

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

3 In the Matter of Trademark Application Serial No. 77/714,693

4 Mark: CONNECT

5
6 CONNECT PUBLIC RELATIONS, INC., a
Utah corporation.

7 Opposer,

8 v.

9 DIGITALMOJO, INC., a California corporation

10 Applicant.

Opposition No. 91196299



12 12-30-2011

13 U.S. Patent & TMO/c/TM Mail Rcpt Dt #01

14 **REQUEST FOR ENTRY OF APPLICANT'S RESPONSE TO OPPOSER'S MOTION**
15 **FOR PARTIAL SUMMARY JUDGMENT, AND DECLARATION OF THOMAS COOK**
16 **IN SUPPORT THEREOF**

17 I, Thomas W. Cook, Esq. declare and request as follows:

18
19 1. I am the attorney of record for Applicant DIGITALMOJO, INC. ("DigitalMojo"). I
20 have personal knowledge of the facts herein stated. I am prepared to testify in a court of law
21 regarding such facts if requested.

22
23 2. I submit this request and declaration in support of DigitalMojo's Response to the
24 Corrected Motion for Partial Summary Judgment filed October 18, 2011 (the "Motion") by
25 Opposer CONNECT PUBLIC RELATION, INC.'s ("ConnectPR") in its opposition to
26 registration of the mark CONNECT (the "Mark," application number 77/714,693).

27
28 3. On December 19, 2011, I submitted, via ESTTA, the enclosed documents:

1 1. APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR PARTIAL
2 SUMMARY JUDGMENT

3 2. DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S
4 RESPONSE TO OPPOSER'S MOTION FOR PARTIAL SUMMARY
5 JUDGMENT

6
7 4. On December 19, 2011, in response to my submission of the documents set forth in
8 Paragraph 3 of this request and declaration, I received the filing receipt attached to this
9 request and declaration.

10
11 5. On December 19, 2011, I also provided opposing counsel in this opposition with a copy of
12 the documents set forth in Paragraph 3 of this request and declaration by email as agreed.

13
14 6. On December 23, 2011, and again on December 27, 2011, I reviewed the online file for
15 action 91196299 at the Trademark Trial & Appeal Board, and on those dates I found no
16 record of the documents set forth in Paragraph 3 of this request and declaration, and no
17 record of my December 19, 2011 submission.

18
19 7. I now ask the Board to manually enter the documents set forth in Paragraph 3 of this
20 request and declaration, and accord such documents the filing date of December 19, 2011.

21
22 Respectfully submitted,

23
24
25 Date: December 27, 2011


26 Thomas W. Cook, Reg. No. 38,849
27 Attorney for Applicant
28 3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550

1 I hereby certify that this correspondence is being deposited with the United States Postal Service
2 first class mail, postage prepaid, in an envelope addressed to: Trademark Trial and Appeal Board
3 P.O. Box 1451, Alexandria, Virginia 22313-1451, on the 27TH day of December 2011.

4
5 

6 Thomas Cook

7
8 **CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)**

9 I hereby declare:

10 I am over the age of 18 years, and am not a party to the within cause. I am employed in
11 Sausalito, California.

12 My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing
13 address is P.O. Box 1989, Sausalito, California.

14 On the date first written below, I served a true copy of the attached document entitled:

15 **REQUEST FOR ENTRY OF APPLICANT'S RESPONSE TO OPPOSER'S MOTION**
16 **FOR PARTIAL SUMMARY JUDGMENT, AND DECLARATION OF THOMAS COOK**
17 **IN SUPPORT THEREOF**

18 by placing it in a sealed envelope and depositing it in the United States mail, first class postage
19 fully prepaid, addressed to the following:

20 Clayton, Howarth & Cannon, P.C.
21 P. O. Box 1909
22 Sandy UT 84091-1909
Attention: Karl R. Cannon

23 I declare under penalty of perjury that the foregoing is true and correct. Executed at
24 Sausalito, California on December 27, 2011

25
26 

27 Thomas Cook

Opposition No.: 91196299

Tracking No: ESTTA447187

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Opposition No.: 91196299 submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

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ESTTA Tracking number: ESTTA447187
Filing date: 12/19/2011

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

Proceeding: 91196299
Party: Defendant
Digitalmojo, Inc.

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ESTTA. Opposition/Response to Motion confirmation receipt ID: ...

Submission: Opposition/Response to Motion

Filer's Name: Thomas W. Cook

Filer's e-mail: tom@thomascooklaw.com,thomascooklaw@pacbell.net

Signature: /Thomas W. Cook/

Date: 12/19/2011

Attachments: 2011 12 15 Response to PMSJ.pdf (36 pages)

2011 12 19 Response to PMSJ-Declaration of Cook.pdf (7 pages)

2009 12 03 Record List Display for CONNECT.pdf (2 pages)

2011 12 05 Opposer's Response to Applicant's- Third Set of Interrogatories.pdf (12 pages)

2011 12 05 Opposer's Response to Applicant's- Second Set of Requests for Admissions.pdf (95 pages)

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
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9 DIGITALMOJO, INC., a California corporation)

10 Applicant.)
11)
12)

Opposition No. 91196299

13
14 **APPLICANT'S RESPONSE TO OPPOSER'S MOTION**
15 **FOR PARTIAL SUMMARY JUDGMENT**

16 Applicant DIGITALMOJO, INC. ("DigitalMojo") hereby submits the following Response
17 to the Corrected Motion for Partial Summary Judgment filed October 18, 2011 (the "Motion") by
18 Opposer CONNECT PUBLIC RELATION, INC.'s ("ConnectPR") in its opposition to
19 registration of the mark CONNECT (the "Mark," application number 77/714,693). For the
20 reasons set forth herein, DigitalMojo asserts that Respondent's Motion should be DENIED. This
21 Response is supported by the brief embodied herein and the exhibits attached hereto, including the
22 Declaration of Thomas Cook in Support of Applicant's Response to Opposer's Motion for Partial
23 Summary Judgment ("Decl. Cook"), and also including Exhibit 1 accompanying ConnectPR's
24 Motion ("Myers Aff.") and Exhibit 2 accompanying ConnectPR's Motion ("Christensen Aff.").
25 This response is submitted December 19, 2011, with the assent of ConnectPR, consistent with its
26 agreement of November 18, 2011, as set forth in APPLICANT'S CONSENTED MOTION
27 TO EXTEND TIME FOR RESPONSE TO OPPOSER'S MOTION FOR PARTIAL
28 SUMMARY JUDGMENT filed November 21, 2011.

1 **I. INTRODUCTION**

2 ConnectPR has filed this opposition contending its registrations, Registration No.
3 2,373,504 and Registration No. 2,366,850 (collectively, the “ConnectPR Registrations”) control
4 the issue of likelihood of confusion, and therefore whether DigitalMojo is entitled to registration
5 of its mark CONNECT. The ConnectPR Registrations identify services broadly, as set forth in
6 ConnectPR’s Statement of Undisputed Facts in the Motion. In this opposition, ConnectPR has
7 alleged that it owns the ConnectPR Registrations “used in connection with, *inter alia*, marketing
8 and market research and consulting services; public media relations services and sales promotion
9 services.” ConnectPR has further alleged that its has used the marks CONNECT PUBLIC
10 RELATIONS and CONNECTPR (collectively, the “ConnectPR Marks”) in interstate commerce
11 in the United States since at least as early as the dates of first use recited in the ConnectPR
12 Registrations, and is currently using the ConnectPR Marks in interstate commerce, and that it has
13 used the ConnectPR Marks in connection with at least the goods and services recited in the
14 ConnectPR Registrations for the ConnectPR Marks long before the filing date of the DigitalMojo
15 Application.

16 Based on discovery responses produced in this opposition, DigitalMojo believes the
17 ConnectPR Registrations are themselves infirm. DigitalMojo has therefore filed Petitions to
18 Cancel the ConnectPR Registrations on August 22, 2011 for the reasons set forth in those
19 cancellation actions (Decl. Cook, ¶ 4). DigitalMojo’s Petitions to Cancel the ConnectPR
20 Registrations have been allocated action numbers 92054427, for CONNECT PUBLIC
21 RELATIONS, and 92054395, for CONNECTPR (collectively, the “Cancellation Actions”). On
22 August 28, 2011, DigitalMojo, in this opposition action, filed its Motion to Consolidate the
23 Cancellation Actions with and into this opposition action. (Decl. Cook, ¶ 5) DigitalMojo’s Motion
24 to Consolidate has not yet been decided by the Board.

