients to whom such services are offered. Applicant objects to providing information regarding governmental authority to provide such services on the basis that it is unduly

burdensome as it seeks information that is available to Opposer as a matter of public record which can be readily accessed by Opposer.

Response No. 42

Identify each person whom Applicant expects to call as a fact witness during trial periods in this proceeding. As to each person state the subject matter on which the witness is expected to testify, the substance of the facts and to which the witness is expected to testify and a summary of the grounds for each opinion.

Response to Request No. 42

Applicant has not yet designated persons whom it expects to call as fact witnesses during trial period.

Response No. 43

Identify all United States regulatory and other approvals for Applicant's services in the United States.

Response to Request No. 43

Applicant objects to this interrogatory on the basis that it is unduly burdensome as it seeks information that is available to Opposer as a matter of public record which can be readily accessed by Opposer.

Response No. 44

Identify all documents which support that Applicant's services are rendered in the United States.

Response to Request No. 44

Applicant objects to this interrogatory on the basis that it is overly broad and unduly burdensome in that it seeks all documents showing use of Applicant's Marks in commerce. Without waiving the foregoing objection, documents responsive to this request will be produced.

Response No. 45

Identify all documents which support that Applicant's services are lawfully regulated by the Congress of the United States.

Response to Request No. 45

See Response to Request No. 44.

Response No. 46

Identify all documents and circumstances concerning governmental and criminal investigations of Applicant, including but not limited to any investigations by Interpol.

Response to Request No. 46

Without admitting that any such documents exist, Applicant objects to the interrogatory on the basis that it is irrelevant to the subject matter of this proceeding.

Response No. 47

Identify each and every location where Applicant's services are offered and performed.

Response to Request No. 47

Applicant's services are offered throughout the world and throughout the United States.

Dated: New York, New York
June 12, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: _____

Barbara H. Loewenthal
Attorneys for Applicant
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S SECOND SET OF INTERROGATORIES was served on Elizabeth A. Billingsley, Opposer's attorney of record, on June 12, 2008, via first class mail, postage prepaid, addressed as follows as well as by e-mail to the below noted e-mail address:

Elizabeth A. Billingsley
Troutman Sanders LLP
1660 International Drive, Suite 600
McLean, VA 22102
elizabeth.billingsley@troutmansanders.com

Dated: New York, New York
June 12, 2008

Madelin Rowland

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
| Opposer, | ) | |
| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 8

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

| | |
|---|---|
| The International Investment Group L.L.C.,<br><br>Opposer,<br><br>v.<br><br>IIG S.A.,<br><br>Applicant. | Opposition No. 91178514<br>Serial Nos. 78/840,194 and 78/840,184 |

**APPLICANT'S RESPONSES TO OPPOSER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Applicant responds as follows to Opposer's Second Request for Production of Documents to Applicant:

**GENERAL OBJECTIONS**

Opposer hereby incorporates by reference all General Objections set forth in Applicant's First Set of Responses to Production of Documents to Opposer.

**Responses to Documents Requests**

Document Request No. 40

All documents identified in response to Opposer's Second Set of Interrogatories to Applicant.

Response to Document Request No. 40

Subject to and without waiving the General Objections, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist.

Document Request No. 41

All documents produced in all domain name disputes involving Applicant's IIG Marks, including but not limited to Case No. 01993 filed in June 2006 with the ADR Center attached to the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic.

Response to Document Request No. 41

Applicant objects to the document request because it is irrelevant to the subject matter of this proceeding and is otherwise burdensome. Applicant further objects to the production of document concerning Case No. 01993 because it is not a proceeding governed by the Laws of the United States.

Document Request No. 42

All corporate filings relating to IIG, S.A., and any predecessors-in-interest of IIG, S.A., including Urgell Shipping Line Corp.

Response to Document Request No. 42

Applicant objects to this document request because it is unduly burdensome in that it seeks all corporate filings related to IIG, S.A., including any predecessor of IIG, S.A. Any arguably relevant information can be obtained from representative documents. This request has no appropriate limitation as to scope, and is thus unduly burdensome.

Applicant further objects to this request because these documents are a matter of public record which can be obtained by Opposer.

Subject to and without waving the General Objections set forth above and this specific objection, Applicant will produce non-privileged responsive

documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Document Request No. 43

All documents relating to Urgell Shipping Line Corp.'s use of the Applicant's IIG Marks.

Response to Document Request No. 43

No such documents exist.

Document Request No. 44

All documents relating to tax returns filed by Applicant and its predecessors since 2004.

Response to Document Request No. 44

Applicant objects to this document request because it is unduly burdensome in that it seeks all documents relating to tax returns filed by Applicant and its predecessors. The request has no appropriate limitation as to scope, and is thus unduly burdensome.

Document Request No. 45

Produce representative documents showing:

(a) the first use, in commerce and in interstate commerce, of each of Applicant's IIG Marks in connection with banking services on behalf of institutional and retail investors; and

(b) consecutive use, in commerce and in interstate commerce, of each of Applicant's IIG Marks from the date of first use to the present in connection with banking services on behalf of institutional and retail investors.

