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

Proceeding	91185374
Party	Plaintiff CBS Broadcasting Inc.
Correspondence Address	Christopher P. Beall Levine Sullivan Koch & Schulz, L.L.P. 1888 Sherman St., Suite 370 Denver, CO 80203 UNITED STATES cbeall@lskslaw.com
Submission	Motion to Compel Discovery
Filer's Name	Christopher P. Beall
Filer's e-mail	cbeall@lskslaw.com, chenning@lskslaw.com
Signature	/Christopher P. Beall/
Date	09/04/2009
Attachments	00239719.PDF ( 4 pages )(108956 bytes ) 00239718.PDF ( 4 pages )(50434 bytes )

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

Trademark: **VITAMEATAVEGAMIN**  
Application: 77/299,999  
Filed: October 9, 2007  
Published: March 25, 2008

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**CBS BROADCASTING Inc.,**

Opposition No. **91185374**

Opposer,

v.

**JAMIE MAHJOBI,**

Applicant.

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**SUPPLEMENT TO OPPOSER’S MOTION TO COMPEL COMPLIANCE WITH  
DISCOVERY OBLIGATIONS**

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Opposer CBS BROADCASTING INC. (“Opposer”), through its counsel with Levine Sullivan Koch & Schulz, L.L.P., hereby supplements its prior motion, filed August 31, 2009, for an order from the Board compelling Applicant Jamie Mahjobi (“Applicant”) to comply with her discovery obligations in this case.

In further support of that motion, Opposer states as follows:

1. On September 4, 2009, Applicant forwarded an email to undersigned counsel for Opposer attaching a copy of what Applicant purports to be her initial disclosures under Rule 26(a)(1). A copy of this document is attached hereto as **Exhibit A**.

2. The purported initial disclosures fail to comply with the requirements of Rule 26(a)(1) because they fail to provide any identification of any person whose testimony might be used to support or contradict the claims at issue in this proceeding. *See* Fed. R. Civ. P. 26(a)(1)(A).

3. The Applicant's failure to identify any potential witnesses in this case underscores the prejudice being suffered by Opposer as a result of the Applicant's refusal to cooperate in the scheduling of her deposition. Not only can Opposer not conduct a deposition of Applicant because of her refusal to provide any dates for such a deposition, but now Opposer cannot even depose other witnesses with relevant information because Applicant refuses to identify whose testimony she intends to use in this case.

**WHEREFORE**, Opposer CBS Broadcasting Inc. respectfully reiterates its prior request that the Board enter an order requiring Opposer, within five business days of the issuance of the order, to provide dates for her availability for a deposition within the county of her residence such that a discovery deposition may be conducted of her within sixty days of the Board's order, and further to provide a revised Rule 26(a)(1) disclosure that complies with the requirements of that rule.

Respectfully submitted this 4th day of September, 2009.

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.



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Christopher P. Beall  
1888 Sherman Street, Suite 370  
Denver, Colorado 80203  
Telephone - (303) 376-2400  
Facsimile - (303) 376-2401  
E-mail - [cbeall@lskslaw.com](mailto:cbeall@lskslaw.com)

Attorneys for Opposer  
CBS BROADCASTING INC.

## CERTIFICATE OF SERVICE

I do hereby certify that on this 4th day of September, 2009, a true and correct copy of the foregoing **OPPOSER'S MOTION TO COMPEL COMPLIANCE WITH DISCOVERY OBLIGATIONS** has been transmitted by United States Postal Service first class mail, postage prepaid, with a courtesy electronic copy also delivered by e-mail transmission, to:

Jamie Mahjobi  
18034 Ventura Boulevard, # 195  
Encino, California 91316-3516  
usptojm@yahoo.com

/s Christopher P. Beall

# Exhibit A

## Christopher Beall

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**From:** J M [usptojm@yahoo.com]  
**Sent:** Friday, September 04, 2009 9:58 AM  
**To:** Christopher Beall  
**Cc:** USPTOJM@YAHOO.COM  
**Subject:** Applicant's 26a1 Disclosures-TTAB 91185374  
**Attachments:** Applicant's 26a1 Disclosures.pdf

Mr Beall

Attached is a copy of the Applicant's 26a1 Disclosures.

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Proceeding 91185374; Application No. 77/299999

Applicant: Jamie Mahjobi

Opposer: CBS Broadcasting Inc

Date filed: April 29, 2009

**APPLICANT'S RULE 26@ (1) DISCLOSURES**

The applicant Jamie Mahjobi hereby submits this preliminary disclosures of information reasonably available as of this date pursuant to Rule 26 ( a)(1). The Applicant reserves the right to amend these initial disclosures as further information becomes available.

**The following categories and areas may be used in defense of the opposer's claim.**

- 1) US Patent and Trademark's record of pending, abandoned and registered Trademarks in all international Classes (IC) that include the term "VITA" either alone or as a component of a composite mark for use in connection with their products and services.
- 2) USPTO Trademarks applications or registrations in any IC that contain the term "MEATA" either alone or as a component of a composite mark for use in connection with their products and services.
- 3) USPTO Trademark application and registrations in any IC for the term "AUNT MARTHA'S".
- 4) USPTO Trademark registrations 3570447 (Lucy's) and 3010708 (miss lucy's).
- 5) Other USPTO records of applications or registrations that include the terms, LUCY, LUCY'S AND MISS LUCY'S in any International Class.
- 6) The use of term "vitameatavegamin" by any third party in any setting and for any purpose.
- 7) Opposer's purported Trademark rights
- 8) Records of Trademark Trial and Appeal Board, District Courts or any other competent Court having Jurisdiction to hear any action of infringement or opposition brought by the opposer in regard to the purported mark in this application and any other mark referenced in opposer's opposition.

**Reservation of Rights; Non-Waiver of Objections or Privileges**

The Applicant does not waive and expressly reserves the right to supplement these disclosures to the fullest extent permitted under the Federal Rules of Civil Procedure. Applicant's disclosures herein are made without in any way waiving (a) the right to object on the grounds of competency, privilege, relevancy, materiality, hearsay or any other

proper ground, to the use of any such information, for any purpose, in whole or in part, in this action or in any other actions; and (b) the right to object on any and all grounds at any time, to opposer's disclosures and to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

Respectfully submitted,

September 3, 2009

**By: Applicant,**

*Jamie Mahjobi*

## **Certificate of Service**

The undersigned hereby certifies that a copy of this **APPLICANT'S RULE 26@ (1) DISCLOSURES** has been served upon all parties at their address of record via postal mail and email as indicated below on this date.

/s/Jamie Mahjobi

Usptojm@yahoo.com  
Cbeall@lskslaw.com  
Christopher P Beall  
1888 Sherman Street #370  
Denver, CO 80203

09/04/09