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

Proceeding	91192318
Party	Plaintiff Jose A. Copin Jr.
Correspondence Address	Amy C. Kelly Shook, Hardy & Bacon, LLP 2555 Grand Blvd. Kansas City, MO 64108 UNITED STATES akelly@shb.com, cterrebonne@shb.com, jglidewell@shb.com
Submission	Other Motions/Papers
Filer's Name	Claire M. Terrebonne
Filer's e-mail	cterrebonne@shb.com
Signature	/Claire M. Terrebonne/
Date	05/25/2010
Attachments	Opposers_Response.pdf ( 10 pages )(58781 bytes ) REDACTED_EXHIBITS.pdf ( 96 pages )(1434837 bytes )

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

Jose A. Copin, Jr.	)	
	)	
OPPOSER,	)	
	)	Opposition No. 91192318
v.	)	
	)	
TROIKA domovari GmbH	)	
	)	
APPLICANT.	)	
	)	

**OPPOSER JOSE A. COPIN, JR.'S RESPONSE IN OPPOSITION TO APPLICANT'S  
MOTION TO COMPEL SUFFICIENT ANSWERS TO APPLICANT'S FIRST  
INTERROGATORIES**

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Opposer Jose A. Copin, Jr., by and through his undersigned counsel, hereby opposes Applicant's motion to compel so-called sufficient answers to Applicant TROIKA domovari, GmbH's First Interrogatories.

**I. INTRODUCTION**

Applicant's motion to compel is an overt attempt to delay this opposition proceeding and prevent Opposer from carrying on his business activities without interference. Applicant is well aware Opposer's business activities in the United States. Applicant's predecessor in interest originally applied for the senior TROIKA marks, and then lawfully sold the same to Opposer in 2003. It is unfortunate that Applicant has now attempted to register the TROIKA and HEROIKA applications in order to reclaim a share of the United States designer giftware market under Opposer's established TROIKA brand. Thus, Applicant's demand for detailed sales and use information is a litigation tactic designed, not to seek legitimate discovery relevant to any claim or issue in this opposition, but rather to disrupt and undermine Opposer's business.

## II. BACKGROUND

On October 16, 2009, Opposer filed his Notice of Opposition opposing the issuance of registrations for Application Serial Nos. 77/569,857 for the HEROIKA mark and 77/450,485 for the TROIKA mark on the belief that such registrations will irreparably damage Opposer's business and good will associated with his TROIKA marks. On November 25, 2009, Applicant filed its Answer to the Notice of Opposition. Notably, Applicant's Answer did not assert a single affirmative defense or counterclaim.

Applicant served its First Set of Interrogatories on February 12, 2010. Opposer served his responses and objections to Applicant's First Set of Interrogatories, as well as an initial document production on March 15, 2010.<sup>1</sup> On March 23, Applicant sent Opposer a letter requesting an obligatory pre-motion to compel meet and confer. The parties conferred via teleconference on March 25, 2010, regarding the areas of concern with respect to both Applicant's and Opposer's responses to interrogatories and document requests. The parties agreed to reconsider and supplement, if necessary, their responses to discovery by April 6, 2010.<sup>2</sup>

On March 31, 2010, Opposer produced via Federal Express a significant number of documents, including the file histories of its TROIKA federal registrations, his marketing

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<sup>1</sup> Counsel for Applicant represented to counsel for Opposer that he did not receive the initial production of documents via electronic mail. The document files attached to the email sent to Opposing counsel for service of the initial production may have been too large for Applicant's counsel to receive electronically. Counsel for Opposer, however, never received any electronic notification that the email was undelivered.

<sup>2</sup> It is the recollection of Opposer's counsel that the parties agreed to reconsider and/or reevaluate the parties' respective discovery responses. The parties never conceded any deficiencies in their discovery responses or that they would, in fact, supplement those responses.

expenditures for the last three years, and detailed sales information by unit for his goods covered by International Class 18 bearing the TROIKA mark.<sup>3</sup>

Opposer did not receive any additional documents, supplemental interrogatory responses, or other communication from Applicant by April 6. On April 20, 2010, over three weeks after the parties' discovery conference call, Opposer sent Applicant a letter seeking confirmation that Applicant received Opposer's document production and inquiring whether Applicant had reevaluated its interrogatory responses. (Ex. A, April 20, 2010, Letter to R. Locher.) Applicant did not communicate with Opposer or provide supplemental interrogatory responses until April 28, 2010, three weeks after Applicant's self-imposed April 6 deadline. (Ex. B, April 28, 2010 Email from R. Locher.) In this same April 28, 2010 email which provided Applicant's supplemental interrogatory responses and confirmed that Applicant had produced all documents that it was intending to produce, Applicant again referred to its apparent lack of information with respect to Opposer's amount of sales in dollars terms, but only with respect to the effect of that information on settlement negotiations. (*Id.*) The next communication from Applicant was the instant motion to compel filed May 5, 2010.

One additional point is worthy of the Board's attention. On page 3 of Applicant's motion to compel, Applicant refers to an April 27, 2010, email. Contrary to Applicant's characterization of that communication, that email did not relate to the interrogatories at issue here, and it certainly did not acknowledge any delinquency in providing supplemental responses. Applicant's assertion to the contrary is misleading. This April 27, 2010, email addressed

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<sup>3</sup> As discussed in more detail in Part III.B below, sales information with respect to Class 18 goods is relevant to the issue of Opposer's common law rights in the use of his TROIKA mark on those goods.

Opposer's responses to Applicant's Requests for Admission, as the subject line of that email clearly indicates. (Ex. C, April 27, 2010, Email from C. Terrebonne.)

### **III. APPLICANT'S MOTION TO COMPEL SHOULD BE DENIED**

While it is true that each party and its attorney has a duty to make a good faith effort to satisfy the discovery needs of its adversary, the parties must also make a good faith effort to seek only such discovery as is proper and relevant to the issues of the case. *Luehrmann v. Kwik Kopy Corp.*, 2 U.S.P.Q.2d 1303, 1305 (T.T.A.B. 1987); *see also* TBMP § 412.01 (emphasis added). Opposer is perfectly willing to provide discovery to Applicant that appropriate for the disposition of this case. Consequently, Applicant must show that the discovery sought is relevant and reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1). Applicant has failed to meet that burden. Other than its completely unsupported conclusory statements, Applicant has not put forth any showing or argument to the contrary.

The only issues in this opposition are whether the registration of the applications for the TROIKA and HEROIKA marks will likely cause confusion, mistake or deception with regard to Opposer's TROIKA marks, or whether the registration and use of those marks suggest a false connection with Opposer's TROIKA marks. The interrogatories in question here bear no relevance to these issues and are therefore overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Opposer's responses and objections to Applicant's Interrogatory Nos. 2-7, 14, and 21 are entirely appropriate and sufficient. Subject to Opposer's objections to Applicant's interrogatories, he produced documents sufficient to respond to Applicant's requests.

#### **A. Interrogatory Nos. 2-7**

Interrogatory Nos. 2-7 requests that Opposer state for each good listed in his six TROIKA federal registrations the last date the TROIKA mark was used in commerce. Opposer objected to these interrogatories on the grounds that they were overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. (Ex. D. Opposer's Resp. to Applicant's First Set of Interrogs.)<sup>4</sup> In further responding, Opposer directed Applicant to Opposer's website and stated that he would produce responsive documents subject to his foregoing objections.

The date of last use of each of the goods listed in Opposer's six federal trademark registrations is, first and foremost, completely irrelevant to the issues in the opposition and not reasonably calculated to lead to the discovery of admissible evidence. The last date of use of a registered mark is not related to any factor considered under a *Dupont* analysis to determine the likelihood of confusion between marks, nor is it related to any factor considered under a *Buffet* analysis to determine false association. See *In re Application of E.I. Dupont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973); see also *Buffett v. Chi-Chi's, Inc.*, 226 U.S.P.Q. 428, 429 (T.T.A.B. 1985).

The only conceivable issue that Interrogatory Nos. 2-7 could possibly be relevant to is the validity of Opposer's registrations. The validity of Opposer's registrations, however, is not at issue in this opposition. Indeed, Opposer's registrations are presumptively valid and are *prima facie* evidence of Opposer's ownership and exclusive right to use the mark in commerce in connection with the goods specified. 15 U.S.C. §§1057(b), 1115. Nonetheless, Opposer

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<sup>4</sup> Contrary to Applicant's assertions in its motion to compel, Applicant did not attach a true and accurate copy of Opposer's Responses to Applicant's First Set of Interrogatories to its motion. Instead, attached to the motion is what appears to be recreated version, substantively identical in substance as far as Opposer can tell, but different in font and formatting.

produced to Applicant the file histories of his TROIKA registrations since the time Opposer acquired the rights to the TROIKA marks. Those file histories include Opposer's declarations of continued use of the goods listed in each of his registrations signed and filed with the PTO in September, October, December of 2009. (*See, e.g.*, Ex. E, Copies of the TARR Status for Opposer's TROIKA Registrations.) Applicant is not entitled to anything further with respect to the last date of use of each of the goods listed in Opposer's federal registrations.