Response to Document Request No. 45

(a) Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information; and

(b) Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Document Request No. 46

Produce representative documents showing:

(a) the first use, in commerce and in interstate commerce, of each of Applicant's IIG Marks in connection with insurance services on behalf of institutional and retail investors; and

(b) consecutive use, in commerce and in interstate commerce, of each of Applicant's IIG Marks from the date of first use to the present in connection with insurance services on behalf of institutional and retain investors.

Response to Document Request No. 46

(a) Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information; and

(b) Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information.

Document Request No. 47

Produce representative promotional and advertising materials for Applicant's services.

Response to Document Request No. 47

Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request sufficient to provide the requested information.

Document Request No. 48

Produce samples of Applicant's web pages from date of first use.

Response to Document Request No. 48

Applicant objects to this document request because Opposer can easily access www.iig.com. Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request sufficient to provide the requested information.

Document Request No. 49

Produce examples and drawings of Applicant's IIG Marks, including the dragon logo.

Response to Document Request No. 49

Subject to and without waving the General Objections set forth above, Applicant will produce non-privileged responsive documents determined by Applicant to be responsive to this request if any exist sufficient to provide the requested information. Applicant further objects to any reference to the "dragon logo" on the basis that it is not relevant.

Dated: New York, New York
June 12, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: _____

Barbara H. Loewenthal
Attorneys for Applicant
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS was served on Elizabeth A. Billingsley, Opposer's attorney of record, on June 12, 2008, via first class mail, postage prepaid, addressed as follows as well as by e-mail to the below noted e-mail address:

Elizabeth A. Billingsley
Troutman Sanders LLP
1660 International Drive, Suite 600
McLean, VA 22102
elizabeth.billingsley@troutmansanders.com

Dated: New York, New York
June 12, 2008

_____
Madelin Rowland

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
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| | ) | Serial Nos. 78/840,184 & 78/840,194 |
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| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 9

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

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Elizabeth Billingsley
elizabeth.billingsley@troutmansanders.com

Direct Dial: 703-734-4075
Direct Fax: 703-448-6501

June 27, 2008

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

Barbara H. Loewenthal, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016-0601

Re: *The International Investment Group, LLC v. IIG, s.a.*; Opposition No. 91178514 in the United States Patent and Trademark Office Before the Trademark Trial and Appeal Board

Dear Ms. Loewenthal:

I write to more formally request complete and responsive answers from Applicant IIG s.a. ("Applicant") to Opposer International Investment Group, LLC's ("Opposer") First Set of Interrogatories and First Request for Production of Documents. This letter is sent in a good faith attempt to resolve these issues without the necessity of Board intervention.

The Applicant's responses reflect a half-hearted attempt to comply with its discovery obligations. Substantive responses to Opposer's discovery requests are long overdue. Please see the enclosed Addendum for a detailed analysis of Applicant's deficient responses.

Further, we will provide an outline of the deficiencies relative to Applicant's Response to Opposer's Second Set of Interrogatories, Requests for Production of Documents and Requests for Admissions on Monday, June 30. While Karl and I are available to discuss these matters next week, we suggest a teleconference on Tuesday, July 1 at 10 a.m. to discuss the deficiencies in both sets of discovery responses. Please let me know if that is convenient. Please be advised, however, that failure to provide full and complete responses by noon on Thursday, July 3, will result in an application to compel filed with the Board.

We will be providing responsive documents to Applicant's Requests early next week.

Sincerely,

Elizabeth Billingsley

## ADDENDUM

**General Concerns**

Despite repeated statements throughout the answers to Interrogatories and the Document Requests that Applicant will produce responsive, non-privileged documents, no such documents have been provided. Please do so.

Similarly, Applicant's answers direct Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

Applicant's general objection reserving the right to object "on any ground at any time to such other or supplemental interrogatories as Opposer may at any time propound involving or relating to the subject matter of the interrogatories to which Applicant now responses" is not well-taken. Applicant's objections, such as they are, are static. Any objections **not** asserted in Applicant's responses are deemed waived.

Applicant asserts that it is preserving, "prior to response and as a condition of responding,...the confidentiality or the proprietary nature of any information which may be produced or the subject matter thereof." Withholding information and production of documents on this ground is specious at best, particularly in light of Applicant's inexcusable delay in reviewing and executing the standard Board protective order. If any information and/or documents are being withheld on these grounds, please provide this information immediately.

Applicant asserts that information is being withheld on grounds of attorney-client privilege and/or work product doctrine. To the extent that this is so, please provide immediately a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of this privilege.

## DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

**Interrogatory No. 1**

A. This Interrogatory seeks the identification of each person employed by Applicant since April 14, 2004 through the present. Applicant's objection that this information is not relevant is improper and not well-taken. Please supplement this answer.

B. This Interrogatory seeks the identification of each person employed by Applicant with knowledge of Applicant's use of Applicant's IIG Marks in connection with Applicant's Services. Please provide this information immediately.

**Interrogatory No. 2**

A. This Interrogatory seeks the identification of persons with knowledge of Applicant's alleged first use in commerce of the applicant's IIG Marks at the time its applications were executed and filed. Applicant has noted objections, but stated that "representative documents" will be produced "to the extent they exist." This answer is insufficient inasmuch as Applicant has produced no documents whatsoever. Moreover, this Interrogatory seeks the identification of specific individuals who may be able to substantiate Applicant's asserted first use of its IIG Marks. Please supplement this answer immediately.