25 On September 4, 2011, DigitalMojo served discovery on ConnectPR. (Decl. Cook, ¶ 6)
26 ConnectPR has responded to these discovery requests by DigitalMojo with evasions, rather than
27 simple answers. (Decl. Cook, ¶ 6) DigitalMojo will therefore shortly request ConnectPR fully
28 respond to DigitalMojo’s discovery requests, as DigitalMojo believes full responses to

1 DigitalMojo's discovery requests are necessary to gage the scope of ConnectPR's services, and
2 therefore the reasonable interpretation of the services ConnectPR has identified in its registrations,
3 and therefore whether those services are related to the services identified by DigitalMojo in this
4 opposition action. (Decl. Cook, ¶ 6)

5 ConnectPR is not entitled to partial summary judgment because there remain genuine
6 issues of material fact and conclusions of law as to whether Digitalmojo's mark CONNECT is
7 likely to be confused with the marks CONNECT PUBLIC RELATIONS and CONNECTPR
8 registered by ConnectPR. More specifically, ConnectPR is not entitled to partial summary
9 judgment because (1) the facts which might lead to a conclusion of likelihood of confusion have
10 not been demonstrated, (2) ConnectPR is asserting likelihood of confusion based on registrations
11 for which it is not entitled (and which DigitalMojo has therefore filed Petitions to Cancel), and (3)
12 we cannot conclude based on such undetermined facts and in firm registrations, that the mark
13 CONNECT is likely to be confused with the marks CONNECT PUBLIC RELATIONS and
14 CONNECTPR. Moreover, with full and reasonable responses to DigitalMojo's discovery
15 outstanding, DigitalMojo should have an opportunity to receive and evaluate ConnectPR's full
16 and reasonable discovery responses before fully responding to this Motion.

17

18 **II. STATEMENT OF DISPUTED FACTS**

19 ConnectPR has set forth a Statement of Undisputed Facts which is correct so far as it
20 goes, but insufficient by itself to come to the conclusions that the mark CONNECT is likely to be
21 confused with the ConnectPR Marks. ConnectPR's Statement of Undisputed Facts is incomplete;
22 the facts of this case are very much in dispute remain:

- 23 a. Whether DigitalMojo's mark CONNECT is sufficiently similar in sight, sound, or
24 meaning to the registered marks CONNECT PUBLIC RELATIONS and
25 CONNECTPR to create "likelihood of confusion," in light of the numerous
26 registrations of, and uses of, the word "connect" in marks held by others, for
27 services which are the same as, or related to, the services of ConnectPR.
- 28 b. Whether the services identified in the application for the mark CONNECT are

1 related to the services identified in the registrations of the marks CONNECT
2 PUBLIC RELATIONS and CONNECTPR, in light of the narrow scope to which
3 the word “connect” is entitled, given the numerous registrations of, and uses of the
4 word “connect” in marks held by others, for services which are the same as, or
5 related to, the services of ConnectPR.

- 6 c. Whether DigitalMojo’s mark CONNECT is likely to be confused with the
7 registered marks CONNECT PUBLIC RELATIONS and CONNECTPR in light
8 of the narrow scope to which the word “connect” is entitled, given the numerous
9 registrations of, and uses of the word “connect” in marks held by others, for
10 services which are the same as, or related to, the services of ConnectPR.
- 11 d. Whether DigitalMojo’s services as identified in this application are encompassed
12 by or within ConnectPR’s services as identified in ConnectPR’s Registrations.
- 13 e. Whether there is a meaningful distinction in offering services to consumers, as
14 DigitalMojo intends, and offering services to businesses (which offer services to
15 consumers), as ConnectPR does, such that services offered to consumers are not
16 “related” to the services offered to businesses.
- 17 f. Whether ConnectPR used the ConnectPR Marks for all of, or for some of, or for
18 none of, the services identified in the ConnectPR’s Registrations.
- 19 g. Whether ConnectPR has committed fraud in the prosecution of the ConnectPR
20 Registrations by alleging it has, in respect of the ConnectPR Marks, used the
21 ConnectPR Marks as identified in the ConnectPR Registrations, while ConnectPR
22 never used the ConnectPR Marks for any, or for some of, or for some part of such
23 services.
- 24 h. Whether ConnectPR has abandoned the ConnectPR Marks, in that ConnectPR
25 failed to continue its use of, or ceased its use of, the ConnectPR Marks for some
26 of the services identified in the ConnectPR Registrations, or ConnectPR failed to
27 continue its use of, or ceased its use of, the ConnectPR Marks for some part of the
28 services identified in the ConnectPR Registrations.

- 1 i. Whether ConnectPR has abandoned the ConnectPR Marks, in that ConnectPR
2 intends not to use the ConnectPR Marks in the future in connection with some of,
3 or some part of, the services identified in ConnectPR's Registrations.
- 4 j. Whether ConnectPR has committed fraud in the maintenance of the ConnectPR
5 Registrations, by alleging it has used the ConnectPR Marks continuously for the
6 services identified in the ConnectPR Registrations, while ConnectPR has failed to
7 continuously use the ConnectPR Marks for any, or some of, or some part of such
8 services.
- 9 k. Whether ConnectPR has committed fraud in the prosecution of the ConnectPR
10 Registrations by alleging, in respect of the ConnectPR Marks, it intended to use
11 the ConnectPR Marks for the services identified in the ConnectPR Registrations,
12 while ConnectPR never intended to use the ConnectPR Marks for any, or for some
13 of, or for some part of such services.
- 14 l. Whether ConnectPR has identified its services in the ConnectPR Registrations so
15 as to be not "definite," as required by the Trademark Act and the U.S. Patent &
16 Trademark Office, in that U.S. Patent & Trademark Office and the public cannot
17 reasonably determine the nature of the services with which ConnectPR uses the
18 ConnectPR Marks (if any).
- 19 m. Whether ConnectPR has committed fraud in this Opposition or the prosecution of
20 the ConnectPR Registrations by making one or more inaccurate statements and,
21 more specifically, by alleging in this Opposition that it believes it will be damaged
22 by registration of DigitalMojo's mark when ConnectPR did not and/or does not
23 believe it will be damaged, and ConnectPR has therefore acted inequitably, and
24 employed the ConnectPR Registrations improperly, and in restraint of trade.
25

26 **III. LEGAL STANDARD FOR SUMMARY JUDGMENT**

27 DigitalMojo agrees with ConnectPR's statement of the legal standard for summary
28 judgment.

1 **IV. ARGUMENT**

2 A. *There is a Genuine Dispute whether the ConnectPR Marks and the Opposed Mark*
3 *are Substantially Similar in Appearance, Sound, Meaning and Commercial*
4 *Impression*

5 The fact that two or more marks may share some similarities is not, by itself, dispositive of
6 the issue of likelihood of confusion. Confusion can be considered unlikely even in a case where, as
7 here, the marks are nearly identical, as long as other factors in the analysis of confusing similarity
8 outweigh the marks' similarities, such as where there are a significant number of similar marks
9 currently co-existing in the marketplace and on the Register, where the services are different and
10 highly specialized, the relevant consumers are sophisticated, the channels of trade are different,
11 and other factors weigh in favor of the marks' ultimate distinguishability. The test for determining
12 whether two marks are confusingly similar includes the following significant factors, among
13 others: (1) the existence of multiple similar registrations for similar products or services
14 co-existing on the Principal Register; (2) the relatedness of the goods and/or services identified by
15 each mark; (3) the sophistication of the relevant consumers, and the care typically exercised by
16 such consumers in selecting the provider of goods and/or services; and (4) the similarity in the
17 channels of trade. See T.M.E.P. § 1207.01 (2007). The Board must consider these factors, along
18 with other pertinent factors "if relevant evidence is contained in the record." T.M.E.P. § 1207.01
19 (citing *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003)). No one factor is
20 determinative of the likelihood of confusion. Rather, the Board must look at the cumulative effect
21 of the factors. The factors are interrelated and must be considered together as an "amalgam." See
22 *Sun Fun Prods. v. Suntan Resources & Dev., Inc.*, 656 F. 2d 186, 189, 213 U.S.P.Q. 91, 93 (5th
23 Cir. 1981).