#### **B. Interrogatory No. 14**

Interrogatory No. 14 requests annual sales in units and dollars for each product bearing the Opposer's Marks for each year in which he had sold each product. Again, with one limited exception, Opposer's sales in either units or dollars bear no relevance to the issue of likelihood of confusion or false association. Applicant's wholly conclusory statement does not establish otherwise. The only possible *Dupont* or *Buffet* factor to which the information sought in this interrogatory could have any bearing is the fame of the TROIKA marks. Opposer, however, has not alleged that his TROIKA marks are famous. *See* Opposer's Notice of Opposition. Therefore, Interrogatory 14 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

The one exception to Opposer's irrelevancy objections to this interrogatory is with respect to the goods Opposer sells in International Class 18 under his TROIKA mark. Applicant's applications seek registration of both the HEROIKA and TROIKA marks for goods in International Class 18. Admittedly, Opposer does not own a federal trademark registration for the TROIKA mark in Class 18. Opposer, however, has and has alleged common law rights to use the mark in connection with goods covered by Class 18. *See* Notice of Opposition, at ¶ 4; *see also In re ECCS, Inc.*, 94 F.3d 1578, 1579 (Fed. Cir. 1996). Opposer, therefore, produced to

Applicant a summary document listing the sales figures in units of goods sold bearing Opposer's TROIKA mark by product number and covered by International Class 18. (Ex. F, Int'l Class 18 Units Sold—Unredacted Version Filed Separately Under Seal.) Opposer also produced exemplary invoices for the sales of goods covered by International Class 18.

Applicant is not entitled to any additional sales figures regarding Opposer's goods sold bearing the TROIKA marks.

### **C. Interrogatory No. 21**

Interrogatory No. 21 requests that Opposer identify which goods listed in his registrations are not presently used in commerce. This interrogatory is objectionable for the same reasons as Interrogatory Nos. 2-7. Again, whether Opposer is presently using his marks in commerce bears only on attacks to the validity of Opposer's marks. Opposer must object to Applicant's persistent attempts to divert attention away from the real issues in this opposition.

Moreover, Opposer has already supplied to Applicant the answers it seeks in this interrogatory. Applicant served its First Set of Requests for Admission on March 23, 2010, attached as Exhibit G. The Requests for Admission were specifically tailored to question the validity of Opposer's registrations. Of Applicant's 115 requests, 108 asked Opposer to admit that he has never used or sold, had not used or sold in the past three years, and does not presently use or sell nearly every good listed in his TROIKA registrations.<sup>5</sup> With the exception of a few requests for which the good identified was unclear and/or not listed on one of Opposer's registrations, Opposer denied each and every one of the first 108 requests. Opposer's Answers to Applicant's First Set of Requests for Admissions are attached as Exhibit H.

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<sup>5</sup> Some of the Requests for Admission sought information regarding the sale and use of goods not specifically listed in any of Opposer's registrations or that Opposer has claimed use under common law. It is unclear to Opposer exactly for what purposes those Requests were tailored.

#### **D. Applicant, Has Delayed This Opposition**

Applicant's argument that Opposer has delayed this proceeding is not supported by the facts. Applicant has not been responsive and has missed deadlines agreed upon by the parties. Without any notice or request to Opposer, Applicant impulsively filed this motion to compel responses to irrelevant discovery requests. Applicant has not made any showing that the interrogatories at issue are relevant to the claims in this opposition. Thus, the only delay in this proceeding was caused by Applicant's filing of this motion, which requires that the Board suspend the opposition. *See* Trademark Rule 2.120(e)(2).

Furthermore, Applicant has not been prejudiced in any respect by Opposer's refusal to provide the information with the particularity sought by Applicant's interrogatories. The interrogatories at issue are very much related to one specific (and irrelevant) issue—the use of Opposer's marks on goods identified in his registrations. Applicant, except by its own delay, has been in no way restricted or prejudiced in conducting follow-up discovery or preparing briefing to refute Opposer's allegations of confusion and false association. If Applicant elects to request discovery related to the issues of this opposition, such as the channels of trade Applicant is using or intends to use its TROIKA and HEROIKA marks, similarity of the marks at issue, the manner and extent to which Opposer markets and advertises goods bearing his TROIKA marks, enforcement of Opposer's rights in his TROIKA marks, or actual confusion, Opposer is perfectly willing to comply.

#### **IV. CONCLUSION**

Opposer appreciates the importance of discovery and the need to comply to relevant discovery requests. Applicant's Interrogatories, however, neither rise to the level of relevance required nor are reasonably calculated to lead to the discovery of admissible evidence. In spite

of this, Opposer has reasonably complied with this discovery request. Because of the irrelevance of the Applicant's Interrogatories at issue in this motion to compel, the request for any further response would be overbroad and unduly burdensome, especially in light of the particularity and detail of the information requested. Moreover, Applicant has not been harmed in any way by Opposer's objection to accommodate Applicant in its quest of immaterial discovery. Therefore, Opposer respectfully requests that the Board **deny** Applicant's motion to compel.

Respectfully submitted,  
**SHOOK, HARDY & BACON L.L.P.**

Dated: May 25, 2010

/s/ Claire M. Terrebonne  
Amy C. Kelly, KS Bar # 15232; MO Bar # 61344  
Claire M. Terrebonne, MO Bar # 60766  
SHOOK HARDY & BACON, LLP  
2555 Grand Boulevard  
Kansas City, MO 64108  
Tel: (816) 474-6550 / Fax: (816) 421-5547  
akelly@shb.com  
cterrebonne@shb.com

ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of May, 2010, I caused a copy of OPPOSER JOSE A. COPIN, JR.'S RESPONSE IN OPPOSITION TO APPLICANT'S MOTION TO COMPEL to be served via first class and electronic mail upon the following counsel of record:

Ralph E. Locher  
Lerner Greenberg Stemer LLP  
P.O. Box. 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101  
Email: locher@patentusa.com  
trademarks@patentusa.com

/s/ Claire M. Terrebonne

Claire M. Terrebonne  
Attorney for Opposer

# **Exhibit A**

VIA EMAIL

locher@patentusa.com

April 20, 2010

Ralph E. Locher, Esq.  
Lerner Greenberg Stemer LLP  
P.O. Box 2480  
Hollywood, FL 33022-2480

Claire M. Terrebonne

2555 Grand Blvd.  
Kansas City  
Missouri 64108-2613  
816.474.6550  
816.559.2570 DD  
816.421.5547 Fax  
cterbonne@shb.com

Re: *In re Applications of TROIKA domovari GmbH*  
TTAB Opposition No. 91192318

Dear Mr. Locher:

I write to follow up our conversation a few weeks ago on March 25, 2010 regarding discovery in this opposition. Because I have not heard from you, I assume you received Mr. Copin's document production. Please let me know if that is incorrect.

Additionally, please advise whether you have examined the completeness and/or accuracy of your client's interrogatory responses as we discussed, specifically responses to Mr. Copin's Interrogatory Nos. 8 and 10.

Although we did not discuss your client's document production in detail, please confirm whether your client's production is complete, particularly with regard to the following Requests for Production. From our perspective, it is difficult to tell whether responsive documents exist, as responses to Mr. Copin's Requests for Production were not given in writing.

Request Nos. 1 and 2 seek, in part, documents relating to your client's creation, adoption and/or evaluation of its TROIKA and HEROIKA marks and their use in the United States. Your client's document production does not appear to include documents responsive to this request, other than those publicly available from USPTO. Please advise whether any additional responsive documents exist. For example, but without limitation, are there any documents reflecting internal communications, emails, memoranda or proposals regarding the creation or decision to adopt and development applicant's marks for use in the United States?

Request Nos. 5, 6, 15, 16, 17, and 18 seek documents that relate or refer to Mr. Copin and/or his marks in some respect. Given the parties' history, it seems likely that your client is in possession, custody, or control of a least some responsive documents. Please advise whether such documents exist.

Geneva  
Houston  
Kansas City  
London  
Miami  
Orange County  
San Francisco  
Tampa  
Washington, D.C.

I await your response. Please do not hesitate to contact me with any questions or concerns. Thank you.

Page 2

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Terrebonne', with a long horizontal line extending to the right.

Claire M. Terrebonne  
Associate

# **Exhibit B**

## Terrebonne, Claire M. (SHB)

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**From:** Ralph E. Locher [locher@patentusa.com]  
**Sent:** Wednesday, April 28, 2010 9:52 AM  
**To:** Terrebonne, Claire M. (SHB)  
**Subject:** RE: Copin v. TROIKA domovari GmbH -- TTAB Opposition No. 91192318 -- Copin's Responses to Applicant's Requests for Admission  
**Attachments:** Hwt-9571 TROIKA's Supplemental Answer to Opposers Interrogatori II.doc

Claire,

One box of documents from your office was received.

Attached is my client's supplemental answers to the interrogatories. A paper copy to follow in the mail.

Yes, that was our full document production. If you want an itemized listing let me know.

Unfortunately, I cannot tell how much product your client sells in a given year. If he sells \$200-\$300k in product I can make him a final offer. However, if your client is selling over \$1 million in product I cannot make an offer that he would find acceptable unless he is willing to license the mark to us. Let me know if I should abandon all settlement offers as I have never received a counter offer or any real accounting numbers.

As a side note, I am not sure of your summer vacation plans but I am liberal with extensions when it comes to enjoying life away from the office.

Ralph

-----Original Message-----

**From:** Terrebonne, Claire M. (SHB) [mailto:CTERREBONNE@shb.com]  
**Sent:** Tuesday, April 27, 2010 10:58 PM  
**To:** 'locher@patentusa.com'  
**Subject:** Copin v. TROIKA domovari GmbH -- TTAB Opposition No. 91192318 -- Copin's Responses to Applicant's Requests for Admission

Ralph,

My client has recently been out of the country with limited remote access. I understand that we owe you responses to RFAs and you have my assurances that I will get them to you as soon as practicable.

Please contact me if you have any questions.