B. This Interrogatory seeks the identification of persons with knowledge of Applicant's use, if any, of the Applicant's IIG Marks since the dates asserted in its applications. Again, Applicant has noted objections, but stated that "representative documents" will be produced "to the extent they exist." This answer is insufficient inasmuch as Applicant has produced no documents whatsoever. Moreover, this Interrogatory seeks the identification of specific individuals who may be able to substantiate Applicant's asserted first use of its IIG Marks. Please supplement this answer immediately.

C. This Interrogatory seeks the identification of all persons with knowledge of the rendition of Applicant's insurance brokerage services bearing Applicant's IIG Marks. Here again, Applicant has noted objections, but stated that "representative documents" will be produced "to the extent they exist." This answer is insufficient inasmuch as Applicant has produced no documents whatsoever. Moreover, this Interrogatory seeks the identification of specific individuals who may be able to substantiate Applicant's asserted first use of its IIG Marks. Please supplement this answer immediately.

D. This Interrogatory seeks the identification of all persons with knowledge of the rendition of Applicant's banking services bearing Applicant's IIG Marks. As with the foregoing responses, Applicant has noted objections, but stated that "representative documents" will be produced "to the extent they exist." This answer is insufficient inasmuch as Applicant has produced no documents whatsoever. Moreover, this Interrogatory seeks the identification of specific individuals who may be able to substantiate Applicant's asserted first use of its IIG Marks. Please supplement this answer immediately.

**Interrogatory No. 3**

This Interrogatory seeks the identification of all facts, circumstances and events concerning the creation, development, selection, adoption and use of Applicant's IIG Marks

including, without limitation, Applicant's actual date of first use. Applicant's response is that "representative documents" will be produced "to the extent they exist." Please produce these documents immediately. There is no legitimate basis for Applicant to withhold this information.

**Interrogatory No. 4**

This Interrogatory seeks the identification of the location(s) from which Applicant's Services are offered under the Applicant's Marks, including the dates such services commenced. Applicant's response that its services are offered "between foreign countries and the United States" is wholly deficient and insufficient. Applicant's lack of specificity is remarkable and must be cured immediately.

A. This Interrogatory seeks the identification of each specific service offered under Applicant's IIG Marks. Applicant's direction to its applications is insufficiently detailed. Please supplement this answer.

B. This Interrogatory seeks the annual revenue for Applicant's Services rendered under Applicant's IIG Marks. Here again, Applicant has responded that "representative documents" will be produced "to the extent they exist." Please provide the documents referenced as well as the information requested. Please supplement this answer immediately.

**Interrogatory No. 5**

A. This Interrogatory seeks the identification of the class of customers for Applicant's Services bearing the Applicant's IIG Marks. The Applicant has object on the grounds of overbreadth, burdensomeness and vagueness, yet Applicant has made no attempt whatsoever to answer this Interrogatory. Furthermore, Applicant's objections misquote the request. The request does not seek the "nature of the class of customers," but the identification of the class of customers themselves. Who is Applicant's intended market group?

B. This Interrogatory seeks the identification of three (3) commercial locations in the United States where Applicant's Services bearing the Applicant's IIG Marks have been offered. Here again, Applicant has responded that "representative documents" will be produced "to the extent they exist." This response is deficient and insufficient. Indeed, no documents are required to answer this simple, straightforward interrogatory. Please supplement.

**Interrogatory No. 6**

A. This Interrogatory seeks the identification of all states in the United States in which Applicant is licensed or has applied for licensure to conduct business as an insurance broker. Applicant's objection that this Interrogatory is unduly burdensome is not well-taken. Please provide this information.

B. This Interrogatory seeks the identification of all insurance agencies, companies, and/or carriers with whom Applicant is licensed to conduct business as an insurance broker. Applicant's response that "representative documents" will be produced "to the extent they exist" is insufficient. No documents have been produced. Please supplement this answer immediately.

**Interrogatory No. 7**

This Interrogatory seeks the identification of all states in the U.S. in which Applicant is authorized or has applied for authorization to provide banking financial services. Applicant's objection that this request is unduly burdensome as it is a matter of public record is deficient. Applicant has an obligation to respond. Please do so.

**Interrogatory No. 9**

This Interrogatory seeks the amount of money spent to advertise and promote Applicant's Services offered under the Applicant's IIG Marks and all documents relating thereto. Despite Applicant's response that "representative documents" will be produced "to the extent they exist," no documents have been produced. Please supplement this answer.

**Interrogatory No. 11**

A. This Interrogatory seeks the a description of the trade channels in which Applicant's services offered under the Applicant's IIG Marks are marketed in the United States. Applicant's answer is to direct Opposer to Applicant's website and to state that "representative documents" will be produced "to the extent they exist." This answer is insufficient. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

B. This Interrogatory seeks the geographic areas in which Applicant's Services are offered under Applicant's IIG Marks are marketed and the actual marketing of the same. Again, Applicant has responded that "representative documents" will be produced "to the extent they exist." This response is insufficient and deficient. Please provide this relevant, pertinent information.

