

ESTTA Tracking number: **ESTTA168685**

Filing date: **10/15/2007**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91178739  |
| Party                  | Plaintiff<br>Mortgage Guaranteed Investments, LLC   |
| Correspondence Address | Michael J. Mehrman<br>Mehrman Law Office, P.C.<br>5605 Glenridge Drive<br>Atlanta, GA 30342<br>UNITED STATES<br>Mike@mehrmanlaw.com                   |
| Submission             | Other Motions/Papers  |
| Filer's Name           | Michael J. Mehrman  |
| Filer's e-mail         | mike@mehrmanlaw.com   |
| Signature              | /Michael J. Mehrman/  |
| Date                   | 10/15/2007  |
| Attachments            | 4S22_Op_First_RPD.pdf ( 6 pages )(26405 bytes )<br>4S22_Op_First_Int.pdf ( 7 pages )(30238 bytes )<br>4S22_Op_First_RFA.pdf ( 5 pages )(24477 bytes ) |

**TRADEMARK TRIAL AND APPEAL BOARD**

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| Mortgage Guaranteed Investments, LLC  | ) |                                |
|                                       | ) |                                |
| Opposer,                              | ) | Mark: <b>STREET SMART</b>      |
| v.                                    | ) |                                |
|                                       | ) | Opposition No. <b>91178739</b> |
| The Trustees of the Trust Associates, | ) |                                |
| a Georgia Trust, comprising           | ) | Serial No. <b>78/853,377</b>   |
| Louis Brown, a United States citizen  | ) |                                |
| DBA Trust Associates Trust            | ) |                                |
|                                       | ) |                                |
| Applicant.                            | ) |                                |

**OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

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Pursuant to 37 C.F.R. §2.120 and Rule 34 of the Federal Rules of Civil Procedure, Opposer, Mortgage Guaranteed Investments, LLC hereby requests that Applicant, The Trustees of the Trust Associates, produce for inspection and/or copying at the offices Mehrman Law Office, P.C., 5605 Glenridge Drive, Suite 795, Atlanta, Georgia 30342, the following documents and things by the date provided by Fed.R.Civ.P. 34 or by such other date as may be mutually agree upon by the parties.

**Definitions and Instructions**

“Opposer” as used herein means Mortgage Guaranteed Investments, LLC, its predecessors and the officers, directors, agents and employees.

“Applicant” as used herein means The Trustees of the Trust Associates, its predecessors and the officers, directors, agents and employees of The Trustees of the Trust Associates.

“STREET SMART” as used herein means the mark as defined in Trademark Registration Application No. 78/853,377.

“Person” or “persons” as used herein means any individual, corporation, partnership, association, firm, company or other entity.

“Document” as used herein is used in its customary broad sense to include, by way of illustration only and not by way of limitation, the following items, whether printed or reproduced by any process, or written, and/or produced by hand, and whether claimed to be privileged or otherwise excludable from discovery, namely: notes; correspondence; communications of any nature; telegrams; memoranda; notebooks of any character; summaries or records of personal conversations; diaries; routing slips or memoranda; reports; test and/or analysis reports and notebooks; investigations; publications; invoices; specifications; shipping papers; purchase orders; shop drawings; charts; plans; drawings; photographs; artist's drawings; sketches; blueprints; minutes or records of meetings; transcripts of oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; forecasts; reports of patent, trademark, service mark, trade name or copyright searches; patent, trademark, service mark, trade name or copyright appraisals; opinions of counsel; agreements and contracts, including all modifications and/or revisions; reports and/or summaries of negotiations; court papers; brochures; pamphlets; advertisements; advertising layouts; circulars; trade letters; press releases; drafts and revisions of, and translations of, any document.

Any document bearing on any sheet or side any marks including, by way of illustration only and not by way of limitation: initials; stamped indicia; comment or notation of any character, and not a part of the original text or any reproduction, is to be considered a separate document for purposes of these interrogatories.

“Opposition” as used herein means the opposition listed in the caption to these Interrogatories.