24 At the outset, DigitalMojo submits that the ConnectPR's Marks are "weak" and subject
25 only to a very narrow scope of protection because numerous different versions of the CONNECT
26 mark have coexisted and continue to exist on the register with the ConnectPR's Registrations,
27 with no indication of any confusion in the marketplace. The weakness of ConnectPR's Marks is
28 evidenced by the numerous other identical and near identical third-party marks presently
co-existing on the USPTO register. (Decl. Cook, ¶ 3) Third-party registrations may be relevant

1 to show that the mark, or a portion of the mark, is so commonly used that prospective purchasers
2 will look to other elements to distinguish the source of the services. T.M.E.P. § 1207.01 (d)(iii).

3 We can take notice from such registrations that marks containing the same term(s) have
4 been registered for related goods and services because consumers are accustomed to
5 distinguishing among the marks. *Id.*, 222 U.S.P.Q. 174, 177 (T.T.A.B. 1984). If evidence of
6 third-party use establishes that the consuming public is exposed to third-party use of similar marks
7 on similar goods and services, this evidence "is relevant to show that a mark is relatively weak and
8 entitled to only a narrow scope of protection." *Palm Bay Imports, Inc. v. Veuve Clicquot*
9 *Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir.
10 2005). See also *Amstar Corp. v. Domino's Pizza, Inc.*, 615 F.2d 252, 29 Fed.R.Serv.2d 1528, 205
11 U.S.P.Q. 969 (5th Cir., 1980) (finding that 72 third-party registrations for marks containing the
12 term DOMINO but used in various industries limits the scope of rights in the mark to the goods
13 specifically identified in the registration, and thus, sufficient to hold that no likelihood of
14 confusion exists between DOMINO for sugar and DOMINO for pizza, despite the obvious fact
15 that the identical marks are both used for food products purchased by individual consumers).
16 Where a mark is weak and not entitled to a broad scope of protection, other marks can "come
17 closer to [the cited] mark than would be the case with a strong mark without violating [the
18 party's] rights." *Kenner Park Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353, 22
19 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1992) (quoting *Sure-Fit Prods. Co. v. Saltzson Drapery Co.*,
20 254 F.2d 158, 160, 117 U.S.P.Q. 295, 296 (C.C.P.A. 1958)).

21 DigitalMojo asserts that third-party registrations clearly support the argument that
22 identical CONNECT marks can - and do - coexist on the USPTO web site for use in connection
23 with goods and services that are far more closely related than the services provided by
24 DigitalMojo and ConnectPR. Indeed, many of these commonplace products and services are sold
25 to everyday consumers (in contrast to ConnectPR's specialized services and sophisticated business
26 customers) yet the PTO has nonetheless concluded that there is no likelihood of confusion
27 between these prior "connect" marks.

28 The number of "CONNECT" marks coexisting on the USPTO web site greatly limit the

1 scope of protection granted to the Registrant (as well as other registrants) in the term
2 "CONNECT," and renders it unlikely that customers will be confused by DigitalMojo's mark
3 when considering the services offered by ConnectPR and those offered by DigitalMojo. Just as in
4 the *Amstar* case (permitting the DOMINO mark to coexist for both sugar and pizza), the
5 existence of so many registered "CONNECT" marks limits the scope of rights in the ConnectPR's
6 Mark, and renders it unlikely that customers would be confused by the registration of
7 DigitalMojo's Mark, particularly since the customers for the services of ConnectPR are, by its
8 own statements, all sophisticated, careful customers spending significant sums of money to
9 employ ConnectPR's expensive, "business" marketing services - far more so than the individual
10 consumers purchasing household services and social and business networking services offered by
11 DigitalMojo.

12 DigitalMojo specifically notes here that ConnectPR does not discuss similar marks,
13 whether registered, or merely used without registration. Mr. Neil Myers, ConnectPR's "founder
14 and President," for instance, limits his discussion to perceptions about how ConnectPR's
15 customers perceive the term "connect," and about the broad use of other terms within
16 ConnectPR's industry. ConnectPR's "expert," Dr. Glenn L. Christensen, also does not mention
17 any similar marks, whether registered or simply used. Dr. Christensen does correctly opine
18 "When conducting an analysis of any trademark, the whole mark in its totality must be considered
19 in forming an opinion." Christensen Aff. ¶ 15. However, he then goes on to discuss "dominant
20 portions" of marks, and then provides, in the next sentence, his opinion "that the dominant, initial
21 portion 'connect' of the word mark [without saying which word mark] is the aspect of the mark
22 [again without saying which word mark] customers will rely on as a source identifier."

23 DigitalMojo asserts any "analysis" of confusing similarity between marks which ignores
24 the distinctiveness of the words of the compared marks said to be "highly similar" is
25 fundamentally flawed, and incomplete. The distinctiveness of the word CONNECT in this
26 opposition is a disputed issue, central to the question of likelihood of confusion (and controlling in
27 DigitalMojo's view). DigitalMojo also asserts "analysis" of confusing similarity between marks
28 which lacks a discussion of the "sophistication" of prospective purchasers is also flawed and

1 incomplete. Such discussion is necessary to any determination of whether the services of
2 DigitalMojo are “related” to those of ConnectPR. The distinctiveness of the word CONNECT in
3 this opposition is a disputed issue, central to the question of likelihood of confusion (and
4 controlling in DigitalMojo’s view)

5 With these comments on the “weakness” of ConnectPR’s Marks, and the resultant
6 “narrow scope of protection” to which such weak marks are entitled, DigitalMojo turns to
7 ConnectPR’s argument about the similarity between DigitalMojo’s mark CONNECT and the
8 ConnectPR Marks.

9
10 1. There is a Genuine Dispute Whether the Opposed Mark is Sufficiently
11 Similar in Appearance, Sound, Connotation and Commercial Impression to
ConnectPR’s CONNECT PUBLIC RELATIONS Mark

12 In discussing the similarity between DigitalMojo’s mark CONNECT and the ConnectPR
13 Marks, ConnectPR asserts the word “connect” is the “dominant” feature in ConnectPR’s mark
14 CONNECT PUBLIC RELATIONS. ConnectPR goes on to cite cases which support what is
15 commonly known as the “first word rule.” However, this general rule also should not be
16 mechanically applied when comparing marks, without consideration of the effect of the additional
17 words of each mark on overall commercial impression. In fact, the “first-word” test is not a
18 general principle without controversy; some courts reject it and judge each mark as a whole:

19
20 “...[A] number of courts have rejected the first-word test as one amenable to broad
21 application, preferring to decide each case upon its own facts. See, e.g., *Glennmore*
22 *Distilleries Co. v. National Distillers Products Corp.*, 101 F.2d 479 (4th Cir. 1939).
23 My own preference is for the latter view in light of the general rule that similarity is
24 to be judged by consideration of each mark as a whole.” See generally 3 Callmann,
Unfair Competition and Trade-Marks § 81.1, at 1378-81 (2d ed. 1950). The
first-word rule is helpful only to the extent that it may be considered in assessing the
public reaction to a particular mark. [*MR. TRAVEL, INC., v. V.I.P. TRAVEL*
SERVICE, INC., No. 65 C 1409. United States District Court, N.D. Illinois, E.D.
Dec. 14, 1966.]

25 Given the narrow scope of protection to which the word “connect” is entitled, we cannot
26 fairly come to the conclusion that the word “connect” is the dominant feature in ConnectPR’s
27 mark CONNECT PUBLIC RELATIONS. Instead, it is appropriate in this case to analyze
28 likelihood of confusion in light of each word within ConnectPR’s mark (i.e., each mark as a

1 whole). It is well settled that a mark should not be dissected, but rather must be considered as a
2 whole in determining likelihood of confusion. *Franklin Mint Corp. v. Master Manufacturing Co.*,
3 667 F.2d 1005, 212 USPQ 233, 234 (CCPA 1981).