C. This Interrogatory seeks the identification of all plans for expansion of Applicant's Services. Applicant's objection that this request seeks proprietary information is meritless. Opposer has repeatedly requested that Applicant review the standard form protective order and execute a copy of the same; nevertheless, Applicant has refused to do so. By refusing to avail itself of the protections afforded by the Board, Applicant cannot withhold documents on these grounds. Please supplement this answer immediately.

**Interrogatory No. 14**

This Interrogatory seeks the identification of each person now or formerly in the employ of, retained by, or associated with Applicant, including, any outside law firm or attorney, who is or has been primarily responsible for, or in any way involved in, Applicant's decision to adopt of use the Applicant's IIG Marks. Despite Applicant's statement that it would respond "treating the words of each interrogatory as they are commonly understood in the English language and within their meaning and scope of usage in the Federal Rules of Procedure," Applicant objects on the grounds of vagueness inasmuch as it does not understand the terms "employed," "retained," "associated with Applicant," or "in any way." These objections are specious and should be withdrawn, with full and complete answers inserted instead.

**Interrogatory No. 17**

This Interrogatory seeks information regarding Applicant's intended expert witnesses. Applicant states that it has not yet designated its expert witnesses. Please supplement this Interrogatory. Please note that Opposer will move to preclude any proposed expert who is not properly disclosed.

**Interrogatory No. 18**

This Interrogatory seeks the Applicant's policy concerning the retention of documents and tangible things. After asserting that it has no such policy, Applicant contends that it keeps only documents which it is legally obligated to keep. This response is insufficiently detailed. For example, the response does not indicate with which country and/or state laws Applicant contends it complies or how Applicant actually complies with these laws. Please clarify and supplement this answer.

**Interrogatory No. 19**

This Interrogatory seeks to know whether Applicant has contacted, been contacted by, spoken with or otherwise communicated with any third parties regarding the subject matter of this Opposition, including the identification of the third parties and the nature of said communications. Again, despite Applicant's statement that it would respond "treating the words of each interrogatory as they are commonly understood in the English language and within their meaning and scope of usage in the Federal Rules of Procedure," Applicant objects on the grounds of vagueness inasmuch as it does not understand the terms "contact," "communication," "third party," or "subject matter." These objections are specious and should be withdrawn, with full and complete answers inserted instead.

**Interrogatory No. 20**

This Interrogatory seeks the identification of all documents upon which Applicant will rely to establish its first use in commerce of Applicant's IIG Marks. Applicant's response that it is collecting "any such documents" is insufficient. These documents need to be produced.

**DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

With the exception to Applicant's responses to Requests 7, 8, 10, 21, 27, 30, 31, 34, 35, 36, 39, and 39, the remainder of Applicant's responses each contain the statement that Applicant will produce responsive, non-privileged documents subject to certain of its objections. **To date, however, no documents have been provided.** To the extent any documents are being withheld pursuant to these objections, please so state. To the extent any documents are being withheld on grounds of attorney-client privilege or work product doctrine, please provide a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of privilege. Similarly, to the extent any documents are being withheld on the grounds that the information requested is confidential, proprietary or trade secrets, they should be produced immediately.

Furthermore, with respect to responses to Requests Nos. 3, 4 and 5, these answers direct Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
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| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 10

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

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Elizabeth Billingsley
elizabeth.billingsley@troutmansanders.com

Direct Dial: 703-734-4075
Direct Fax: 703-448-6501

June 30, 2008

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

Barbara H. Loewenthal, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016-0601

Re: *The International Investment Group, LLC v. IIG, s.a.*;
Opposition No. 91178514 in the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board

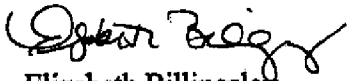
Dear Ms. Loewenthal:

I write to more formally request complete and responsive answers from Applicant IIG s.a. ("Applicant") to Opposer International Investment Group, LLC's ("Opposer") Second Set of Interrogatories and Second Request for Production of Documents and to address Applicant's Responses to the First Set of Requests for Admissions. This letter is sent in a good faith attempt to resolve these issues without the necessity of Board intervention.

As with the first set of discovery responses, the Applicant's responses reflect a half-hearted attempt to comply with its discovery obligations. Substantive responses to Opposer's discovery requests are long overdue. Please see the enclosed Addendum for a detailed analysis of Applicant's deficient responses.

Again, Karl and I are available to discuss these matters any time this week, but we suggest a teleconference on Tuesday, July 1 at 10 a.m. to discuss the deficiencies in both sets of discovery responses. Please let me know if that is convenient. Please be advised, however, that failure to provide full and complete responses by noon on Thursday, July 3, 2008, will result in an application to compel filed with the Board.

Sincerely,



Elizabeth Billingsley

## ADDENDUM

**General Concerns**

Despite repeated statements throughout the answers to Interrogatories and the Document Requests that Applicant will produce responsive, non-privileged documents, no such documents have been provided. Please do so.

Similarly, Applicant's answers direct Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

Applicant's general objection reserving the right to object "on any ground at any time to such other or supplemental interrogatories as Opposer may at any time propound involving or relating to the subject matter of the interrogatories to which Applicant now responses" is not well-taken. Applicant's objections, such as they are, are static. Any objections **not** asserted in Applicant's responses are deemed waived.