**Requests for Production of Documents and Things**

1. Please produce all documents and things that Applicant contends provide evidence that the mark "STREET SMART" was in commercial use on or before September 30, 2005 in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

2. Please produce all documents and things that Applicant contends provide evidence that the mark "STREET SMART" was in any type of use on or before September 30, 2005 in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

3. Please produce all documents and things that Applicant contends provide evidence that Applicant is entitled to claim a date on or before September 30, 2005 as the date of first use in commerce of the mark "STREET SMART" in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

4. Please produce all documents and things that Applicant contends provide evidence that the mark "STREET SMART" was used in commerce at any time in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

5. Please produce all documents and things that Applicant intends to introduce into evidence in this Opposition.

6. Please produce all documents and things that Applicant contends indicate that a likelihood of confusion exists between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" for the services listed in Georgia Trademark Registration No. S-22397.

7. Please produce all documents and things that Applicant contends indicate instances of actual confusion between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

Dated: October 15, 2007

Respectfully,

/Michael J. Mehrman/

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Michael J. Mehrman  
Ga. Bar Reg. No.: 500,975

MEHRMAN LAW OFFICE, P.C.  
5605 Glenridge Drive, Suite 795  
Atlanta, Georgia 30342  
Telephone: (404) 497-7400  
Facsimile: (404) 497-7400

Attorney for Opposer:  
Mortgage Guaranteed Investments, LLC

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document has been served on counsel for Applicant by first class U.S. mail, postage prepaid, addressed as shown below on the date indicated:

L. Clint Crosby  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
Six Concourse Parkway  
Suite 3100  
Atlanta, GA 30328

Date of Service: October 15, 2007

/Michael J. Mehrman/

---

Michael J. Mehrman, Esq.

MEHRMAN LAW OFFICE, P.C.  
5605 Glenridge Drive, Suite 795  
Atlanta, Georgia 30342  
Telephone: (404) 497-7400  
Facsimile: (404) 497-7400

Attorney for Opposer:  
Mortgage Guaranteed Investments, LLC

**TRADEMARK TRIAL AND APPEAL BOARD**

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| Mortgage Guaranteed Investments, LLC  | ) |                                |
|                                       | ) |                                |
| Opposer,                              | ) | Mark: <b>STREET SMART</b>      |
| v.                                    | ) |                                |
|                                       | ) | Opposition No. <b>91178739</b> |
| The Trustees of the Trust Associates, | ) |                                |
| a Georgia Trust, comprising           | ) | Serial No. <b>78/853,377</b>   |
| Louis Brown, a United States citizen  | ) |                                |
| DBA Trust Associates Trust            | ) |                                |
|                                       | ) |                                |
| Applicant.                            | ) |                                |

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**OPPOSER'S FIRST INTERROGATORIES**

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Pursuant to 37 C.F.R. §2.120 and Rule 33 of the Federal Rules of Civil Procedure, Mortgage Guaranteed Investments, LLC hereby requests that Applicant, The Trustees of the Trust Associates, answer the following Interrogatories under oath by the date provided by Fed.R.Civ.P. 33 or by such other date as may be mutually agree upon by the parties.

**Definitions and Instructions**

“Opposer” as used herein means Mortgage Guaranteed Investments, LLC, its predecessors and the officers, directors, agents and employees.

“Applicant” as used herein means The Trustees of the Trust Associates, its predecessors and the officers, directors, agents and employees of The Trustees of the Trust Associates.

“STREET SMART” as used herein means the mark as defined in Trademark Registration Application No. 78/853,377.

“Opposition” as used herein means the opposition listed in the caption.

“Person” or “persons” as used herein means any individual, corporation, partnership, association, firm, company or other entity.

“Document” as used herein is used in its customary broad sense to include, by way of illustration only and not by way of limitation, the following items, whether printed or reproduced by any process, or written, and/or produced by hand, and whether claimed to be privileged or otherwise excludable from discovery, namely: notes; correspondence; communications of any nature; telegrams; memoranda; notebooks of any character; summaries or records of personal conversations; diaries; routing slips or memoranda; reports; test and/or analysis reports and notebooks; investigations; publications; invoices; specifications; shipping papers; purchase orders; shop drawings; charts; plans; drawings; photographs; artist's drawings; sketches; blueprints; minutes or records of meetings; transcripts of oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; forecasts; reports of patent, trademark, service mark, trade name or copyright searches; patent, trademark, service mark, trade name or copyright appraisals; opinions of counsel; agreements and contracts, including all modifications and/or revisions; reports and/or summaries of negotiations; court papers; brochures; pamphlets; advertisements; advertising layouts; circulars; trade letters; press releases; drafts and revisions of, and translations of, any document.