Best regards,

Claire

Mail Gate made the following annotations on Tue Apr 27 2010 21:58:08

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

# **Exhibit C**

## Terrebonne, Claire M. (SHB)

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**From:** Terrebonne, Claire M. (SHB)  
**Sent:** Tuesday, April 27, 2010 9:58 PM  
**To:** 'locher@patentusa.com'  
**Subject:** Copin v. TROIKA domovari GmbH -- TTAB Opposition No. 91192318 -- Copin's Responses to Applicant's Requests for Admission

Claire,

O,naboxf,rld,conoxfa0,uoox,mtf,ms,fro,nmtxfc0,ybfr,abwbfov,cowmfo,lnnodd.,,A,txvocdflxv,frlf,  
yo,myo,Omt,codimxdod,fm,Chpd,lxv,Omt,r1go,w0,lddtclxnod,frlf,A,ybaa,Yof,frow,fm,Omt,ld,dmmx,  
ld,iclfnbnluao.,

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Iaoldo,nmxflnf,wo,bs,Omt,r1go,lx0,ztodfbmxd.,

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kodf,coYlcvde,,

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Ualbco,

# **Exhibit D**

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

Jose A. Copin, Jr.	)	
	)	
OPPOSER,	)	
	)	Opposition No. 91192318
v.	)	
	)	
TROIKA domovari GmbH	)	
	)	
APPLICANT.	)	
	)	

**JOSE A. COPIN, JR. S RESPONSES TO APPLICANT S FIRST SET OF  
INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Trademark Rules of Practice §§ 2.116 and 2.120, Opposer Jose A. Copin, Jr. (“Opposer”), by and through his undersigned counsel, responds and objects to Applicant TROIKA domovari GmbH’s (“Applicant”) First Set of Interrogatories. Opposer’s Responses reflect his present knowledge, information, and belief based on the information available to Opposer after a reasonable search of his files. Because discovery is ongoing, Opposer reserves the right to assert additional objections and to modify and supplement his Responses, in whole or in part, without prejudice.

**GENERAL OBJECTIONS**

The following General Objections shall be deemed incorporated into the objections and Responses to each and every specific Interrogatory:

1. Opposer objects to Applicant’s Interrogatories to the extent that these Interrogatories seek information beyond what is available to Opposer at the present time from a reasonable search of his files.
  
2. Opposer objects to Applicant’s Interrogatories to the extent the Interrogatories seek information that is within the attorney-client privilege or work product immunity, or any

other applicable privilege. Opposer hereby claims such privileges and protections to the extent they are implicated by each request and excludes privileged and protected information from its responses to the Interrogatories. Any disclosure of such privileged or protected information is inadvertent and is not intended to waive those privileges or protections.

3. Opposer objects to Applicant's Interrogatories to the extent that they seek to impose obligations on Opposer beyond his obligations under the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

4. Opposer objects to Applicant's Interrogatories to the extent that it seeks information beyond the possession, custody, and control of Opposer.

5. Opposer objects to Applicant's Interrogatories to the extent they seek irrelevant information or information that is not reasonably calculated to lead to the discovery of admissible evidence. By responding to an Interrogatory, Opposer is not conceding that the Interrogatory is relevant to the subject matter of this proceeding or reasonably calculated to lead to the discovery of admissible evidence. Opposer expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and to the introduction of the Responses into evidence. Opposer also expressly reserves the right to challenge the authenticity, relevance, materiality, privilege, or admissibility of the information provided in the documents identified and/or produced in response to these Interrogatory at any subsequent proceeding or trial.

6. Opposer objects to Applicant's Interrogatories to the extent the Interrogatories seek information that is publicly available and/or equally accessible to Applicant.

7. Opposer objects to Applicant's Interrogatories to the extent they seek information that is premature. Opposer again emphasizes that discovery is ongoing and that responsive documents and information may not be presently located, known, or identified. Therefore,

Opposer reserves the right to assert additional objections and to modify and/or supplement responses without prejudice.

### **RESPONSES**

**INTERROGATORY NO. 1:** For each person who provided information disclosed in the answers to interrogatories served by Applicant, please identify the interrogatories for which the person provided information, the information provided and identify that person.

**RESPONSE:** Subject the foregoing General Objections, Opposer states that he, Jose A. Copin, Jr., provided all information disclosed and/or used in responding to these Interrogatories.

**INTERROGATORY NO. 2:** *Under Opposer's* mark TROIKA, U.S. Registration No. 2,256,787, the following goods are listed: shaving brushes, compact sold empty, atomizers sold empty, flasks, champagne buckets, napkin rings not of precious metal, cork screws, bottle openers, pepper mills and shoe horns; ***for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.***

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 3:** Under Opposer's mark TROIKA, U.S. Registration No. 2,256,788, the following goods are listed: memo pads, letter openers, bookmarks, pens, and paperweights; *for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.*

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 4:** Under Opposer's mark TROIKA, U.S. Registration No. 2,256,789, the following goods are listed: money clips, metal locks, metal

locks and keys therefor, key fobs, key rings, jewelry boxes, and money boxes; all made of metal; *for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.*

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 5:** Under Opposer's mark TROIKA, U.S. Registration No. 2,266,575, the following goods are listed: money clips, metal locks, metal locks and keys therefor, key fobs, key rings, jewelry boxes, and money boxes; all made of metal; *for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.*

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the

discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 6:** Under Opposer's mark TROIKA, U.S. Registration No. 2,268,514, the following goods are listed: pocket knives, nut crackers not of precious metal, manicure sets, non-electric razors, cases, and razor blades; *for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.*

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P.

33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 7:** Under Opposer's mark TROIKA, U.S. Registration No. 2,268,515, the following goods are listed: thermometers not for medical use, monoculars, telescopes, eyeglass cases, magnifying glasses and portable traffic beacon lights; *for each, individually and separately, of the above-listed goods please state the last date the mark was used in commerce which the United States Congress may regulate or if never used please state so accordingly.*

**RESPONSE:** See general objections. Opposer objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, to the extent that it seeks information unrelated to any party's claim or defense and insofar as Opposer's TROIKA Marks are federally registered. Opposer further objects to the extent that this Interrogatory seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer directs Applicant to <http://www.troika-usa.com/>. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 8:** For each person who will be providing evidence or testimony on behalf of Opposer, please identify the person and state in detail the subject matter of his or her testimony.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as premature and to the extent it imposes obligations on Opposer beyond those imposed by the Trademark Rules of Practice and the schedule in this proceeding.

Subject to the foregoing General and Specific Objections, Opposer will provide the requested information at the appropriate time, pursuant to the schedule in this proceeding. Opposer further directs Applicant to the parties' initial disclosures.

**INTERROGATORY NO. 9:** For each person that Opposer may call, rely on, or use as an expert witness, please identify that person, all opinions to be expressed and the basis therefor, the qualifications of that person as an expert witness and the data information considered by the person in forming the opinions.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as premature and to the extent it imposes obligations on Opposer beyond those imposed by the Trademark Rules of Practice and the schedule in this proceeding.

Subject to the foregoing General and Specific Objections, Opposer will provide the requested information at the appropriate time, pursuant to the schedule in this proceeding.

**INTERROGATORY NO. 10:** For each actual intended advertisement or promotion by or on behalf of Opposer using or containing Opposer's Mark(s), please identify each publication in which it was or will be published, the location at which it will be displayed or distributed, and the approximate dollar expenditure.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as this Interrogatory seeks information unrelated to any party's claim or defense.

Opposer states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce non-privileged documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 11:** Identify the geographic marketing area in which each product or service is sold or provided using Opposer's Marks.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as Opposer's TROIKA Marks are federally registered.

Subject to the foregoing General and Specific Objections, Opposer states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce non-privileged documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 12:** Identify the channels of trade in which the products and/or services are offered or will be offered under Opposer's Mark.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory to the extent it seeks information equally or readily available to Applicant.

Subject to the foregoing General and Specific Objections, Opposer states that his products bearing his TROIKA Marks are offered to various retailers and distributors in the promotional products industry, as well as directly to end consumers, via various means, including, but not limited to, in person, postal, and/or internet offerings. Opposer further states, pursuant to Fed. R. Civ. P. 33(d), that Opposer will produce non-privileged documents that are

responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 13:** Identify the person(s) responsible for supervising the quality of the products and/or services offered for sale under Opposer's Marks;

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as this Interrogatory seeks information unrelated to any party's claim or defense.

Subject to the foregoing General and Specific Objections, Opposer states that he, Jose A. Copin, Jr., is responsible for the appropriate use of his TROIKA Marks.

**INTERROGATORY NO. 14:** For each of the products sold under Opposer's Marks, state, both in units and in dollars, your annual sales of each product bearing the mark for each year in which you have sold such product.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as this Interrogatory is not limited to a reasonable time period and seeks information unrelated to any party's claim or defense.

Subject to the foregoing General and Specific Objections, Opposer will produce non-privileged responsive documents sufficient to show summary sales information for a reasonable and relevant time period in response to Applicant's document Requests.

**INTERROGATORY NO. 15:** Identify all efforts you have made to enforce any claimed rights in Opposer's Marks including, but not limited to opposition proceedings, cancellation proceedings and lawsuits.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as it seeks information unrelated to any party's claim or defense.

Subject to the foregoing General and Specific Objections, Opposer states that other than the present proceeding against Applicant, Opposer sent a cease and desist letter to one of Applicant's distributors, International Merchandise Concepts ("IMC"), on February 5, 2010. Opposer further states that he also sent cease and desist letters to Overstock.com and its supplier of the infringing product. Opposer will produce those cease and desist letters.

