

ESTTA Tracking number: **ESTTA306921**

Filing date: **09/18/2009**

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

|                           |  |
|---------------------------|--|
| Proceeding                | 91185374   |
| Party                     | Defendant<br>Jamie Mahjobi   |
| Correspondence<br>Address | Jamie Mahjobi<br>18034 Ventura Blvd.<br># 195<br>Encino, CA 91316-3516<br>UNITED STATES<br>USPTOJM@YAHOO.COM |
| Submission                | Other Motions/Papers   |
| Filer's Name              | Jamie Mahjobi  |
| Filer's e-mail            | usptojm@yahoo.com  |
| Signature                 | /jm/   |
| Date                      | 09/18/2009   |
| Attachments               | Opposition to Opposer's Motion to Compel.pdf ( 3 pages )(133152 bytes )                                      |

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

**RESPONSE AND OPPOSITION TO OPPOSER'S MOTION**

**TO COMPEL COMPLIANCE WITH DISCOVERY OBLIGATIONS**

The applicant hereby opposes the opposer's motion to compel and requests that it be taken off calendar so that the discovery process can continue.

The opposer in general has requested an order to compel production of Initial Disclosures pursuant to Rule 26 ( a)(1) and for a deposition.

As the Court may properly take notice from opposers supplement to this motion, the Initial Disclosure have already been served, which renders the issue moot. Opposer's other argument that some unknown witness have not been identified, is not a proper argument.

This is simply an application for a Trademark, the opposer has burden of proof and who claims to have evidence to the contrary. Opposer's request is uncomprehensible and cannot be accomodated.

As to the deposition, there has never been any refusal to provide responses to opposers questions should they have been served. Opposer has not served any questions. A copy Applicant's objection to Opposer's Rule 26(a)(1) disclosures [Exhibit 1], is hereto attached as further proof that these communications are open and continuing.

As the Opposers supplement shows with the attachment of Applicant's Rule 26 ( a)(1) disclosures, which a copy was sent to the opposer via email on that same day, communication via email is fast and very efficient. There is no justification for the Opposer to REFUSE to communicate via email. Accordingly an order from the Board at this stage is not necessary and may lead to other excessive fillings and needless burden on the applicant.

Accordingly Applicant requests that the Opposer's motion to compel be denied and taken off calendar so that the proceedings can continue.

Respectfully submitted,

September 17, 2009

By: Applicant,

*Jamie Mahjobi*

**Certificate of Service**

The undersigned hereby certifies that a copy of this **RESPONSE AND OPPOSITION TO OPPOSER'S MOTION TO COMPEL COMPLIANCE WITH DISCOVERY OBLIGATIONS** 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  
09/18/09

# EXHIBIT "1"

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 OBJECTION TO OPPOSER'S RULE 26@ (1) DISCLOSURES**

The opposer has submitted a Rule 26 ( a)(1) Disclosures dated July 15th 2009.

In section B paragraph 1, the opposer has claimed "Correspondence with the Applicant" as documents that the Opposer May Use to Support Its Claim.

Applicant hereby objects to the use of any such communication. The communication with the opposer, its representatives and attorneys where made in good faith to find a settlement resolution to the Opposition. All such communication are deemed privileged and confidential.

As such, now and in any future proceeding, objection is made to use of Communication and Correspondence between the parties to be used by the Opposer to Support its Claim.

**By: Applicant, *Jamie Mahjobi***

**Certificate of Service**

The undersigned hereby certifies that a copy of this OBJECTION TO OPPOSER'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.

Respectfully submitted,

*Jamie Mahjobi*  
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08/07/09