Any document bearing on any sheet or side any marks including, by way of illustration only and not by way of limitation: initials; stamped indicia; comment or notation of any character, and not a part of the original text or any reproduction, is to be considered a separate document for purposes of these interrogatories.

“Identify” or “identification” as used herein in reference to a document means to state information sufficient to identify the document in a request under Rule 34 of the Federal Rules of Civil Procedure and should include the following information:

- (a) The date and general nature of the document, i.e., whether a letter, memorandum, report, etc.;
- (b) The general subject matter of the document;
- (c) The name and business address of the original author or draftsman of the document;
- (d) The name and business address of each person who edited, corrected, revised, or amended the document; of each person who entered any initials or comment or notation on such document; and of each recipient of the document or copy ;
- (e) The place at which such document was prepared, signed, or executed, and the place where any negotiations or conversations leading up to the preparation or execution of the document took place;
- (f) The person having present custody of the document;
- (g) For each document which you contend is privileged or otherwise excludable from discovery, a statement as to the basis for such claim of privilege or other grounds for exclusion.

"Identify" or "identification" as used herein in reference to an individual person means to state his full name and present residence address, his present or last known position and business affiliation and, if different, his position and business affiliation at the time to which the interrogatory has reference.

Whenever information respecting a negotiation, meeting, discussion or communication is called for by these interrogatories, and you know of the occurrence of any such negotiation, meeting, discussion or communication but cannot give, either in

whole or in part, the specific information requested, give the best information which you have on the subject, including the best approximation of dates.

Whenever information respecting a third party is called for by these interrogatories, give such information as to which you have knowledge or information.

### **Interrogatories**

1. Please state the basis on which Applicant contends that the mark "STREET SMART" was in commercial use in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377 on or before September 30 , 2005.

2. Please identify every basis on which Applicant contends it is entitled to claim a date of first use in commerce on or before September 30 , 2005 for the mark "STREET SMART" in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

3. Please identify the manner in which the mark "STREET SMART" was first used in commerce in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377 including:

- (a) a detailed description of the specific service provided;
- (b) the date and amount of the payment received for the service provided;
- (c) the date the service was provided;
- (d) the identity of the associated property or properties;
- (e) the manner in which the service was provided in commerce;
- (f) the date the mark was used in connection with the service and the associated property or properties;
- (g) the manner in which the mark was published or otherwise used in commerce in connection with the service.

4. In addition to the use listed in response to Interrogatory No. 3, please identify all instances in which the mark "STREET SMART" has been used in commerce in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377 including:

- (a) a detailed description of the specific service provided;
- (b) the date and amount of the payment received for the service provided;
- (c) the date the service was provided;
- (d) the identity of the associated property or properties;
- (e) the manner in which the service was provided in commerce;
- (f) the date the mark was used in connection with the service and the associated property or properties;
- (g) the manner in which the mark was published or otherwise used in commerce in connection with the service.

5. In addition to those uses listed in response to Interrogatory Nos. 3 and 4, please identify all instances in which the mark "STREET SMART" has been used in any manner in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

6. Please state any basis on which Applicant contends that a likelihood of confusion exists between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" for the services listed in Georgia Trademark Registration No. S-22397.

7. Please identify and describe any instances of actual confusion involving Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

Dated: October 15, 2007

Respectfully,

/Michael J. Mehrman/

---

Michael J. Mehrman  
Ga. Bar Reg. No.: 500,975

MEHRMAN LAW OFFICE, P.C.  
5605 Glenridge Drive, Suite 795  
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Attorney for Opposer:  
Mortgage Guaranteed Investments, LLC

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This is to certify that a copy of the foregoing document has been served on counsel for Applicant by first class U.S. mail, postage prepaid, addressed as shown below on the date indicated:

L. Clint Crosby  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
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Suite 3100  
Atlanta, GA 30328

Date of Service: October 15, 2007

/Michael J. Mehrman/

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Attorney for Opposer:  
Mortgage Guaranteed Investments, LLC