**INTERROGATORY NO. 16:** Identify all communications directed to you that have challenged or questioned your right to use Opposer's Marks.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as it seeks information unrelated to any party's claim or defense.

Subject to the foregoing General and Specific Objections, Opposer states that to his knowledge no third party has ever challenged or questioned his right to use his TROIKA Marks.

**INTERROGATORY NO. 17:** For each instance in which Opposer has ever been involved in any contested matter with a third party relating to Opposer's Marks, please identify the marks in controversy; the parties involved in the contested matter; and the outcome.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as it seeks information unrelated to any party's claim or defense and to the extent it is duplicative of Interrogatory No. 16.

Subject to the foregoing General and Specific Objections, Opposer incorporates herein his response to Interrogatory 16 and further states that he has never been involved in any contested matter with a third party relating to his TROIKA marks.

**INTERROGATORY NO. 18:** State whether Opposer has ever learned of, witnessed or obtained any knowledge or information regarding actual confusion on the part of any person as to the source, sponsorship, affiliation or approval between Applicant's and Opposer's marks and related goods and services arising out of the use of Applicant's Mark, and describe each such instance (including the date, location, and all pertinent witnesses and documents).

**RESPONSE:** Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and premature.

Subject to the foregoing General and Specific Objections, Opposer states that that several current and long-time customers have notified Opposer and inquired whether in fact Applicant's products bearing its HEROIKA Mark were one in the same, or at least related to, Opposer's TROIKA brand. Additionally and specifically, one of Opposer's customers, Mike Bechold of Suntime Linkswalker, contacted one of Applicant's distributors, IMC, on or about

August 26, 2009, after seeing a sailboat paperweight bearing the HEROIKA mark on IMC's website and inquired the following:

I am very confused because Troika and Heroika seem to be the same. Question are they the same?

Opposer further states that, pursuant to Fed. R. Civ. P. 33(d), Opposer will produce non-privileged documents that are responsive to this Interrogatory, and that the burden for identifying the requested information in the documents produced will be substantially the same for Applicant as it is for Opposer.

**INTERROGATORY NO. 19:** State when Opposer first learned of the existence of Applicant's mark and describe the circumstances under which it became aware of Applicant's mark.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as it seeks information unrelated to any party's claim or defense. Opposer further objects to this Interrogatory to extent it seeks information protected by the attorney-client privilege, work product doctrine, or other applicable protection from discovery.

Subject to the foregoing Specific and General Objections, Opposer states that he first learned of the existence of Applicant's HEROIKA mark in January 2009 at a Promotional Products Association International (PPAI) trade show in Las Vegas, Nevada, USA. Opposer attended the trade show and saw and observed the HEROIKA mark being used on various products identical to and/or closely related to products bearing Opposer's TROIKA Marks. Opposer further states that around the same time, colleagues in the promotional products industry and general gift industry also notified Opposer of the existence and use of the HEROIKA mark.

Opposer states that he first became aware of Applicant's TROIKA trademark application after investigating Applicant's use of the confusingly similar HEROIKA mark.

**INTERROGATORY NO. 20:** Identify all trademark disputes, past or present, between Opposer and any third parties.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as it seeks information unrelated to any party's claim or defense and to the extent it is duplicative of Interrogatory Nos. 16 and 17.

Subject to the foregoing General and Specific Objections, Opposer incorporates herein his responses to Interrogatory Nos. 16 and 17 and states that he has not been involved in any other trademark disputes other than the present action with any third party.

**INTERROGATORY NO. 21:** Identify which of the goods listed in the identification of goods of the registrations for Opposer's Marks which are not presently used in commerce by Opposer.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as Opposer's TROIKA Marks are federally registered, and to the extent it seeks information unrelated to any party's claim or defense. Opposer further objects to this Interrogatory to the extent it is duplicative of Interrogatories 2—7.

Subject to the foregoing General and Specific Objections, Opposer incorporates herein his responses to Interrogatories 2—7.

**INTERROGATORY NO. 22:** Identify which of the goods listed in the identification of goods of the registrations for Opposer's Marks which have never been used on commerce by Opposer.

**RESPONSE:** See General Objections. Opposer objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, at least, insofar as Opposer's TROIKA Marks are federally registered, and to the extent it seeks information unrelated to any party's claim or defense.

Subject to the foregoing General and Specific Objections, Opposer states that to his knowledge every good listed in the registrations of his TROIKA Marks has been used in commerce.

Respectfully submitted,

**SHOOK, HARDY & BACON L.L.P.**

Dated: March 15, 2010

/s/ Claire M. Terrebonne  
Amy C. Kelly, KS Bar # 15232; MO Bar # 61344  
Claire M. Terrebonne, MO Bar # 60766  
SHOOK HARDY & BACON, LLP  
2555 Grand Boulevard  
Kansas City, MO 64108  
Tel: (816) 474-6550 / Fax: (816) 421-5547  
akelly@shb.com  
cterrebonne@shb.com

ATTORNEYS FOR OPPOSER

## **VERIFICATION**

My name is Jose A. Copin, Jr., and I am the Opposer in the above captioned opposition proceeding and owner of the U.S. trademark registrations covering the TROIKA Marks at issue.

I have read the contents of the foregoing Objections and Responses to APPLICANT'S FIRST SET OF INTERROGATORIES. I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing responses are true and correct.

Dated: March \_\_\_\_, 2010 \_\_\_\_\_

SEE ATTACHED EXECUTED COPY

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of March, 2010, I caused a copy of JOSE A. COPIN, JR.'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES to be served via electronic mail upon the following counsel of record:

Ralph E. Locher  
Lerner Greenberg Stemer LLP  
P.O. Box. 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101  
Email: locher@patentusa.com  
trademarks@patentusa.com

/s/ Claire M. Terrebonne  
Claire M. Terrebonne  
Attorney for Opposer

**VERIFICATION**

My name is Jose A. Copin, Jr., and I am the Opposer in the above captioned opposition proceeding and owner of the U.S. trademark registrations covering the TROIKA Marks at issue.

I have read the contents of the foregoing Objections and Responses to APPLICANT'S FIRST SET OF INTERROGATORIES. I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing responses are true and correct.

Dated: March 15, 2010

\_\_\_\_\_

# **Exhibit E**

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 13:35:45 ET](#)

Serial Number: [75429079 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2256787](#)

#### Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-12-30](#)

Filing Date: [1998-02-04](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-06-29](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: (NOT AVAILABLE)

Date In Location: [2009-12-30](#)

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. COPIN, JOSE A, JR., MR.

**Address:**

COPIN, JOSE A, JR., MR.  
138 GREYMON DR  
WEST PALM BEACH, FL 33405  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

**International Class:** 021

**Class Status:** Active

SHAVING BRUSHES, COMPACT SOLD EMPTY, ATOMIZERS SOLD EMPTY,  
FLASKS, CHAMPAGNE BUCKETS, NAPKIN RINGS NOT OF PRECIOUS METAL,  
CORK SCREWS, BOTTLE OPENERS, PEPPER MILLS AND SHOE HORNS

**Basis:** 1(a)

**First Use Date:** 1990-00-00

**First Use in Commerce Date:** 1990-00-00

---

**ADDITIONAL INFORMATION**

---

**Description of Mark:** The mark consists, in part , of a stylized letter "A" in the word "TROIKA."

**Design Search Code(s):**

**26.11.21** - Rectangles that are completely or partially shaded

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-12-30 - First renewal 10 year

2009-12-30 - Section 8 (10-year) accepted/ Section 9 granted

2009-12-28 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-05-18 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-06-29 - Registered - Principal Register

1999-04-06 - Published for opposition

1999-03-05 - Notice of publication

1998-12-14 - Approved for Pub - Principal Register (Initial exam)

1998-11-12 - Communication received from applicant

1998-07-14 - Non-final action mailed

1998-06-26 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

MR. JOSE A. COPIN, JR.  
138 GREYMON DRIVE  
WEST PALM BEACH, FL 33405

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 13:46:40 ET](#)

Serial Number: [75429077 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2268515](#)

Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-08-18](#)

Filing Date: [1998-02-05](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-08-10](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [830 -Post Registration](#)

Date In Location: [2009-08-18](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [COPIN, JOSE A, JR., MR.](#)

**Address:**

[COPIN, JOSE A, JR., MR.](#)  
[138 GREYMON DR](#)  
[WEST PALM BEACH, FL 33405](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

---

**GOODS AND/OR SERVICES**

---

**International Class:** [009](#)

**Class Status:** [Active](#)

[THERMOMETERS NOT FOR MEDICAL USE, MONOCULARS, TELESCOPES, EYEGLOSS CASES, MAGNIFYING GLASSES AND PORTABLE TRAFFIC BEACON LIGHTS](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [1990-00-00](#)

**First Use in Commerce Date:** [1990-00-00](#)

---

**ADDITIONAL INFORMATION**

---

**Description of Mark:** [The mark consists, in part, of a stylized letter "A" in the word "TROIKA".](#)

**Design Search Code(s):**

[26.11.21](#) - [Rectangles that are completely or partially shaded](#)

---

**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-08-18](#) - [First renewal 10 year](#)

2009-08-18 - Section 8 (10-year) accepted/ Section 9 granted

2009-08-12 - Assigned To Paralegal

2009-08-10 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-05-18 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-08-10 - Registered - Principal Register

1999-05-18 - Published for opposition

1999-04-16 - Notice of publication

1999-01-26 - Approved for Pub - Principal Register (Initial exam)