4 It is a general rule that likelihood of confusion is not avoided between otherwise
5 confusingly similar marks merely by adding or deleting a house mark or matter that is descriptive
6 or suggestive of the named goods or services. Sometimes, the rule is expressed in terms of the
7 dominance of the common term. Therefore, if the dominant portion of both marks is the same,
8 then confusion may be likely notwithstanding peripheral differences. However, we see exceptions
9 to the general rule regarding additions or deletions to marks may arise if: (1) the marks in their
10 entireties convey significantly different commercial impressions; or (2) the matter common to the
11 marks is not likely to be perceived by purchasers as distinguishing source because it is merely
12 descriptive or diluted. [TMEP] 1207.01(b)(iii)

13 DigitalMojo asserts its mark CONNECT and the ConnectPR CONNECT PUBLIC
14 RELATIONS mark fall within both of these exceptions to this general rule, as DigitalMojo's mark
15 conveys a significantly different commercial impression than ConnectPR's Marks when each mark
16 are considered in their entirety, and with due regard to the non-distinctiveness and descriptiveness
17 of the word "connect." The word common to these marks, i.e., "connect," is not likely to be
18 perceived by purchasers as distinguishing source because it is merely descriptive or diluted.

19 DigitalMojo submits that it is highly unlikely that the use of its mark would cause any confusion
20 among the myriad of CONNECT marks, and in particular with the CONNECT PUBLIC
21 RELATIONS mark of ConnectPR. In any case, however, the question of likelihood of confusion
22 cannot be determined without addressing the issue of the distinctiveness of the word "connect."
23 And distinctiveness of "connect" will depend on the number of marks which contain this word,
24 both registered and used by others, facts which have not been addressed by ConnectPR in its
25 Motion, or by its officer Meyers, or by its "expert" Christensen, in their Affidavits in support of its
26 Motion.

27 ///
28 ///

1 2. There is a Genuine Dispute whether the Opposed Mark is Highly Similar in
2 Appearance, Sound, Connotation and Commercial Impression to
3 ConnectPR's CONNECTPR Mark

3 In discussing the similarity between DigitalMojo's mark CONNECT and the ConnectPR
4 Marks, ConnectPR also asserts the word "connect" is the "dominant" feature in ConnectPR's
5 mark CONNECTPR, again on the basis of the "first word rule." Again, DigitalMojo asserts it is
6 appropriate in this case to analyze likelihood of confusion in light of each word within
7 ConnectPR's mark (i.e., each mark as a whole), as a mark should not be dissected but rather must
8 be considered as a whole in determining likelihood of confusion.

9 The analysis of similarity between CONNECT and CONNECTPR proceeds as it does
10 with the analysis of similarity between CONNECT and CONNECT PUBLIC RELATIONS set
11 forth above. DigitalMojo's mark CONNECT conveys a significantly different commercial
12 impression than ConnectPR's CONNECTPR mark when each of these marks are considered in
13 their entirety; the word common to these marks, i.e., "connect", is not likely to be perceived by
14 purchasers as distinguishing source because it is merely descriptive or diluted. DigitalMojo
15 submits that it is highly unlikely that the use of its mark would cause any confusion among the
16 myriad of CONNECT marks, and in particular with the CONNECTPR mark of ConnectPR. In
17 any case, however, the question of likelihood of confusion cannot be determined without
18 addressing the issue of the distinctiveness of the word "connect." And distinctiveness of
19 "connect" will depend on the number of marks which contain this word, both registered and used
20 by others, facts which have not been addressed by ConnectPR in its Motion, or by its officer
21 Meyers, or by its "expert" Christensen, in their Affidavits in support of its Motion.

22
23 B. *There is a Genuine Dispute whether the Services Identified in the Registrations of*
24 *the ConnectPR Marks and the Services Identified in the Application for the*
25 *Opposed Mark are Identical or Related Under the Second DuPont Factor*

26 ConnectPR asserts likelihood of confusion may be found (assuming the marks are
27 sufficiently similar in sight, sound, or meaning) when the respective services of the parties are
28 related in some manner, and/or that the conditions and activities surrounding the marketing of the

1 services are such that they would or could be encountered by the same persons under
2 circumstances that could, because of the similarity of the mark, give rise to the mistaken belief
3 that they originate from the same source.

4 DigitalMojo agrees this is the proper test. However, the factual questions we must answer
5 to decide whether DigitalMojo's services are related to ConnectPR's services are questions
6 which, when answered, assist us to define the markets of ConnectPR and DigitalMojo. These
7 questions include questions such as "who receives our marketing materials," and "how do we
8 reach our market."

9 However, ConnectPR does not in its Motion address these kinds of questions, or any
10 questions which assist us in identifying its market, or the market to be served by DigitalMojo. This
11 failure to address these questions results directly from ConnectPR's failure to address the
12 limitations set forth in DigitalMojo's application for the mark CONNECT, and the limitations set
13 forth in the identifications of services found in the ConnectPR Registrations. Instead of fairly
14 considering all the wording of these identifications, ConnectPR selects certain words because they
15 are common to these identifications, and ignores other "limiting" words found in all
16 identifications. Moreover, ConnectPR does not address the very real distinction between offering
17 services directly to consumers, as DigitalMojo's limitations imply for the services DigitalMojo has
18 identified, and offering services to businesses, as ConnectPR's limitations imply for its
19 registrations. These subjects we will address below in more detail, particularly as the identified
20 services offered under DigitalMojo's "consumer facing" mark (services offered to consumers
21 under the mark CONNECT) differs, given the full text of the identification of services for this
22 application, from the identified services found in the ConnectPR Registrations.

23 Before we address specific services, however, we again note that any "analysis" of
24 whether the services identified by DigitalMojo in its application for CONNECT are "related" to
25 the identified services in the ConnectPR Registrations which ignores the distinctiveness of the
26 words of the compared marks, and also ignores the sophistication of those who purchase
27 DigitalMojo's and ConnectPR's services, is fundamentally flawed, and incomplete. The
28 distinctiveness of the word CONNECT in this opposition is a disputed issue, central to the

1 question of likelihood of confusion (and controlling in DigitalMojo's view). The question of
2 likelihood of confusion cannot be determined without addressing the issue of the distinctiveness of
3 the word "connect." And distinctiveness of "connect" will depend on the number of marks which
4 contain this word, both registered and used by others, facts which have not been addressed by
5 ConnectPR in its Motion, or by its officer Meyers, or by its "expert" Christensen, in their
6 Affidavits in support of its Motion.

7
8 **a. Opposed Services: "Business marketing services in the nature of agency**
9 **representation of companies marketing a variety of services to home owners and**
10 **renters, namely, utility hook-ups, telecommunication services, home security**
11 **services, home warranties, home and yard maintenance, furniture and appliance**
12 **rental"**

13 Turning to ConnectPR's "analysis" of the identification of DigitalMojo's services in light
14 of the identification of ConnectPR's services, ConnectPR asserts that "...the wording 'marketing
15 ...services' is nearly identical to DigitalMojo's wording of 'business marketing services.'"
16 ConnectPR's characterization with the words "nearly identical" misses the mark, however, as it
17 fails to address the additional, descriptive wording for both ConnectPR's identified services and
18 DigitalMojo's identified services. In the following analysis, because ConnectPR's selective use of
19 words results in a comparison by ConnectPR of only those words of its registration it wishes to
20 emphasize, we *add back* the words ConnectPR has identified in its registration, but not thought
21 important enough to mention in this Motion, and *add back* the words DigitalMojo uses in this
22 application.

23 ConnectPR's "**marketing** and market research and consulting **services**; public and media
24 relations services and sales promotion services" (ConnectPR's emphasized words in **bold**) are on
25 their face services directed to businesses. The obvious import from such words is that such
26 businesses, utilizing the services of ConnectPR, are assisted in their marketing efforts. That is,
27 such businesses are assisted in presenting *their* marks (i.e., the marks of ConnectPR's clients) to
28 the consuming public. Under such circumstances, the ConnectPR Marks are not presented to the
consuming public, but only to ConnectPR's business clients; the whole idea for ConnectPR is to
create a larger, better commercial impression for the marks of its clients.