Applicant asserts that it is preserving, "prior to response and as a condition of responding,...the confidentiality or the proprietary nature of any information which may be produced or the subject matter thereof." Withholding information and production of documents on this ground is specious at best, particularly in light of Applicant's inexcusable delay in reviewing and executing the standard Board protective order. If any information and/or documents are being withheld on these grounds, please provide this information immediately.

Applicant asserts that information is being withheld on grounds of attorney-client privilege and/or work product doctrine. To the extent that this is so, please provide immediately a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of this privilege.

## DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

**Interrogatory No. 24**

A. This Interrogatory seeks the identification and information relating to all internet domain names, web sites, or web pages that Applicant owns, controls or has developed that relate to Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Similarly, Applicant's answer

directs Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated. Please supplement this answer.

B. This Interrogatory seeks the identification all websites that feature, carry, or advertise Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Please provide all responsive information and access to historic versions of Applicant's website immediately.

**Interrogatory No. 25**

This Interrogatory seeks the identification of all domain name disputes involving Applicant's IIG Marks. Applicant has objected on grounds of relevancy, even though such information may lead directly to other discoverable information bearing on Applicant's alleged first use of its IIG Marks. Applicant's objection as to the word "involve" as used in this Interrogatory is specious and should be withdrawn. Please supplement this answer immediately.

**Interrogatory No. 26**

This Interrogatory seeks the identification of all officers, shareholders or partners, comptrollers, bookkeepers, heads of sales, heads of marketing and/or advertising, heads of production, custodians of records, and accountants. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken as these individuals may have discoverable information. This Interrogatory also seeks all current and last known contact information for each individual identified. While Applicant has provided the names of three individuals, it has not stated when and which positions these individuals held or their contact information. Please provide this information.

**Interrogatory No. 27**

This Interrogatory seeks specific information relating to Applicant's predecessors-in-interest with respect to Applicant's IIG Marks. While Applicant has stated that it will produce responsive documents "to the extent they exist," no such documents have been provided. Please supplement the answer to this Interrogatory and provide all responsive documents immediately.

**Interrogatory No. 29**

This Interrogatory seeks information regarding David Nepo, the individual who designed Applicant's IIG Marks and who provided information on behalf of Applicant in response to Opposer's First Set of Interrogatories. This Interrogatory seeks to clarify Mr. Nepo's role and affiliation with respect to Applicant as well as his current contact information and a summary of relevant information known by Mr. Nepo; however, this answer does not provide any information requested. Please provide this information as there is no legitimate reason to withhold it.

**Interrogatory No. 30**

This Interrogatory seeks information regarding Deb Lambert, the individual who had been previously authorized to file Applications on behalf of Applicant. This Interrogatory seeks to clarify Ms. Lambert's former role and affiliation with respect to Applicant as well as her current contact information and a summary of relevant information known by Ms. Lambert; however, this answer does not provide any information requested. Please provide this information as there is no legitimate reason to withhold it.

**Interrogatory No. 31**

This Interrogatory seeks information relating to Applicant's advertising of its marks, including the identification of all media where Applicant advertises its marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, Applicant's answer states that it will provide representative documents "to the extent they exist," is deficient as no documents have been produced to date. Please supplement this answer and provide all responsive documents.

**Interrogatory No. 32**

This Interrogatory seeks information regarding Applicant's decision to adopt its IIG Marks, including the identification of the date Applicant decided to adopt Applicant's IIG Marks, the motives and reasons for its selections, alternatives considered and any prior marks that were replaced or supplemented by Applicant's IIG Marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-founded, and Applicant's answer that Applicant's IIG Marks were adopted because they were "a good indicator of source of Applicant's services" is both unintelligible and deficient. Please supplement this answer.

**Interrogatory No. 33**

This Interrogatory seeks the identification of the individual who first conceived of the Applicant's IIG Marks and relevant documents. While Applicant identifies David Nepo and states that it will provide representative documents "to the extent they exist," this answer is deficient as no documents have been produced to date. Please supplement this answer and provide all responsive documents.

**Interrogatory No. 35**

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a description of the circumstances of such first use and all documents concerning each first use identified. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Please supplement this answer immediately.

**Interrogatory No. 36**

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a particularized description of the circumstances of such first use of each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Please supplement this answer immediately.

**Interrogatory No. 37**

This Interrogatory seeks information relating to the way in which Applicant currently uses each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications and its website, is deficient as the documents referenced do not contain the information sought. Further, to the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated. Please supplement this answer immediately.

**Interrogatory No. 38**

This Interrogatory seeks information regarding the way in which Applicant has used each of Applicant's IIG Marks in connection with its services on a yearly basis since 2004 and all representative documents showing the nature and extent of such usage. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Further, although Applicant states that it will provide representative documents "to the extent they exist," is deficient as no documents have been produced to date. Please supplement this answer and produce all responsive documents immediately.

**Interrogatory No. 39**

This Interrogatory seeks information as to the revenue generated by dollar value for Applicant's services rendered under the trademarks from 2004 to the present. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, although Applicant states that it will provide representative documents "to the extent they exist," no documents have been produced to date. Please supplement this answer and produce all responsive documents immediately.