1998-12-31 - Communication received from applicant

1998-11-20 - Non-final action mailed

1998-11-09 - Assigned To Examiner

1998-10-29 - Assigned To Examiner

---

#### ATTORNEY/CORRESPONDENT INFORMATION

---

##### **Correspondent**

COPIN, JOSE A, JR., MR.  
138 GREYMON DR  
WEST PALM BEACH, FL 33405

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 13:54:30 ET](#)

Serial Number: [75429076 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2268514](#)

Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-08-18](#)

Filing Date: [1998-02-05](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-08-10](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [830 -Post Registration](#)

Date In Location: [2009-08-18](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [COPIN, JOSE A, JR., MR.](#)

**Address:**

[COPIN, JOSE A, JR., MR.](#)  
[138 GREYMON DR](#)  
[WEST PALM BEACH, FL 33405](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

---

**GOODS AND/OR SERVICES**

---

**International Class:** [008](#)

**Class Status:** [Active](#)

[POCKET KNIVES, NUT CRACKERS NOT OF PRECIOUS METAL, MANICURE SETS, NON-ELECTRIC RAZORS, CASES, and RAZOR BLADES](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [1990-00-00](#)

**First Use in Commerce Date:** [1990-00-00](#)

---

**ADDITIONAL INFORMATION**

---

**Description of Mark:** [The mark consists, in part, of a stylized letter "A" in the word "TROIKA."](#)

**Design Search Code(s):**

[26.11.21](#) - Rectangles that are completely or partially shaded

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-08-18](#) - First renewal 10 year

2009-08-18 - Section 8 (10-year) accepted/ Section 9 granted

2009-08-12 - Assigned To Paralegal

2009-08-10 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-07-08 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-08-10 - Registered - Principal Register

1999-05-18 - Published for opposition

1999-04-16 - Notice of publication

1998-12-17 - Approved for Pub - Principal Register (Initial exam)

1998-11-12 - Communication received from applicant

1998-07-14 - Non-final action mailed

1998-06-26 - Assigned To Examiner

---

#### **ATTORNEY/CORRESPONDENT INFORMATION**

---

##### **Correspondent**

COPIN, JOSE A, JR., MR.

138 GREYMON DR

WEST PALM BEACH, FL 33405

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 14:00:49 ET](#)

Serial Number: [75429078 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2266575](#)

Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-08-24](#)

Filing Date: [1998-02-05](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-08-03](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [830 -Post Registration](#)

Date In Location: [2009-08-24](#)

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [COPIN, JOSE A, JR., MR.](#)

**Address:**

[COPIN, JOSE A, JR., MR.](#)  
[138 GREYMON DR](#)  
[WEST PALM BEACH, FL 33405](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

---

**GOODS AND/OR SERVICES**

---

**International Class:** [014](#)

**Class Status:** [Active](#)

[WATCHES, CLOCKS, CUFF LINKS; CIGARETTE CASES and CIGARETTE LIGHTERS OF PRECIOUS METAL](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [1990-00-00](#)

**First Use in Commerce Date:** [1990-00-00](#)

---

**ADDITIONAL INFORMATION**

---

**Description of Mark:** [The mark consists, in part, of a stylized letter "A" in the word "TROIKA."](#)

**Design Search Code(s):**

[26.11.21](#) - [Rectangles that are completely or partially shaded](#)

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-08-24](#) - [First renewal 10 year](#)

2009-08-24 - Section 8 (10-year) accepted/ Section 9 granted

2009-08-05 - Assigned To Paralegal

2009-08-03 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-07-08 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-08-03 - Registered - Principal Register

1999-05-11 - Published for opposition

1999-04-09 - Notice of publication

1998-12-17 - Approved for Pub - Principal Register (Initial exam)

1998-11-12 - Communication received from applicant

1998-07-14 - Non-final action mailed

1998-06-26 - Assigned To Examiner

---

### ATTORNEY/CORRESPONDENT INFORMATION

---

#### **Correspondent**

CHARLES RYAN HICKMAN  
CHARLES RYAN HICKMAN, PA  
240 10TH STREET  
WEST PALM BEACH, FL 33401

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 14:08:00 ET](#)

Serial Number: [75429296 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2256789](#)

Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-10-13](#)

Filing Date: [1998-02-05](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-06-29](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: (NOT AVAILABLE)

Date In Location: [2009-10-13](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [COPIN, JOSE A, JR., MR.](#)

**Address:**

[COPIN, JOSE A, JR., MR.](#)  
[138 GREYMON DR](#)  
[WEST PALM BEACH, FL 33405](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

---

**GOODS AND/OR SERVICES**

---

**International Class:** [006](#)

**Class Status:** [Active](#)

[MONEY CLIPS, METAL LOCKS, METAL LOCKS AND KEYS THEREFOR, KEY FOBS, KEY RINGS, JEWELRY BOXES, and MONEY BOXES; ALL MADE OF METAL](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [1990-00-00](#)

**First Use in Commerce Date:** [1990-00-00](#)

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**ADDITIONAL INFORMATION**

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**Description of Mark:** [The mark consists, in part, of a stylized letter "A" in the word "TROIKA."](#)

**Design Search Code(s):**

[26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders](#)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-10-13 - First renewal 10 year](#)

2009-10-13 - Section 8 (10-year) accepted/ Section 9 granted

2009-10-08 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-05-18 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-06-29 - Registered - Principal Register

1999-04-06 - Published for opposition

1999-03-05 - Notice of publication

1998-12-14 - Approved for Pub - Principal Register (Initial exam)

1998-11-12 - Communication received from applicant

1998-07-14 - Non-final action mailed

1998-06-26 - Assigned To Examiner

---

### **ATTORNEY/CORRESPONDENT INFORMATION**

---

#### **Correspondent**

COPIN, JOSE A, JR., MR.  
138 GREYMON DRIVE  
WEST PALM BEACH, FL 33405

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on [2010-03-31 14:27:21 ET](#)

Serial Number: [75429080 Assignment Information](#)      [Trademark Document Retrieval](#)

Registration Number: [2256788](#)

Mark



(words only): [TROIKA](#)

Standard Character claim: [No](#)

Current Status: [This registration has been renewed.](#)

Date of Status: [2009-12-30](#)

Filing Date: [1998-02-05](#)

Transformed into a National Application: [No](#)

Registration Date: [1999-06-29](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: (NOT AVAILABLE)

Date In Location: [2009-12-30](#)

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [COPIN, JOSE A, JR., MR.](#)

**Address:**

[COPIN, JOSE A, JR., MR.](#)  
[138 GREYMON DR](#)  
[WEST PALM BEACH, FL 33405](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

---

**GOODS AND/OR SERVICES**

---

**International Class:** [016](#)

**Class Status:** [Active](#)

[MEMO PADS, LETTER OPENERS, BOOKMARKS, PENS, and PAPERWEIGHTS](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [1990-00-00](#)

**First Use in Commerce Date:** [1990-00-00](#)

---

**ADDITIONAL INFORMATION**

---

**Description of Mark:** [The mark consists of a stylized letter "A" in the word "TROIKA".](#)

**Design Search Code(s):**

[26.11.21](#) - [Rectangles that are completely or partially shaded](#)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-12-30](#) - [First renewal 10 year](#)

[2009-12-30](#) - [Section 8 \(10-year\) accepted/ Section 9 granted](#)

2009-12-29 - TEAS Section 8 & 9 Received

2009-04-29 - Automatic Update Of Assignment Of Ownership

2005-05-18 - Section 8 (6-year) accepted

2005-04-11 - Section 8 (6-year) filed

2005-04-11 - PAPER RECEIVED

1999-06-29 - Registered - Principal Register

1999-04-06 - Published for opposition

1999-03-05 - Notice of publication

1998-12-14 - Approved for Pub - Principal Register (Initial exam)

1998-11-09 - Communication received from applicant

1998-07-14 - Non-final action mailed

1998-06-23 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**  
COPIN, JOSE A, JR., MR.  
138 GREYMON DR  
WEST PALM BEACH, FL 33405

---

**REDACTED**

**Exhibit F**

7:07 PM  
03/22/10  
Accrual Basis

**Nipoc Inc. d.b.a. TROIKA**  
**Sales by Item Summary**  
**All Transactions**

Class Code IC018	TROIKA ACCESSORIES	Sales 2008-2010
Class Code IC018	CBK01-BK	
Class Code IC018	CDC30-ST	
Class Code IC018	CDC48-LE	
Class Code IC018	CDC57-AL	
Class Code IC018	CDC75-BK	
Class Code IC018	CDC75-BL	
Class Code IC018	CDC75-SI	
Class Code IC018	CDC90-ST	
Class Code IC018	DKO01-LE	
Class Code IC018	DOC01-LE	
Class Code IC018	JLB01-LE	
Class Code IC018	PAS01-BK	
Class Code IC018	PWAX01-LE	
Class Code IC018	TBX01-LE	
Class Code IC018	TLB01-LE	
Class Code IC018	TTR01-LE	
Class Code IC018	WAL01-BK	
Class Code IC018	WAL02-BK	
Class Code IC018	WIN01-LE	
Class Code IC018	XCLP01-LE	
Total Units Sold		