1 DigitalMojo's "**Business marketing services** in the nature of agency representation of
2 companies marketing a variety of services to home owners and renters, namely, utility hook-ups,
3 telecommunication services, home security services, home warranties, home and yard
4 maintenance, furniture and appliance rental" (ConnectPR's emphasized words in **bold**) are on
5 their face services directed to "consumers" (that is, those who utilize the services of businesses).
6 The obvious import from such words is that such consumers, utilizing the services of DigitalMojo,
7 are assisted in their efforts to find the right business to supply the service (e.g., "utility hookups")
8 those consumers desire. That is, consumers seeking services are assisted in their search when
9 they find DigitalMojo using its mark CONNECT, which is presented to the consuming public, to
10 eventually find the business which will supply the desired service. ¹ Under such circumstances,
11 DigitalMojo's mark CONNECT is presented only to the consuming public; the whole idea for
12 DigitalMojo is to create an efficient conduit, using its mark CONNECT, from consumers, with
13 their needs, to the businesses which can satisfy those consumer needs. ²

14 Turning to the Affidavits of Myers and Christensen attached to ConnectPR Motion, we
15 see again "analysis" of whether the services identified by DigitalMojo in its application for
16 CONNECT are "related" to the identified services in the ConnectPR Registrations, which analysis
17 ignores the distinctiveness of the word "connect," and the sophistication of those who perceive
18 these marks. Each such Affidavit is therefore fundamentally flawed, and incomplete. Moreover,
19 Myers exhibits confusion about the distinction between "consumers," on the one hand, and
20 ConnectPR's clients, on the other hand. Myers Aff., ¶21. We can see this most clearly by
21 referring to Myers' attached Exhibit A, which purports to be a proposal to a telecommunications
22 company, "Utopia," complete with sections titled "Executive Summary," and "Project Goals,"
23 and the like. "Utopia" is manifestly not a "consumer" seeking services. Yet, after referring to
24 Utopia as one to whom "ConnectPR has actually offered and provided its services...," Myers goes
25

26 ¹ "Consumer is a broad label for any individuals or households that use goods generated within the economy."
27 <http://en.wikipedia.org/wiki/Consumer>

28 ² We note here that DigitalMojo's mark CONNECT goes before the consuming public, while its corporate name
DigitalMojo, Inc. is the name it presents to businesses such as ConnectPR's clients.

1 on to conclude “there exists a very real risk that *consumers* may encounter, and be confused by,
2 DigitalMojo’s CONNECT mark since ConnectPR is already targeting some of the same
3 *consumers* specified in DigitalMojo’s application” (emphasis added).

4 Christensen (rightly) avoids the word “consumers,” in favor of the word “customers.”
5 Christensen Aff. ¶32. However, Christensen (again rightly) uses the word “clients” when
6 discussing DigitalMojo’s identification of services. That is, Christensen opines, based on only a
7 portion of the wording of DigitalMojo’s identification, that DigitalMojo provides its “clients” with
8 “business marketing services.” This much we might all gather ourselves, were it not for the
9 additional wording in DigitalMojo’s and ConnectPR’s identifications that Christensen ignores.

10 DigitalMojo asserts that the opinions of Myers and Christensen, based on “analysis” of
11 words apparently selected from the identifications of services found in the ConnectPR
12 Registrations, and in this application, because such words support ConnectPR’s position, and not
13 based on the entire identification of either ConnectPR or DigitalMojo, are flawed. These
14 “analysis” therefore leave open the question of to whom ConnectPR and DigitalMojo addresses
15 their services, and how ConnectPR and DigitalMojo reach their respective markets. As a result,
16 we cannot use the statements of Myers and Christensen to determine whether DigitalMojo’s
17 services as identified are a specific “subset, subtype, form or subcategory” (in the words of
18 Christensen) of ConnectPR’s services as identified.

19 ConnectPR compounds its misreading as it continues with the “analysis” of
20 telecommunication services, when it states it “has actually offered services to companies
21 providing telecommunication services as recited in the opposed services.” The operative (but
22 again ignored) words of “the opposed services” here are: “...marketing a variety of services to
23 home owners and renters, namely, utility hook-ups, telecommunication services...” Manifestly,
24 “companies providing telecommunications services” are not “home owners,” and such services are
25 therefore likely not related. In any case, we cannot conclude from such faulty comparison, as
26 ConnectPR does, that “there exists are [sic] very real risk that consumers may encounter, and be
27 confused by, DigitalMojo’s CONNECT marks [sic] since ConnectPR is already targeting some of
28 the same consumers specified in DigitalMojo’s application.” Aff. Meyers ¶ 21. Note here that

1 “targeting some of the same consumers,” as ConnectPR alleges it does, directly contradicts
2 “offered services to companies providing telecommunications services,” as ConnectPR says it has
3 (because DigitalMojo is targeting “home owners and renters,” and not businesses).

4 ConnectPR continues with its “analysis” of its identification of class 16 goods quite along
5 the lines of its “analysis” of “business marketing services.” However, in this case, ConnectPR
6 does not even specifically identify the exact words which offend it so in DigitalMojo’s
7 identification. Presumably ConnectPR is saying its “...reports, press kits and brochures in the
8 fields of market research and consulting...” are “complementary” to DigitalMojo’s services
9 marketed “to home owners and renters,” but ConnectPR does not say how “press kits” might be
10 useful to home owners and renters. We cannot come to any meaningful conclusion on the basis of
11 such “analysis.”

12
13 **b. Opposed Services: “Comparative marketing and advertising services for providers**
14 **of residential and business telecommunications services, namely, for providers of**
15 **broadband cable, DSL, fiber-optic and satellite Internet access services, cable and**
16 **satellite television, voice over IP, and long-distance telephone services”**

17 As to DigitalMojo’s above-identified services, ConnectPR parallels the argument it
18 advances in its Section “a” regarding its identified “marketing...services.” However, such
19 argument suffers from the same faulty characterization of ConnectPR’s wording “marketing
20 ...services” as “nearly identical” to DigitalMojo’s wording of “business marketing services.” Once
21 again, ConnectPR’s characterization fails to address the additional, descriptive wording for both
22 ConnectPR’s identified services and DigitalMojo’s identified services, by which we can readily
23 understand that ConnectPR is directing its “**marketing** and market research and consulting
24 **services**; public and media relations services and sales promotion services” (ConnectPR’s
25 emphasized words in bold) to *businesses*, while DigitalMojo will be directing its “**Business**
26 **marketing services** in the nature of agency representation of companies marketing a variety of
27 services to home owners and renters, namely, utility hook-ups, telecommunication services, home
28 security services, home warranties, home and yard maintenance, furniture and appliance rental”
(ConnectPR’s emphasized words in bold) to *consumers*. Once again, ConnectPR describes

1 DigitalMojo’s services as “nothing more than a subset” of ConnectPR’s services, as if this were
2 analysis of “relatedness,” without consideration of who is receiving the marketing materials of
3 these companies, and how these markets are reached (channels of trade). ConnectPR therefore
4 fails to apply the test for confusing similarity it cites. Once again, ConnectPR offers as evidence
5 the self-serving statements of ConnectPR’s officer Meyers, and the opinion of ConnectPR’s
6 “expert” Christensen, neither of which mention the distinctiveness of the word “connect,” or the
7 sophistication of ConnectPR’s clients.

8
9 **c. Opposed Services: “Operation of telephone call centers for others”**

10 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
11 advances in its Section “a” regarding its identified “marketing...services.” Once again,
12 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
13 services and DigitalMojo’s identified services, by which we can readily understand that
14 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
15 to “consumers.” Once again, ConnectPR describes DigitalMojo’s services as “nothing more than
16 a subset of ConnectPR’s services,” as if this were analysis of “relatedness,” without consideration
17 of who is receiving the marketing materials of these companies, and how these markets are
18 reached (channels of trade). Once again, ConnectPR offers as evidence the self-serving
19 statements of ConnectPR’s officer Meyers, and the opinion of ConnectPR’s “expert” Christensen,
20 neither of which mention the distinctiveness of the word “connect,” or the sophistication of
21 ConnectPR’s clients.

22
23 **d. Opposed Services: “Marketing of high speed telephone, Internet, and wireless
24 access, and directing consumers to access providers”**

25 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
26 advances in its Section “a” regarding its identified “marketing...services.” Once again,
27 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
28 services and DigitalMojo’s identified services, by which we can readily understand that

1 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
2 to “consumers.” Once again, ConnectPR describes DigitalMojo’s services as “nothing more than
3 a subset” of ConnectPR’s services, as if this were analysis of “relatedness,” without consideration
4 of who is receiving the marketing materials of these companies, and how these markets are
5 reached (channels of trade). Once again, ConnectPR offers as evidence the self-serving
6 statements of ConnectPR’s officer Meyers, and the opinion of ConnectPR’s “expert” Christensen,
7 neither of which mention the distinctiveness of the word “connect,” or the sophistication of
8 ConnectPR’s clients.