**TRADEMARK TRIAL AND APPEAL BOARD**

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| Mortgage Guaranteed Investments, LLC  | ) |                                |
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| Opposer,                              | ) | Mark: <b>STREET SMART</b>      |
| v.                                    | ) |                                |
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| The Trustees of the Trust Associates, | ) |                                |
| a Georgia Trust, comprising           | ) | Serial No. <b>78/853,377</b>   |
| Louis Brown, a United States citizen  | ) |                                |
| DBA Trust Associates Trust            | ) |                                |
|                                       | ) |                                |
| Applicant.                            | ) |                                |

**OPPOSER'S FIRST REQUESTS FOR ADMISSIONS**

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Pursuant to 37 C.F.R. §2.120 and Rule 36 of the Federal Rules of Civil Procedure, Opposer, Mortgage Guaranteed Investments, LLC hereby requests that Applicant, The Trustees of the Trust Associates, answer the following Requests For Admission in writing by the date provided by Fed.R.Civ.P. 36 or by such other date as may be mutually agree upon by the parties.

**Definitions**

“Opposer” as used herein means Mortgage Guaranteed Investments, LLC, its predecessors and the officers, directors, agents and employees.

“Applicant” as used herein means The Trustees of the Trust Associates, its predecessors and the officers, directors, agents and employees of The Trustees of the Trust Associates.

“STREET SMART” as used herein means the mark as defined in Trademark Registration Application No. 78/853,377.

“Opposition” as used herein means the opposition listed in the caption.

### **Requests for Admissions**

1. Please admit that Applicant had not used the mark "STREET SMART" in commerce on or before September 30, 2005 in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

2. Please admit that Applicant had not used the mark "STREET SMART" in any manner on or before September 30, 2005 in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

3. Please admit that Applicant does not have any basis on which to claim a date on or before September 30, 2005 as the date of first use of the mark "STREET SMART" in commerce in connection with the services listed in U.S. Trademark Application Serial No. 78/853,377.

4. Please admit that Applicant was aware of Opposer's Georgia Trademark Registration No. S-22397 prior to filing U.S. Trademark Application Serial No. 78/853,377.

5. Please admit that Applicant declared September 30, 2005 to be the date of first use in commerce for the mark "STREET SMART" in U.S. Trademark Application Serial No. 78/853,377 for the purpose of claiming a date of first use in commerce for this mark that is prior to the October 1, 2005 date of first use claimed by Opposer in Georgia Trademark Registration No. S-22397.

6. Please admit that Applicant declared September 30, 2005 to be the date of first use anywhere for the mark "STREET SMART" in U.S. Trademark Application Serial No. 78/853,377 for the purpose of claiming a date of first use anywhere for this mark that is prior to the October 1, 2005 date of first use claimed by Opposer in Georgia Trademark Registration No. S-22397.

7. Please admit that Applicant declared September 30, 2005 to be the date of first use in commerce for the mark "STREET SMART" with knowledge that as of that date, Applicant had not used the mark "STREET SMART" in commerce in connection with the services stated in U.S. Trademark Application Serial No. 78/853,377.

8. Please admit that Applicant declared September 30, 2005 to be the date of first use anywhere for the mark "STREET SMART" with knowledge that as of as of that date, Applicant had not use the mark "STREET SMART" anywhere in connection with the services stated in U.S. Trademark Application Serial No. 78/853,377.

9. Please admit that a likelihood of confusion exists between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" for the services listed in Georgia Trademark Registration No. S-22397.

10. Please admit that Applicant is aware of instances of actual confusion between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

11. Please admit that Applicant adopted use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 with knowledge that such use would create a likelihood of confusion with Opposer's use of the mark "STREETSMART PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

12. Please admit that Applicant adopted use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 with the intention of creating a likelihood of confusion with Opposer's use of the mark "STREETSMART

PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

13. Please admit that a likelihood of confusion exists between Applicant's use of the mark "STREET SMART" for the services listed in U.S. Trademark Application Serial No. 78/853,377 and Opposer's use of the mark "STREETSMART PROPERTIES" in connection with the services listed in Georgia Trademark Registration No. S-22397.

Dated: October 15, 2007

Respectfully,

/Michael J. Mehrman/

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Michael J. Mehrman  
Ga. Bar Reg. No.: 500,975

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Attorney for Opposer:  
Mortgage Guaranteed Investments, LLC

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Date of Service: October 15, 2007

/Michael J. Mehrman/

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