## TROIKA Units Sold From 2005-2008

Class 18	TROIKA ACCESSORIES	Total Units Sold
Class 18	CBK01-BK	
Class 18	CDC30-ST	
Class 18	CDC47-LE	
Class 18	CDC48-LE	
Class 18	CDC49-LE	
Class 18	CDC57-AL	
Class 18	CDC58-GM	
Class 18	CDC58-SBL	
Class 18	CDC58-SGR	
Class 18	CDC58-SPK	
Class 18	CDC58-SRD	
Class 18	CDC75-BK	
Class 18	CDC75-BL	
Class 18	CDC75-SI	
Class 18	CDC90-ST	
Class 18	DKO01-LE	
Class 18	DOC01-LE	
Class 18	HUM01-LE	
Class 18	JLB01-LE	
Class 18	MAR01-LE	
Class 18	PAS01-BK	
Class 18	PHO02-BK	
Class 18	PWAX01-LE	
Class 18	SETFT-1 BOX	
Class 18	SETFT-11 BOX	
Class 18	SETFT-6 BOX	
Class 18	SETJB01-GM-BOX	
Class 18	SETJB01-SBL-BOX	
Class 18	SETJB01-SGR-BOX	
Class 18	SETJB01-SPK-BOX	
Class 18	SETJB01-SRD-BOX	
Class 18	TBX01-LE	
Class 18	TLB01-LE	
Class 18	WAL01-BK	
Class 18	WAL02-BK	
Class 18	XCLP01-LE	
Class 18	WEX01-LE	

Total Units Sold in This Class 18

# **Exhibit G**

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

Jose A. Copin, Jr.	)	
	)	
	)	
OPPOSER,	)	
	)	
V.	)	Opposition No. 91192318
	)	
	)	
TROIKA domovari GmbH	)	
	)	
	)	
APPLICANT.)	)	
	)	

**APPLICANT'S FIRST SET OF ADMISSIONS**

To: Opposer, Jose A. Copin, Jr., and his attorneys, Claire M. Terrebonne, Shook, Hardy & Bacon, 2555 Grand Boulevard, Kansas City, MO 64108.

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Applicant, TROIKA domovari GmbH (herein after "Applicant"), by and through its attorneys, hereby requests that Opposer, Jose A. Copin, Jr., (hereinafter "Opposer"), admit the truth to the below-stated requests for admissions.

The singular form or masculine gender, when used herein, shall include respectively, the plural and feminine or neuter as appropriate. The conjunctive form "and" and the disjunctive form "or" shall be mutually interchangeable and shall not be

construed to limit any request.

### **DEFINITIONS**

The following words and terms, when used in these Admissions, shall have the following meanings:

A. "Opposer" shall each mean Jose A. Copin, Jr., and all other persons acting or purporting to act on behalf of it.

B. "Applicant" shall mean TROIKA domovari GmbH.

C. "You" or "your" means Opposer as defined above.

D. The term "document" shall have the broadest and most comprehensive meaning permitted by Rule 34 of the Federal Rules of Civil Procedure.

E. The term "identify," to give the "identity" of, or to "describe" mean, in general, to give the fullest description known or ascertainable by Opposer, whether or not in the possession of Opposer and whether or not alleged to be privileged.

F. "Person" and "persons" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not; partnership; firm; association; or other form of business entity; charitable, educational, governmental, or other non-profit institution, foundation body, or other organization; and shall include the entity itself, its officers, directors, employees, staff members, agents, representatives of all kinds (including, but not limited to legal representatives), and

consultants.

G. "Applicant's Marks" means the marks: TROIKA depicted in Serial No. 77/450,585 and HEROIKA depicted in Serial No. 77/569,857.

H. "License" refers to any grant, acknowledgment, or permission, oral or written, of the right to use a mark.

I. "State" when used with a reference to a particular subject matter means to declare and describe all facts that are known to you which refer or relate to that subject matter.

J. "Refers," "referring," "relates," or "relating" means embodying, pertaining to, concerning, constituting, comprising, reflecting, discussing, or having any logical or factual connection whatsoever with the subject matter in question.

K. "Communications" means any transmission of information from one or more persons and/or between two or more persons by any means including but not limited to, telephone conversations, letters, telegrams, teletypes, telexes, telecopies, faxes, computer linkups, written memoranda, and face-to-face conversations.

L. "Opposer's Marks" means the marks: TROIKA and design depicted in Registration No. 2,256,787; TROIKA and design depicted in Registration No. 2,256,788; TROIKA and design depicted in Registration No. 2,256,789; TROIKA and design depicted in Registration No. 2,266,575; TROIKA and design depicted in Registration No. 2,268,514; TROIKA and design depicted in Registration No. 2,268,515.

M. "Opposer's Goods" means the goods identified in each of Opposer's respective registrations itemized in paragraph L above.

N. "Opposer's Services" means the services identified in each of Opposer's respective registrations itemized in paragraph L above

O. The term "identify" in relation to: (a) a person requests the name, address, telephone number and last known employer; (b) an entity requests the name, address, telephone number and contact person; and (c) a document requests the author, all recipients, the date, current custodian and a brief description of the subject matter of the document.

P. The phrase "bearing the mark" should be accepted trademark use of the mark including but not limited to the mark being shown on the product itself, being shown on product packaging for the product, or in conjunction with any form of advertising of the goods/services.

**REQUESTS FOR ADMISSION**

Request No. 1: Admit that Opposer has never sold or used in commerce any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 2: Admit that Opposer has not sold or used in commerce for at least three years any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 3: Admit that Opposer presently does not sell or use in commerce any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 4: Admit that Opposer has never sold or used in commerce any hides bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 5: Admit that Opposer has not sold or used in commerce for at least three years any hides bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 6: Admit that Opposer presently does not sell or use in commerce any hides bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 7: Admit that Opposer has never sold or used in commerce any trunks bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 8: Admit that Opposer has not sold or used in commerce for at least three years any trunks skins bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 9: Admit that Opposer presently does not sell or use in commerce any animal trunks bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 10: Admit that Opposer has never sold or used in commerce any travelling bags bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 11: Admit that Opposer has not sold or used in commerce for at least three years any travelling bags bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 12: Admit that Opposer presently does not sell or use in commerce any travelling bagshides bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 13: Admit that Opposer has never sold or used in commerce any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 14: Admit that Opposer has not sold or used in commerce for at least three years any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 15: Admit that Opposer presently does not sell or use in commerce any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 16: Admit that Opposer has never sold or used in commerce any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 17: Admit that Opposer has not sold or used in commerce for at least three years any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 18: Admit that Opposer presently does not sell or use in commerce any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 19: Admit that Opposer has never sold or used in commerce any walking sticks bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 20: Admit that Opposer has not sold or used in commerce for at least three years any walking sticks bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 21: Admit that Opposer presently does not sell or use in commerce any walking sticks bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 22: Admit that Opposer has never sold or used in commerce any whips bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 23: Admit that Opposer has not sold or used in commerce for at least three years any whips bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 24: Admit that Opposer presently does not sell or use in commerce any whips bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 25: Admit that Opposer has never sold or used in commerce any harness bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 26: Admit that Opposer has not sold or used in commerce for at least three years any harness bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 27: Admit that Opposer presently does not sell or use in commerce any harness bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 28: Admit that Opposer has never sold or used in commerce any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 29: Admit that Opposer has not sold or used in commerce for at least three years any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 30: Admit that Opposer presently does not sell or use in commerce any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 31: Admit that Opposer has never sold or used in commerce any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 32: Admit that Opposer has not sold or used in commerce for at least three years any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 33: Admit that Opposer presently does not sell or use in commerce any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 34: Admit that Opposer has never sold or used in commerce any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 35: Admit that Opposer has not sold or used in commerce for at least three years any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 36: Admit that Opposer presently does not sell or use in commerce any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 37: Admit that Opposer has never sold or used in commerce any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 38: Admit that Opposer has not sold or used in commerce for at least three years any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 39: Admit that Opposer presently does not sell or use in commerce any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 40: Admit that Opposer has never sold or used in commerce any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 41: Admit that Opposer has not sold or used in commerce for at least three years any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 42: Admit that Opposer presently does not sell or use in commerce any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 43: Admit that Opposer has never sold or used in commerce any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 44: Admit that Opposer has not sold or used in commerce for at least three years any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 45: Admit that Opposer presently does not sell or use in commerce any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 46: Admit that Opposer has never sold or used in commerce any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 47: Admit that Opposer has not sold or used in commerce for at least three years any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 48: Admit that Opposer presently does not sell or use in commerce any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

Request No. 49: Admit that Opposer has never sold or used in commerce any nut crackers not of precious metal bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 50: Admit that Opposer has not sold or used in commerce for at least three years any nut crackers not of precious metal bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 51: Admit that Opposer presently does not sell or use in commerce any nut crackers not of precious metal bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 52: Admit that Opposer has never sold or used in commerce any manicure sets bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 53: Admit that Opposer has not sold or used in commerce for at least three years any manicure sets bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 54: Admit that Opposer presently does not sell or use in commerce any manicure sets bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 55: Admit that Opposer has never sold or used in commerce any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 56: Admit that Opposer has not sold or used in commerce for at least three years any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 57: Admit that Opposer presently does not sell or use in commerce any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 58: Admit that Opposer has never sold or used in commerce any razor blades bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 59: Admit that Opposer has not sold or used in commerce for at least three years any razor blades bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 60: Admit that Opposer presently does not sell or use in commerce any razor blades bearing the mark as shown in U.S. registration No. 2,268,514.