9 ConnectPR continues with its “analysis” of its identification of class 16 goods quite along
10 the lines of its “analysis” of “business marketing services.” However, in this case, ConnectPR
11 does not even specifically identify the exact words which offend it so in DigitalMojo’s
12 identification. Presumably ConnectPR is saying its “...reports, press kits and brochures in the
13 fields of market research and consulting...” are “complementary” to DigitalMojo’s services
14 marketed “to consumers,” but ConnectPR does not say how “press kits” might be useful to home
15 owners and renters. We cannot come to any meaningful conclusion on the basis of such
16 “analysis.”

17
18 **e. Opposed Services: “Providing an online directory information service featuring**
19 **information regarding, and in the nature of, classifieds”**

20 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
21 advances in its Section “a” regarding its identified “marketing...services.” Once again,
22 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
23 services and DigitalMojo’s identified services, by which we can readily understand that
24 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
25 to to “consumers.” Once again, ConnectPR describes DigitalMojo’s services as services which
26 “all fall within, or are related to” ConnectPR’s services, as if this were analysis of “relatedness,”
27 without consideration of who is receiving the marketing materials of these companies, and how
28 these markets are reached (channels of trade). Once again, ConnectPR offers as evidence the self-

1 serving statements of ConnectPR's officer Meyers, and the opinion of ConnectPR's "expert"
2 Christensen, neither of which mention the distinctiveness of the word "connect," or the
3 sophistication of ConnectPR's clients.³

4 **f. Opposed Services: "Advertising and information distribution services, namely,
5 providing classified advertising space via the global computer network"**

6 As to DigitalMojo's above-identified services, ConnectPR again parallels the argument it
7 advances in its Section A regarding its identified "marketing...services." Once again, ConnectPR
8 fails to address the additional, descriptive wording for both ConnectPR's identified services and
9 DigitalMojo's identified services, by which we can readily understand that ConnectPR is directing
10 its services to businesses, while DigitalMojo will be directing its services to to "consumers."
11 Once again, ConnectPR describes DigitalMojo's services as "simply a subset" of ConnectPR's
12 services, as if this were analysis of "relatedness," without consideration of who is receiving the
13 marketing materials of these companies, and how these markets are reached (channels of trade).
14 Once again, ConnectPR offers as evidence the self-serving statements of ConnectPR's officer
15 Meyers, and the opinion of ConnectPR's "expert" Christensen, neither of which mention the
16 distinctiveness of the word "connect," or the sophistication of ConnectPR's clients.

17
18 **g. Opposed Services: "Promoting the goods and services of others over the Internet"**

19 As to DigitalMojo's above-identified services, ConnectPR again parallels the argument it
20 advances in its Section "a" regarding its identified "marketing...services." Once again,
21 ConnectPR fails to address the additional, descriptive wording for both ConnectPR's identified
22 services and DigitalMojo's identified services, by which we can readily understand that
23 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
24 to "consumers." In this case, ConnectPR describes DigitalMojo's services as services which "fall
25 within, or are related to" ConnectPR's services, and asserted ConnectPR's services "would
26 encompass" DigitalMojo's services, as if this were analysis of "relatedness," without

27
28 ³ DigitalMojo notes here that ConnectPR cites Christensen when arguing about ConnectPR's "sales promotion services," however Christensen's Affidavit ¶ 37 does not contain such a statement.

1 consideration of who is receiving the marketing materials of these companies, and how these
2 markets are reached (channels of trade). Once again, ConnectPR offers as evidence the self-
3 serving statements of ConnectPR's officer Meyers, and the opinion of ConnectPR's "expert"
4 Christensen, neither of which mention the distinctiveness of the word "connect," or the
5 sophistication of ConnectPR's clients.

6 ConnectPR continues with its "analysis" of its identification of class 16 goods quite along
7 the lines of its "analysis" of "business marketing services." However, in this case, ConnectPR
8 does not even specifically identify the exact words which offend it so in DigitalMojo's
9 identification. Presumably ConnectPR is saying its "...reports, press kits and brochures in the
10 fields of market research and consulting..." are "complementary" to DigitalMojo's services
11 marketed to consumers of "the goods and services of others," but ConnectPR does not say how
12 "press kits" might be useful to such consumers. We cannot come to any meaningful conclusion
13 on the basis of such "analysis."
14

15 **h. Opposed Services: "Providing online computer databases and on-line searchable**
16 **databases featuring classified listings and want ads"**

17 As to DigitalMojo's above-identified services, ConnectPR again parallels the argument it
18 advances in its Section "a" regarding its identified "marketing...services." Once again,
19 ConnectPR fails to address the additional, descriptive wording for both ConnectPR's identified
20 services and DigitalMojo's identified services, by which we can readily understand that
21 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
22 to "consumers." In this case, ConnectPR describes DigitalMojo's services as services which "are
23 a form of" ConnectPR's services, as if this were analysis of "relatedness," without consideration
24 of who is receiving the marketing materials of these companies, and how these markets are
25 reached (channels of trade). Once again, ConnectPR offers as evidence the self-serving
26 statements of ConnectPR's officer Meyers, and the opinion of ConnectPR's "expert" Christensen,
27 neither of which mention the distinctiveness of the word "connect," or the sophistication of
28 ConnectPR's clients.

1 **i. Opposed Services: “Online business networking services”**

2 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
3 advances in its Section “a” regarding its identified “marketing...services.” Once again,
4 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
5 services and DigitalMojo’s identified services, by which we can readily understand that
6 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
7 to to “consumers.” Once again, ConnectPR describes DigitalMojo’s services as “nothing more
8 than a subset” of ConnectPR’s services, and asserts DigitalMojo’s services “fall within”
9 ConnectPR’s services, as if this were analysis of “relatedness,” without consideration of who is
10 receiving the marketing materials of these companies, and how these markets are reached
11 (channels of trade). Once again, ConnectPR offers as evidence the self-serving statements of
12 ConnectPR’s officer Meyers, and the opinion of ConnectPR’s “expert” Christensen, neither of
13 which mention the distinctiveness of the word “connect,” or the sophistication of ConnectPR’s
14 clients.

15 ConnectPR continues with its “analysis” of its identification of class I6 goods quite along
16 the lines of its “analysis” of “business marketing services.” However, in this case, ConnectPR
17 does not even specifically identify the exact words which offend it so in DigitalMojo’s
18 identification. Presumably ConnectPR is saying its “...reports, press kits and brochures in the
19 fields of market research and consulting...” are “complementary” to DigitalMojo’s services
20 marketed to consumers of “business networking services,” but ConnectPR does not say how
21 “press kits” might be useful to such consumers. We cannot come to any meaningful conclusion
22 on the basis of such “analysis.”

23

24 **j. Opposed Services: “Providing an online interactive website obtaining users
25 comments concerning business organizations, service providers, and other
resources”**

26 As to DigitalMojo’s above-identified services, ConnectPR again parallels with the words
27 “market research” the argument it advances in its Section “a” regarding its identified
28 “marketing...services.” Once again, ConnectPR fails to address the additional, descriptive

1 wording for both ConnectPR's identified services and DigitalMojo's identified services, by which
2 we can readily understand that ConnectPR is directing its services to businesses, while
3 DigitalMojo will be directing its services to "consumers." In this case, ConnectPR describes
4 DigitalMojo's services as services which "fall within, or are related to" ConnectPR's services, and
5 asserted ConnectPR's services "would encompass" DigitalMojo's services, as if this were analysis
6 of "relatedness," without consideration of who is receiving the marketing materials of these
7 companies, and how these markets are reached (channels of trade). Once again, ConnectPR
8 offers as evidence the self-serving statements of ConnectPR's officer Meyers, and the opinion of
9 ConnectPR's "expert" Christensen, neither of which mention the distinctiveness of the word
10 "connect," or the sophistication of ConnectPR's clients.