**Interrogatory No. 40**

This Interrogatory seeks information regarding the channels of trade in which Applicant's services are rendered. The answer directs Opposer to its website. This answer is insufficient. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

**Interrogatory No. 41**

This Interrogatory seeks information regarding each product or service offered by Applicant and the type of clients to whom such product or service is offered. Applicant's answer directs Opposer to its applications and its website; however, this answer is deficient as these sources do not contain the information requested. Please supplement this answer.

**Interrogatory No. 42**

This Interrogatory seeks the identification of all persons Applicant expects to call as fact witness during trial periods in this proceeding. Applicant has not yet identified any fact witnesses. Please note that Opposer will seek to bar any fact witnesses not disclosed during discovery.

**Interrogatory No. 43**

This Interrogatory seeks all U.S. regulatory and other approvals for Applicant's services in the United States. Applicant has objected that this Interrogatory is unduly burdensome because the information can be "readily accessed" by Opposer. However, Applicant's answers to all other discovery requests make this a challenge for Opposer as Applicant has not even stated where it operates or has sought approvals. Please withdraw the objection and answer this Interrogatory.

**Interrogatory No. 44**

This Interrogatory seeks all documents that support Applicant's statement that its services are rendered in the United States. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

**Interrogatory No. 45**

This Interrogatory seeks all documents that supports Applicant's statement that its services are lawfully regulated by the U.S. Congress. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

**Interrogatory No. 46**

This Interrogatory seeks all documents and circumstances regarding governmental and criminal investigations of Applicant. Applicant has objected on grounds of relevancy. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Please withdraw the objection and provide a response to this Interrogatory.

**Interrogatory No. 47**

This Interrogatory seeks each and every location where Applicant's services are offered and performed. Applicant's answer that it offers services "throughout the world and throughout the United States," is markedly unspecific and deficient. Please provide a response to this Interrogatory.

**DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

With the exception to Applicant's responses to Request 43, the remainder of Applicant's responses each contain the statement that Applicant will produce responsive, non-privileged documents subject to certain of its objections. **To date, however, no documents have been provided.** To the extent any documents are being withheld pursuant to these objections, please so state. To the extent any documents are being withheld on grounds of attorney-client privilege or work product doctrine, please provide a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of privilege. Similarly, to the extent any documents are being withheld on the grounds that the information requested is confidential, proprietary or trade secrets, they should be produced immediately.

A few Requests merit additional discussion:

**Request No. 41**

This Request seeks all documents produced in all domain name disputes involving Applicant's IIG Marks, including Case No. 01993 filed in June 2006 with the ADR Center. Applicant has objected on grounds of relevancy, burdensomeness, and because Case No. 01993 is "not a proceeding governed by the Laws of the United States." Please state whatever authority upon which you rely for this last objection. As these objections are not well-founded, the documents should be produced.

**Request No. 42**

This Request seeks all corporate filings relating to IIG, s.a., including any predecessors-in-interest, including Urgell Shipping Line Corp. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

**Request No. 44**

This Request seeks all documents relating to tax returns filed by Applicant and its predecessors since 2004. Contrary to Applicant's objection, this Request is limited in scope as it seeks documents from 2004 to the present. Please produce the responsive documents.

**Request No. 48**

This Request seeks samples of Applicant's web pages from the date of first use. As explained previously, Opposer seeks historical versions of Applicant's website as the content has changed since this filing of this action and has been recently updated. Please provide this information.

**DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSIONS**

Opposer is dissatisfied with certain answers and objections to its Requests for Admissions. However, before we seek a ruling from the Board as to the adequacy of the answers or objections, we want to give you the opportunity to amend your responses to the following Requests:

**Request No. 2**

This Request asks for an admission that IIG, s.a. did not exist as a legal entity until December 3, 2007. Applicant's answer that it "lacks knowledge or information" sufficient to answer this request, citing a continuing inquiry and the potential for an opinion of foreign counsel, is insufficient. IIG, s.a. must know when it became a legal entity. Please amend the response.

**Request No. 6**

This Request seeks an admission that IIG, s.a. did not use the Applicant's IIG Marks beginning April 14, 2004. Applicant's answer that it "lacks knowledge or information" because it is "confusingly worded." Further, Applicant states that Applicant claims the date of first use of the mark "at least as early as April 14, 2008." This is curious, particularly given that Applicant filed its application in March of 2006. Please amend the response.

**Request No. 10**

This Request seeks an admission that all banking deposits or funds of Applicant's U.S. customers, maintained with or by Applicant, are located outside of the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Please amend the response.

**Request No. 11**

This Request seeks an admission that all banking deposits or funds of Applicant's non-U.S. customers, maintained with or by Applicant, are located outside the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Please amend the response.

**Request No. 14**

This Request seeks an admission that 44 Passeig De Gracia is the address for Granvia

Hotel, Barcelona. Applicant has objected on grounds of relevancy, despite the fact that this address was the one previously identified on its website as IIG, s.a.'s address. Please amend the response.

**Request No. 15**

This Request seeks an admission that Applicant has been investigated by Interpol. Applicant has objected on grounds of relevancy and states that it "lacks knowledge and information with respect to any investigation being conducted of Applicant by Interpol and is not aware of the same." Applicant's objection is not well-founded. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Please amend the response.