Request No. 61: Admit that Opposer has never sold or used in commerce any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 62: Admit that Opposer has not sold or used in commerce for at least three years any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 63: Admit that Opposer presently does not sell or use in commerce any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 64: Admit that Opposer has never sold or used in commerce any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 65: Admit that Opposer has not sold or used in commerce for at least three years any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 66: Admit that Opposer presently does not sell or use in commerce any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

Request No. 67: Admit that Opposer has never sold or used in commerce any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 68: Admit that Opposer has not sold or used in commerce for at least three years any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 69: Admit that Opposer presently does not sell or use in commerce any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 70: Admit that Opposer has never sold or used in commerce any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 71: Admit that Opposer has not sold or used in commerce for at least three years any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 72: Admit that Opposer presently does not sell or use in commerce any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 73: Admit that Opposer has never sold or used in commerce any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 74: Admit that Opposer has not sold or used in commerce for at least three years any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 75: Admit that Opposer presently does not sell or use in commerce any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 76: Admit that Opposer has never sold or used in commerce any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 77: Admit that Opposer has not sold or used in commerce for at least three years any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 78: Admit that Opposer presently does not sell or use in commerce any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

Request No. 79: Admit that Opposer has never sold or used in commerce any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 80: Admit that Opposer has not sold or used in commerce for at least three years any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 81: Admit that Opposer presently does not sell or use in commerce any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 82: Admit that Opposer has never sold or used in commerce any letter openers bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 83: Admit that Opposer has not sold or used in commerce for at least three years any letter openers bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 84: Admit that Opposer presently does not sell or use in commerce any letter openers bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 85: Admit that Opposer has never sold or used in commerce any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 86: Admit that Opposer has not sold or used in commerce for at least three years any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 87: Admit that Opposer presently does not sell or use in commerce any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 88: Admit that Opposer has never sold or used in commerce any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 89: Admit that Opposer has not sold or used in commerce for at least three years any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 90: Admit that Opposer presently does not sell or use in commerce any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

Request No. 91: Admit that Opposer has never sold or used in commerce any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 92: Admit that Opposer has not sold or used in commerce for at least three years any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 93: Admit that Opposer presently does not sell or use in commerce any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 94: Admit that Opposer has never sold or used in commerce any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 95: Admit that Opposer has not sold or used in commerce for at least three years any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 96: Admit that Opposer presently does not sell or use in commerce any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 97: Admit that Opposer has never sold or used in commerce any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 98: Admit that Opposer has not sold or used in commerce for at least three years any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 99: Admit that Opposer presently does not sell or use in commerce any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 100: Admit that Opposer has never sold or used in commerce any napkin rings not of precious metals bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 101: Admit that Opposer has not sold or used in commerce for at least three years any napkin rings not of precious metals bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 102: Admit that Opposer presently does not sell or use in commerce any napkin rings not of precious metals bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 103: Admit that Opposer has never sold or used in commerce any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 104: Admit that Opposer has not sold or used in commerce for at least three years any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 105: Admit that Opposer presently does not sell or use in commerce any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 106: Admit that Opposer has never sold or used in commerce any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 107: Admit that Opposer has not sold or used in commerce for at least three years any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 108: Admit that Opposer presently does not sell or use in commerce any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

Request No. 109: Admit that Opposer's only form of advertisement in which it advertises its mark is as shown on its website [www.troika-usa.com](http://www.troika-usa.com).

Request No. 110: Admit that Opposer does not use any of its marks except as shown on its website [www.troika-usa.com](http://www.troika-usa.com).

Request No. 111: Admit that Opposer does not use any of its marks on its packaging for its goods.

Request No. 112: Admit that Opposer does not show any of its marks on the goods themselves.

Request No. 113: Admit that Opposer shows the word mark TROIKA with the Federal trademark registration symbol on its website [www.troika-usa.com](http://www.troika-usa.com).

Request No. 114: Admit that Opposer does not sell any goods other than those listed on its website [www.troika-usa.com](http://www.troika-usa.com).

Request No. 115: Admit that Opposer's only use of the mark is  
as a word mark being TROIKA.

Respectfully Submitted,  
Lerner Greenberg Stemer, LLP

By: \_\_\_\_\_  
Ralph E. Locher  
Attorney for Applicant  
2445 Hollywood Boulevard  
Hollywood, FL 33020  
PHONE: 954-925-1100  
FAX: 954-925-1101

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

In the matter of trademark application Serial Nos. 77/450,485  
and 77/569,857  
Filed April 17, 2008 and September 15, 2008, respectively  
For the marks **TROIKA** and **HEROIKA**

\_\_\_\_\_  
Jose A. Copin, Jr. )  
 )  
 ) OPPOSER, )  
 ) Opposition No. 91192318  
 )  
 ) V. )  
 )  
 ) TROIKA domovari GmbH )  
 )  
 ) APPLICANT.)  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Applicant's First Set  
of Admissions in the above-captioned action was served upon  
counsel for Opposer:

Claire M. Terrebonne  
SHOOK HARDY & BACON, LLP  
2555 Grand Boulevard  
Kansas City, MO 64108

via e-mail and via regular first class mail with postage paid  
thereon on March 23, 2010, on behalf of Applicant.

By: \_\_\_\_\_  
Ralph E. Locher, Esq.  
Lerner Greenberg Stemer LLP  
P.O. Box 2480  
Hollywood, FL 33022-2480  
TEL: (954) 925-1100  
FAX: (954) 925-1101  
Attorney for Applicant

# **Exhibit H**

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

Jose A. Copin, Jr.	)	
	)	
OPPOSER,	)	
	)	Opposition No. 91192318
v.	)	
	)	
TROIKA domovari GmbH	)	
	)	
APPLICANT.	)	
	)	

**OPPOSER JOSE A. COPIN, JR. S RESPONSE TO APPLICANT TROIKA DOMOVARI  
GMBH S FIRST SET OF ADMISSIONS**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer Jose A. Copin, Jr. (“Opposer”) responds and, by and through his counsel, objects to Applicant TROIKA domovari GmbH’s First Set of Admissions as follows.

**REQUEST NO. 1:** Admit that Opposer has never sold or used in commerce any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “animal skins” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 2:** Admit that Opposer has not sold or used in commerce for at least three years any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “animal skins” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 3:** Admit that Opposer presently does not sell or use in commerce any animal skins bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “animal skins” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 4:** Admit that Opposer has never sold or used in commerce any hides bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “hides” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 5:** Admit that Opposer has not sold or used in commerce for at least three years any hides bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “hides” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 6:** Admit that Opposer presently does not sell or use in commerce any hides bearing the mark as shown in U. S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “hides” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 7:** Admit that Opposer has never sold or used in commerce any trunks bearing the mark as shown in U. S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “trunks” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “trunks” is undefined and unclear.

Subject to and without waiving the foregoing objections, Opposer states that he is without sufficient knowledge or information to form a response to this Request and therefore denies the same.

**REQUEST NO. 8:** Admit that Opposer has not sold or used in commerce for at least three years any trunks skins bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “trunks skins” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “trunks skins” is undefined and unclear and therefore vague and ambiguous.

Subject to and without waiving the foregoing objections, Opposer states that he is without sufficient knowledge or information to form a response to this Request and therefore denies the same.

**REQUEST NO. 9:** Admit that Opposer presently does not sell or use in commerce any animal trunks bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “animal trunks” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “animal trunks” is undefined and unclear and therefore vague and ambiguous.

Subject to and without waiving the foregoing objections, Opposer states that he is without sufficient knowledge or information to form a response to this Request and therefore denies the same.

**REQUEST NO. 10:** Admit that Opposer has never sold or used in commerce any travelling bags bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “travelling bags” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “travelling bags” is undefined and unclear and therefore vague and ambiguous.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 11:** Admit that Opposer has not sold or used in commerce for at least three years any travelling bags bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “travelling bags” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “travelling bags” is undefined and unclear and therefore vague and ambiguous.

Subject to and without waiving the foregoing objections, Opposer denies this Request.

**REQUEST NO. 12:** Admit that Opposer presently does not sell or use in commerce any travelling bagshides bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “travelling bagshides” is not shown in U.S. registration No. 2,268,515. Opposer further objects to this Request to the extent the term “travelling bagshides” is undefined and unclear and therefore vague and ambiguous.

Subject to and without waiving the foregoing objections, Opposer states that he is without sufficient knowledge or information to form a response to this Request and therefore denies the same.

**REQUEST NO. 13:** Admit that Opposer has never sold or used in commerce any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “umbrellas” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 14:** Admit that Opposer has not sold or used in commerce for at least three years any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “umbrellas” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 15:** Admit that Opposer presently does not sell or use in commerce any umbrellas bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “umbrellas” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 16:** Admit that Opposer has never sold or used in commerce any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “parasols” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 17:** Admit that Opposer has not sold or used in commerce for at least three years any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “parasols” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 18:** Admit that Opposer presently does not sell or use in commerce any parasols bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “parasols” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 19:** Admit that Opposer has never sold or used in commerce any walking sticks bearing the mark as shown in U. S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “walking sticks” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 20:** Admit that Opposer has not sold or used in commerce for at least three years any walking sticks bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “walking sticks” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 21:** Admit that Opposer presently does not sell or use in commerce any walking sticks bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “walking sticks” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 22:** Admit that Opposer has never sold or used in commerce any whips bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “whips” is not listed or shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 23:** Admit that Opposer has not sold or used in commerce for at least three years any whips bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “whips” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 24:** Admit that Opposer presently does not sell or use in commerce any whips bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “whips” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 25:** Admit that Opposer has never sold or used in commerce any harness bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “harness” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 26:** Admit that Opposer has not sold or used in commerce for at least three years any harness bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “harness” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 27:** Admit that Opposer presently does not sell or use in commerce any harness bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “harness” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 28:** Admit that Opposer has never sold or used in commerce any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “saddlery” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 29:** Admit that Opposer has not sold or used in commerce for at least three years any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “saddlery” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 30:** Admit that Opposer presently does not sell or use in commerce any saddlery bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Opposer objects to this Request as irrelevant, vague, and ambiguous to the extent “saddlery” is not shown in U.S. registration No. 2,268,515.