11
12 **k. Opposed Services: "Providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network"**

13
14 As to DigitalMojo's above-identified services, ConnectPR again parallels with the words
15 "market research" the argument it advances in its Section "a" regarding its identified
16 "marketing...services." Once again, ConnectPR fails to address the additional, descriptive
17 wording for both ConnectPR's identified services and DigitalMojo's identified services, by which
18 we can readily understand that ConnectPR is directing its services to businesses, while
19 DigitalMojo will be directing its services to "consumers." In this case, ConnectPR describes
20 DigitalMojo's services as services which "fall within, or are related to" ConnectPR's services, and
21 asserts DigitalMojo's services are "part and parcel"⁴ of ConnectPR's services, as if this were
22 analysis of "relatedness," without consideration of who is receiving the marketing materials of
23

24 ⁴ ConnectPR asserts in this motion that likelihood of confusion may be found when the respective services of the
25 parties are related in some manner, and/or that the conditions and activities surrounding the marketing of the services are
26 such that they would or could be encountered by the same persons under circumstances that could, because of the similarity
27 of the mark, give rise to the mistaken belief that they originate from the same source. DigitalMojo agrees this is the proper
28 test. However, with words such as "falls within" and "subset of" and "encompass," ConnectPR attempts to demonstrate
DigitalMojo's services are "related to" ConnectPR's services entirely without addressing the markets served by either
company, or the channels of trade, and without even addressing all the words found in any of the identifications of services.
Such an attempt does not meet the requirements of the test ConnectPR says applies in this case and, with the words "part
and parcel," we begin to suspect ConnectPR will not address that test anywhere in its Motion.

1 these companies, and how these markets are reached (channels of trade). Once again, ConnectPR
2 offers as evidence the self-serving statements of ConnectPR's officer Meyers, and the opinion of
3 ConnectPR's "expert" Christensen, neither of which mention the distinctiveness of the word
4 "connect," or the sophistication of ConnectPR's clients.

5 ConnectPR continues with its "analysis" of its identification of class 16 goods quite along
6 the lines of its "analysis" of "market research." However, in this case, ConnectPR does not even
7 specifically identify the exact words which offend it so in DigitalMojo's identification.

8 Presumably ConnectPR is saying its "...reports, press kits and brochures in the fields of market
9 research and consulting..." are "complementary" to DigitalMojo's services marketed to
10 consumers seeking "ratings" and "referrals," but ConnectPR does not say how "press kits" might
11 be useful to such consumers. We cannot come to any meaningful conclusion on the basis of such
12 "analysis."

13
14 **1. Opposed Services: "Providing online chat rooms for registered users for
15 transmission of messages concerning classifieds, virtual community and social
16 networking"**

17 As to DigitalMojo's above-identified services, ConnectPR again parallels the argument it
18 advances in its Section "a" regarding its identified "marketing...services." Once again,
19 ConnectPR fails to address the additional, descriptive wording for both ConnectPR's identified
20 services and DigitalMojo's identified services, by which we can readily understand that
21 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
22 to "consumers." In this case, ConnectPR describes DigitalMojo's services as "nothing more than
23 a subset" of ConnectPR's services, and asserts DigitalMojo's services "fall within" ConnectPR's
24 services, as if this were analysis of "relatedness," without consideration of who is receiving the
25 marketing materials of these companies, and how these markets are reached (channels of trade).
26 In this case, ConnectPR concludes "DigitalMojo's services and ConnectPR's services encompass
27 the transmission of electronic messages." The faulty analysis inherent in focusing on only some
28 words in an identification (the words "chat rooms" and "social networking," for instance, seem
quite relevant here) is starkly apparent when considering all those who provide services which

1 “encompass the transmission of electronic messages.” For instance, AT&T (as a “conduit” for
2 such messages) and attorney’s at the USPTO (as they email applicants) and sellers of olive oil
3 (responding to sales enquiries) each provide service which “encompass the transmission of
4 electronic messages.” Once again, ConnectPR offers as evidence the self-serving statements of
5 ConnectPR’s officer Meyers, and the opinion of ConnectPR’s “expert” Christensen, neither of
6 which mention the distinctiveness of the word “connect,” or the sophistication of ConnectPR’s
7 clients.

8

9 **m. Opposed Services: “Providing on-line chat rooms and electronic bulletin boards for**
10 **transmission of messages among users in the field of general interest”**

11 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
12 advances in its Section “a” regarding its identified “marketing...services.” Once again,
13 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
14 services and DigitalMojo’s identified services, by which we can readily understand that
15 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
16 to “consumers.” In this case, ConnectPR describes DigitalMojo’s services as “nothing more than
17 a subset” of ConnectPR’s services, and asserts DigitalMojo’s services “fall within, or are related
18 to” ConnectPR’s services, as if this were analysis of “relatedness,” without consideration of who
19 is receiving the marketing materials of these companies, and how these markets are reached
20 (channels of trade). In this case, ConnectPR concludes “DigitalMojo’s services and ConnectPR’s
21 services both encompass the transmission of electronic messages.” The faulty analysis inherent in
22 focusing on only some words in an identification is again apparent when considering all those who
23 provide services which “encompass the transmission of messages.” In this case, ConnectPR
24 makes this argument without offering any evidence, either by way of the self-serving statements of
25 ConnectPR’s officer Meyers, or the opinion of ConnectPR’s “expert” Christensen.

26 ///

27 ///

28 ///

1 **n. Opposed Services: “Providing email and instant messaging services”**

2 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
3 advances in its Section “a” regarding its identified “marketing...services.” Once again,
4 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
5 services and DigitalMojo’s identified services, by which we can readily understand that
6 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
7 to “consumers.” In this case, ConnectPR describes DigitalMojo’s services as “nothing more than
8 a subset” of ConnectPR’s services, and asserts DigitalMojo’s services “fall within, or are related
9 to” ConnectPR’s services, as if this were analysis of “relatedness,” without consideration of who
10 is receiving the marketing materials of these companies, and how these markets are reached
11 (channels of trade). In this case, ConnectPR makes this argument without offering any evidence,
12 either by way of the self-serving statements of ConnectPR’s officer Meyers, or the opinion of
13 ConnectPR’s “expert” Christensen.

14
15 **o. Opposed Services: “Computer services, namely, creating an on-line community for
16 registered users to participate in discussions, get feedback from their peers, form
virtual communities, and engage in social networking”**

17 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
18 advances in its Section “a” regarding its identified “marketing...services.” Once again,
19 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
20 services and DigitalMojo’s identified services, by which we can readily understand that
21 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
22 to “consumers.” In this case, ConnectPR describes DigitalMojo’s services as “nothing more than
23 a subset” of ConnectPR’s services, and asserts DigitalMojo’s services “fall within, or are related
24 to” ConnectPR’s services, as if this were analysis of “relatedness,” without consideration of who
25 is receiving the marketing materials of these companies, and how these markets are reached
26 (channels of trade). In this case, ConnectPR concludes “DigitalMojo’s services and ConnectPR’s
27 services encompass the transmission of messages.” The faulty analysis inherent in focusing on
28 only some words in an identification (the words “creating an on-line community for registered

1 users” and “engage in social networking,” for instance, seem quite relevant here) is starkly
2 apparent when considering all those who provide services which “encompass the transmission of
3 messages.” AT&T (as a “conduit” for such messages) and attorney’s at the USPTO (as they
4 email applicants) and sellers of olive oil (responding to sales enquiries) each provide service which
5 “encompass the transmission of messages.” In this case, ConnectPR makes this argument without
6 offering any evidence, either by way of the self-serving statements of ConnectPR’s officer
7 Meyers, or the opinion of ConnectPR’s “expert” Christensen.

8

9 **p. Opposed Services: “On-line social networking services”**

10 As to DigitalMojo’s above-identified services, ConnectPR again parallels the argument it
11 advances in its Section “a” regarding its identified “marketing...services.” Once again,
12 ConnectPR fails to address the additional, descriptive wording for both ConnectPR’s identified
13 services and DigitalMojo’s identified services, by which we can readily understand that
14 ConnectPR is directing its services to businesses, while DigitalMojo will be directing its services
15 to “consumers.” In this case, ConnectPR describes DigitalMojo’s services as “nothing more than
16 a subset” of ConnectPR’s services, and asserts DigitalMojo’s services “fall within, or are related
17 to” ConnectPR’s services, as if this were analysis of “relatedness,” without consideration of who
18 is receiving the marketing materials of these companies, and how these markets are reached
19 (channels of trade). In this case, ConnectPR concludes “DigitalMojo’s services and ConnectPR’s
20 services encompass the transmission of messages.” The faulty analysis inherent in focusing on
21 only some words in an identification (the words “creating an on-line community for registered
22 users” and “engage in social networking,” for instance, seem quite relevant here) is starkly
23 apparent when considering all those who provide services which “encompass the transmission of
24 messages.” AT&T (as a “conduit” for such messages) and attorney’s at the USPTO (as they
25 email applicants) and sellers of olive oil (responding to sales enquiries) each provide service which
26 “encompass the transmission of messages.” In this case, ConnectPR makes this argument without
27 offering any evidence by way of the self-serving statements of ConnectPR’s officer Meyers, or the
28 opinion of ConnectPR’s “expert” Christensen.