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

| | | |
|---|---|---|
| **INTERNATIONAL INVESTMENT GROUP, L.L.C.,** | ) | |
| | ) | **Opposition No. 91178514** |
| **Opposer,** | ) | |
| | ) | **Serial Nos. 78/840,184 & 78/840,194** |
| **v.** | ) | |
| | ) | **Mark: IIG** |
| **IIG S.A.,** | ) | |
| | ) | |
| **Applicant.** | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 11

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

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Elizabeth Billingsley
elizabeth.billingsley@troutmansanders.com

Direct Dial: 703-734-4075
Direct Fax: 703-448-6501

July 1, 2008

**VIA FIRST-CLASS MAIL AND ELECTRONIC MAIL**

Barbara H. Loewenthal, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016-0601

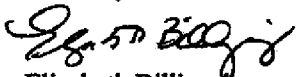
Re: *The International Investment Group, LLC v. IIG, s.a.*; Opposition No. 91178514 in the United States Patent and Trademark Office Before the Trademark Trial and Appeal Board

Dear Ms. Loewenthal:

We were disappointed that we did not hear from you with respect to the proposed teleconference for this morning at 10 a.m. to discuss the deficiencies in Applicant's discovery responses. We propose rescheduling for 10 a.m. on Wednesday, July 2, 2008. To participate, please call 1-800-240-1720 and enter participant passcode 10133868# and you will be connected to the call.

If this time is inconvenient, please propose an alternative time. Karl and I are available any time today or tomorrow. I look forward to hearing from you soon.

Sincerely,



Elizabeth Billingsley

cc: Karl Zielaznicki, Esq. (via electronic mail)
Sharon Stern, Esq. (via electronic mail)

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

| | | |
|---|---|---|
| INTERNATIONAL INVESTMENT GROUP, L.L.C., | ) | |
| | ) | Opposition No. 91178514 |
| Opposer, | ) | |
| | ) | Serial Nos. 78/840,184 & 78/840,194 |
| v. | ) | |
| | ) | Mark: IIG |
| IIG S.A., | ) | |
| | ) | |
| Applicant. | ) | |
| | ) | |

**OPPOSER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES**

# EXHIBIT 12

*Electronic System for Trademark Trials and Appeals*

# Receipt

**Your submission has been received by the USPTO.**
**The content of your submission is listed below.**
**You may print a copy of this receipt for your records.**

ESTTA Tracking number: **ESTTA152620**
Filing date: **07/23/2007**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

| | |
|---|---|
| **Name** | The International Investment Group L.L.C. |
| **Granted to Date of previous extension** | 07/22/2007 |
| **Address** | 1500 Broadway, 17 Floor<br>New York, NY 10036<br>UNITED STATES |

| | |
|---|---|
| **Attorney information** | Karl M. Zielaznicki, Esq.<br>Troutman Sanders LLP<br>600 Peachtree St., NE, Suite 5200<br>Atlanta, GA 30308-2216<br>UNITED STATES<br>trademarks@troutmansanders.com Phone:2127046125 |

### Applicant Information

| | | | |
|---|---|---|---|
| **Application No** | 78840194 | **Publication date** | 01/23/2007 |

| | | | |
|---|---|---|---|
| **Opposition Filing Date** | 07/23/2007 | **Opposition Period Ends** | 07/22/2007 |
| **Applicant** | IIG s.a.<br>Advanced Tower, 2nd Floor Calle Ricardo Aria<br>Panama City, 0823-01310,<br>PANAMA | | |

**Goods/Services Affected by Opposition**

| |
|---|
| Class 036. First Use: 2004/04/14 First Use In Commerce: 2004/04/14<br>All goods and services in the class are opposed, namely: Banking; Insurance brokerage |

**Applicant Information**

| | | | |
|---|---|---|---|
| **Application No** | 78840184 | **Publication date** | 01/23/2007 |
| **Opposition Filing Date** | 07/23/2007 | **Opposition Period Ends** | |
| **Applicant** | IIG s.a.<br>Advanced Tower, 2nd Floor Calle Ricardo Aria<br>Panama City, 0823-01310,<br>PANAMA | | |

**Goods/Services Affected by Opposition**

| |
|---|
| Class 036. First Use: 2006/03/14 First Use In Commerce: 2006/03/16<br>All goods and services in the class are opposed, namely: Banking; Insurance brokerage |

**Grounds for Opposition**

| | |
|---|---|
| Deceptiveness | Trademark Act section 2(a) |
| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Other | fraud as to claimed first use dates |