Subject to and without waiving the foregoing objections, Opposer admits this Request.

**REQUEST NO. 31:** Admit that Opposer has never sold or used in commerce any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 32:** Admit that Opposer has not sold or used in commerce for at least three years any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 33:** Admit that Opposer presently does not sell or use in commerce any thermometers not for medical use bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 34:** Admit that Opposer has never sold or used in commerce any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 35:** Admit that Opposer has not sold or used in commerce for at least three years any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 36:** Admit that Opposer presently does not sell or use in commerce any monoculars bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 37:** Admit that Opposer has never sold or used in commerce any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 38:** Admit that Opposer has not sold or used in commerce for at least three years any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 39:** Admit that Opposer presently does not sell or use in commerce any telescopes bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 40:** Admit that Opposer has never sold or used in commerce any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 41:** Admit that Opposer has not sold or used in commerce for at least three years any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 42:** Admit that Opposer presently does not sell or use in commerce any eyeglass cases bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 43:** Admit that Opposer has never sold or used in commerce any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 44:** Admit that Opposer has not sold or used in commerce for at least three years any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 45:** Admit that Opposer presently does not sell or use in commerce any magnifying glasses bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 46:** Admit that Opposer has never sold or used in commerce any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 47:** Admit that Opposer has not sold or used in commerce for at least three years any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 48:** Admit that Opposer presently does not sell or use in commerce any portable traffic beacon lights bearing the mark as shown in U.S. registration No. 2,268,515.

**RESPONSE:** Denied.

**REQUEST NO. 49:** Admit that Opposer has never sold or used in commerce any nut crackers not of precious metal bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 50:** Admit that Opposer has not sold or used in commerce for at least three years any nut crackers not of precious metal bearing the mark as shown in U. S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 51:** Admit that Opposer presently does not sell or use in commerce any nut crackers not of precious metal bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 52:** Admit that Opposer has never sold or used in commerce any manicure sets bearing the mark as shown in U. S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 53:** Admit that Opposer has not sold or used in commerce for at least three years any manicure sets bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 54:** Admit that Opposer presently does not sell or use in commerce any manicure sets bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 55:** Admit that Opposer has never sold or used in commerce any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 56:** Admit that Opposer has not sold or used in commerce for at least three years any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 57:** Admit that Opposer presently does not sell or use in commerce any non-electric razors bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 58:** Admit that Opposer has never sold or used in commerce any razor blades bearing the mark as shown in U. S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 59:** Admit that Opposer has not sold or used in commerce for at least three years any razor blades bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 60:** Admit that Opposer presently does not sell or use in commerce any razor blades bearing the mark as shown in U.S. registration No. 2,268,514.

**RESPONSE:** Denied.

**REQUEST NO. 61:** Admit that Opposer has never sold or used in commerce any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 62:** Admit that Opposer has not sold or used in commerce for at least three years any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 63:** Admit that Opposer presently does not sell or use in commerce any cufflinks bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 64:** Admit that Opposer has never sold or used in commerce any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 65:** Admit that Opposer has not sold or used in commerce for at least three years any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 66:** Admit that Opposer presently does not sell or use in commerce any cigarette cases bearing the mark as shown in U.S. registration No. 2,266,575.

**RESPONSE:** Denied.

**REQUEST NO. 67:** Admit that Opposer has never sold or used in commerce any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 68:** Admit that Opposer has not sold or used in commerce for at least three years any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 69:** Admit that Opposer presently does not sell or use in commerce any metal locks bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 70:** Admit that Opposer has never sold or used in commerce any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 71:** Admit that Opposer has not sold or used in commerce for at least three years any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 72:** Admit that Opposer presently does not sell or use in commerce any metal locks and keys bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 73:** Admit that Opposer has never sold or used in commerce any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 74:** Admit that Opposer has not sold or used in commerce for at least three years any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 75:** Admit that Opposer presently does not sell or use in commerce any key fobs bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 76:** Admit that Opposer has never sold or used in commerce any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 77:** Admit that Opposer has not sold or used in commerce for at least three years any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 78:** Admit that Opposer presently does not sell or use in commerce any jewelry boxes bearing the mark as shown in U.S. registration No. 2,256,789.

**RESPONSE:** Denied.

**REQUEST NO. 79:** Admit that Opposer has never sold or used in commerce any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 80:** Admit that Opposer has not sold or used in commerce for at least three years any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 81:** Admit that Opposer presently does not sell or use in commerce any memo pads bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 82:** Admit that Opposer has never sold or used in commerce any letter openers bearing the mark as shown in U. S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 83:** Admit that Opposer has not sold or used in commerce for at least three years any letter openers bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 84:** Admit that Opposer presently does not sell or use in commerce any letter openers bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 85:** Admit that Opposer has never sold or used in commerce any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 86:** Admit that Opposer has not sold or used in commerce for at least three years any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 87:** Admit that Opposer presently does not sell or use in commerce any bookmarks bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 88:** Admit that Opposer has never sold or used in commerce any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 89:** Admit that Opposer has not sold or used in commerce for at least three years any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 90:** Admit that Opposer presently does not sell or use in commerce any paperweights bearing the mark as shown in U.S. registration No. 2,256,788.

**RESPONSE:** Denied.

**REQUEST NO. 91:** Admit that Opposer has never sold or used in commerce any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 92:** Admit that Opposer has not sold or used in commerce for at least three years any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 93:** Admit that Opposer presently does not sell or use in commerce any shaving brushes bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 94:** Admit that Opposer has never sold or used in commerce any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 95:** Admit that Opposer has not sold or used in commerce for at least three years any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 96:** Admit that Opposer presently does not sell or use in commerce any atomizers sold empty bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 97:** Admit that Opposer has never sold or used in commerce any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 98:** Admit that Opposer has not sold or used in commerce for at least three years any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 99:** Admit that Opposer presently does not sell or use in commerce any champagne buckets bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 100:** Admit that Opposer has never sold or used in commerce any napkin rings not of precious metals bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 101:** Admit that Opposer has not sold or used in commerce for at least three years any napkin rings not of precious metals bearing the mark as shown in U. S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 102:** Admit that Opposer presently does not sell or use in commerce any napkin rings not of precious metals bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 103:** Admit that Opposer has never sold or used in commerce any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 104:** Admit that Opposer has not sold or used in commerce for at least three years any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 105:** Admit that Opposer presently does not sell or use in commerce any pepper mills bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 106:** Admit that Opposer has never sold or used in commerce any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 107:** Admit that Opposer has not sold or used in commerce for at least three years any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 108:** Admit that Opposer presently does not sell or use in commerce any shoe horns bearing the mark as shown in U.S. registration No. 2,256,787.

**RESPONSE:** Denied.

**REQUEST NO. 109:** Admit that Opposer's only form of advertisement in which it advertises its mark is as shown on its website [www.troika-usa.com](http://www.troika-usa.com).

**RESPONSE:** Denied.

**REQUEST NO. 110:** Admit that Opposer does not use any of its marks except as shown on its website [www.troika-usa.com](http://www.troika-usa.com).

**RESPONSE:** Denied.

**REQUEST NO. 111:** Admit that Opposer does not use any of its marks on its packaging for its goods.

**RESPONSE:** Denied.

**REQUEST NO. 112:** Admit that Opposer does not show any of its marks on the goods themselves.

**RESPONSE:** Denied.

**REQUEST NO. 113:** Admit that Opposer shows the word mark TROIKA with the Federal trademark registration symbol, on its website www.troika-usa.com.

**RESPONSE:** Denied.

**REQUEST NO. 114:** Admit that Opposer does not sell any goods other than those listed on its website www.troika-usa.com.

**RESPONSE:** Denied.

**REQUEST NO. 115:** Admit that Opposer's only use of the mark is as a word mark being TROIKA.

**RESPONSE:** Denied.

Respectfully submitted,

**SHOOK, HARDY & BACON L.L.P.**

Dated: April 26, 2010

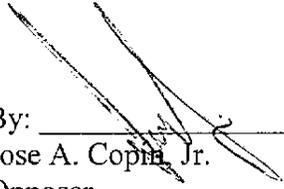
/s/ Claire M. Terrebonne

Amy C. Kelly, KS Bar # 15232; MO Bar # 61344  
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ATTORNEYS FOR OPPOSER

VERIFICATION OF RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR  
ADMISSION

The undersigned, Jose A Copin, Jr., hereby certifies under penalty of perjury under the laws of the United States, deposes and states that he signs the foregoing disclosure on behalf of himself; that he has read the foregoing document; that the matters set forth in the foregoing responses subject to inadvertent or undiscovered errors, are based upon, and therefore, limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of said responses; the undersigned reserves the right to make changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; that subject to the limitations set forth herein, the said responses are true to the best of the my knowledge and belief.

By:  \_\_\_\_\_  
Jose A. Copin, Jr.  
Opposer

Date: April 26 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of April, 2010, I caused a copy of OPPOSER JOSE A. COPIN, JR.'S RESPONSES TO APPLICANT'S FIRST SET OF ADMISSION to be served via first class and electronic mail upon the following counsel of record:

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/s/ Claire M. Terrebonne

Claire M. Terrebonne  
Attorney for Opposer