**Mark Cited by Opposer as Basis for Opposition**

| | | | |
|---|---|---|---|
| **U.S. Application No.** | 77113244 | **Application Date** | 02/22/2007 |
| | | | |

| | | | |
|---|---|---|---|
| **Registration Date** | NONE | **Foreign Priority Date** | NONE |
| **Word Mark** | IIG | | |
| **Design Mark** | 77113244#TMSN.jpeg | | |
| **Description of Mark** | The mark consists of The letter IIG with accompanied by a globe design. | | |
| **Goods/Services** | Class 036. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00<br>financial and investment advice, planning and research; fund and private investment fund management; financial services for sophisticated investors, namely, offering private investment fund investment products; financial investment services on behalf of institutional and retail investors; providing a website featuring finance and investment management services; fund investment, management and consultation services; fund investment consultation and capital investment consultation, private investment funds services, investment of funds for others; managing investments; financial management; financial portfolio management; funds-of-funds and related investment management activities; arranging, safeguarding and administration of assets; investment management services; asset management services, investment of funds; capital investment; consulting services and providing information in the fields of finance and investment; managing investment funds and single client accounts on behalf of third-party investors; capital investments and savings services; services relating to investment in funds, companies, shares and/or money; private equity services; hedge fund services; trade finance and asset based lending, advisory and consultancy services relating to all the aforesaid services | | |

| | |
|---|---|
| **Attachments** | 77113244#TMSN.jpeg ( 1 page )( bytes )<br>iigopppositionDocument.pdf ( 3 pages )(90563 bytes ) |

| | |
|---|---|
| **Signature** | /kmz/ |
| **Name** | Karl M. Zielaznicki, Esq. |
| **Date** | 07/23/2007 |

**Return to ESTTA home page** **Start another ESTTA filing**

As grounds for opposition, it is alleged:

1. The International Investment Group L.L.C. ("Opposer") is a leading investment management firm in the alternative investment market. Since 1994, Opposer has offered its asset management and financial advisory services in the United States and aboard under its trademarks, service marks and trade names all containing the mark "IIG" (the "IIG Marks"). Opposer has used and continues to use its IIG Marks in interstate commerce since 1994 on or in connection with the following services:

> financial and investment advice, planning and research; fund and private investment fund management; financial services for sophisticated investors, namely, offering private investment fund investment services; financial investment services on behalf of institutional and retail investors; providing a website featuring finance and investment management services; fund investment, management and consultation services; fund investment and capital investment consultation, private investment funds services; investment of funds for others; managing investments; financial management; financial portfolio management; funds-of-funds and related investment management activities; arranging, safeguarding and administration of assets; investment management services; asset management services; investment of funds; capital investment; consulting services and providing information in the fields of finance and investment; managing investment funds and single client accounts on behalf of third-party investors; capital investments and savings services; services relating to investments in funds, companies, shares and/or money; private equity services; hedge fund services; trade finance and asset based lending;

advisory and consultancy services relating to all the aforesaid services (hereinafter, "Opposer's Services").

2. Opposer is also the owner of the following pending application:

| MARK | APPLICATION NO. | FILING DATE |
|---|---|---|
| IIG logo | 77113244 | February 22, 2007 |

3. Upon information and belief, members of the trade and customers commonly use "IIG" when referring to Opposer and Opposer's Services.

4. By virtue of said usage above, the IIG Marks have become distinctive and exclusively identified with Opposer and Opposer's Services in the United States through continuous use since the first use dates set forth herein.

5. On March 17, 2006, IIG s.a. ("Applicant") filed US Trademark Application Serial Nos. 78840184 seeking registration for the mark IIG and design and 78840194 seeking registration of the mark IIG in the United States Patent and Trademark Office (hereinafter, "Applicant's IIG Marks") in International Class 36 for banking and insurance brokerage services (the "Applicant's Services").

6. Upon information and belief, Applicant's Services offered under the Applicant's IIG Marks are likely to be offered to the same customers and through the same channel of trade as the Opposer's Services offered under its IIG Marks.

7. Opposer believes and alleges that the continued use and proposed registration of Applicant's IIG Marks as claimed in Application Serial Nos. 78840184 and 78840194 are likely to cause confusion, or mistake or deception of customers as to the respective marks owned by the parties at hand and as well as to the sources of the services offered by Applicant and Opposer respectively or to deceive, mislead the trade and public in general to believe that Opposer is the source of Applicant's Services offered under Applicant's IIG Marks and/or that

Applicant's Services offered under Applicant's IIG Marks are sponsored, licensed, approved or endorsed by Opposer.

8. Applicant's continued use and proposed registration of Applicant's IIG Marks for Applicant's Services as claimed in Application Serial Nos. 78840184 and 78840194 are likely to cause confusion with Opposer's rights in its IIG Marks in violation of Section 2(d) of the Trademark Act of 1946, as amended. (15 U.S.C. § 1052(d)).

9. Applicant's continued use and registration of Applicant's IIG Marks for Applicant's Services as claimed in Application Serial Nos. 78840184 and 78840194 are calculated or likely to cause irreparable loss, injury and damage to Opposer's reputation and would permit Applicant to trade on Opposer's rights and goodwill in its IIG Marks.

10. Applicant's IIG Marks as claimed in Application Serial Nos. 78840184 and 78840194 are a misappropriation of Opposer's prior rights in its IIG Marks and any use and registration of the same by Applicant will disparage and falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, as amended. (15 U.S.C. § 1052(a)) resulting in irreparable harm and injury to Opposer.

11. Upon information and belief, Applicant failed to use Applicant's IIG Marks as set forth in Application Serial Nos. 78840184 and 78840194 in interstate commerce prior to the claimed first use dates therein.

**WHEREFORE,** Opposer prays that this Opposition be sustained and that Application Serial No. 78840184 and 78840194 be refused registration.