1 ConnectPR has up to this point in its Motion relied entirely on the words of the
2 identifications of services in DigitalMojo’s application and in ConnectPR’s registrations.
3 DigitalMojo has pointed out ConnectPR’s error in analysis, as ConnectPR consistently misses the
4 *factual* determinations concerning the nature of the services encompassed by such identifications.
5 ConnectPR’s errors proceed in at least two ways:

6 ConnectPR begins by focusing on what appear to be for ConnectPR the almost magical
7 words “marketing...services” (later on “promotional” and other words). The notion appears to be
8 that all “marketing” is related to all other “marketing.” However, the “marketing...services”
9 words ConnectPR finds so magical appear to be not so magical after all, as identical wording in
10 ConnectPR’s later application for CONNECT MARKETING has been refused by the examining
11 attorney handling that application because such wording is “indefinite.” Cook Decl. ¶ 7. This
12 refusal implies the wording ConnectPR has used in its later application, and the identical wording
13 ConnectPR relies upon in its Motion, is too broad. That is, there exist different kinds of
14 marketing, such that some kinds of marketing is not related to other kinds of marketing. In each
15 case in which ConnectPR is relying solely upon its magical words (“marketing” or “promotion” or
16 other words), DigitalMojo asserts that the ConnectPR cannot, simply by stating it is “marketing,”
17 demonstrate that its marketing services encompass all kinds of marketing. This is particularly true
18 where, as in this case, the only word common to DigitalMojo’s mark and ConnectPR’s mark,
19 CONNECT, is used by, literally, thousands of others (many of which are providing
20 “marketing...services”). Cook Decl. ¶ 3.

21 In its Motion, ConnectPR also compares the identifications of services set forth in its
22 registrations and in DigitalMojo’s application in order to establish the “fact” that DigitalMojo’s
23 services are related to those of ConnectPR. However, building on its perception that “all
24 marketing is related,” ConnectPR focuses on only selected words within such identifications, and
25 advances those selected words for consideration by the Board, while ignoring other words in
26 those identifications. DigitalMojo asserts ConnectPR cannot factually establish the scope of its
27 registrations, or the scope of DigitalMojo’s application, unless ConnectPR considers each
28 identification as written, and not just as ConnectPR would like them to be considered. For this

1 reason, these remain disputed facts in this case:

- 2 i. Whether DigitalMojo’s services as identified are “encompassed by” or “fall
3 within” or are “a subset” of ConnectPR’s services as identified.
- 4 ii. Whether the services identified in the application for the mark CONNECT
5 are related to the services identified in the registrations of the marks
6 CONNECT PUBLIC RELATIONS and CONNECTPR, in light of the
7 narrow scope to which the word “connect” is entitled, given the numerous
8 registrations of, and uses of the word “connect” in marks held by others,
9 for services which are the same as, or related to, the services of
10 ConnectPR.
- 11 iii. Whether DigitalMojo’s mark CONNECT is likely to be confused with the
12 registered marks CONNECT PUBLIC RELATIONS and CONNECTPR
13 in light of the narrow scope to which the word “connect” is entitled, given
14 the numerous registrations of, and uses of the word “connect” in marks
15 held by others, for services which are the same as, or related to, the
16 services of ConnectPR.

17

18 c. *There is a Genuine Dispute that the Goods/Services of the ConnectPR Marks and*
19 *the Opposed Mark Travel Through the Same Channels of Trade and Have the*
20 *Same Class of Customer.*

21 With its assertion that “the Goods/Services of the ConnectPR Marks and the Opposed
22 Mark Travel Through the Same Channels of Trade and Have the Same Class of Customer,”
23 ConnectPR comes to the heart of the question of likelihood of confusion in DigitalMojo’s view.
24 ConnectPR asserts the Channels and Customers are the same; DigitalMojo asserts the Channels
25 and Customers are different. ConnectPR relies entirely on the identifications of services contained
26 in its registrations.

27 The Board cannot make any determination on relatedness based on ConnectPR’s cited
28 registrations, without also determining what the identifications of services of those registrations
 mean as written. However, ConnectPR has not in its Motion, and not in its settlement

1 communications, ever considered the scope of its registrations except as ConnectPR has argued
2 them in its Motion here. Given ConnectPR's broad interpretation of its own registrations to
3 cover what appears to be unrelated services, DigitalMojo must and has questioned whether
4 ConnectPR's registrations identify services proper in scope. Given ConnectPR's interpretation of
5 its registrations, DigitalMojo must also question whether ConnectPR has actually used its marks
6 for all the services ConnectPR says it has provided. For instance, ConnectPR asserts it "has
7 actually offered and provided the services of promoting the goods and services of others over the
8 Internet" (Myers Aff. ¶ 24). However, discovery documents show ConnectPR has actually
9 provided the services of assisting ConnectPR's *clients* to promote the *client's* goods and services
10 over the Internet under the *client's* marks, and nothing in such documents show ConnectPR has
11 used *ConnectPR's marks* to offer or provide the services of promoting the goods and services of
12 its clients over the Internet (Cook Decl. ¶ 8). This distinction is of course much more than
13 ConnectPR can merely gloss over when it asserts the identifications of DigitalMojo and
14 ConnectPR "are worded slightly differently" (Myers Aff. ¶ 20). While this distinction appears to
15 be lost on ConnectPR, the difference in identifications clearly and directly points to different
16 markets, DigitalMojo's services supplied to, and directed to, consumers, on the one hand, and
17 ConnectPR's business clients, which then supply services and goods and services to consumers
18 under their marks, on the other hand.

19 The same difference in (separated) markets may be inferred from ConnectPR's description
20 of its services in its objection to DigitalMojo's "online business networking services." Here,
21 ConnectPR says "online business networking may occur through online marketing and public
22 relations campaigns, including online blogs, social media, and content posting on websites."
23 (Myers Aff. ¶ 25). Reading this statement of ConnectPR's business carefully, we hear ConnectPR
24 state its business, "public relations campaigns" (for its clients, we must infer), which include
25 blogs, social media, and content posting on web sites. In other words, the clients of ConnectPR
26 (or perhaps ConnectPR for its clients) will market the *client's* services under the *client's* marks
27 using "online blogs, social media, and content posting on websites," all within public relations
28 campaigns directed by or conducted by ConnectPR. In these public relations campaigns,

1 ConnectPR's marks do not appear in its clients blogs, social media, or content posting.
2 ConnectPR's marks only appear to ConnectPR's business clients. Such public relations
3 campaigns are very different from, for instance, the service provided by Linked In, a company
4 which provides "online business networking services" to consumers of such services, similar to
5 those identified by DigitalMojo.

6 ConnectPR's "expert" regarding DigitalMojo's "comparative marketing and advertising
7 services," expressly concludes "Opposer is currently and Applicant is planning to target and serve
8 the same customer segments." (Christensen Aff. ¶ 34) However, this conclusion does not follow
9 from the identifications of the services of DigitalMojo and ConnectPR. More specifically, and
10 putting aside the fact that this experts extracts only a portion of DigitalMojo's identification for
11 this comparison of services, ConnectPR's expert mentions two of ConnectPR's clients as part of
12 ConnectPR's "customer segments." On its face, this means ConnectPR will provide its services
13 to these clients, presumably so these clients can provide "comparative marketing" information
14 under these clients' mark to consumers of such services, or at least put these clients' marks in a
15 good position when others provide "comparative marketing" information. Consistent with every
16 other description of ConnectPR's services found in its Motion, we can most easily infer from this
17 that ConnectPR's marks are presented to its clients, but such marks are never put in front of any
18 consumers of any of the telecommunications services found in these identifications. As we have
19 note herein, however, DigitalMojo intends to directly serve consumers with its services identified
20 as "Comparative marketing and advertising services for providers of residential and business
21 telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and
22 satellite Internet access services, cable and satellite television, voice over IP, and long-distance
23 telephone services." It is therefore consumers of these services which are DigitalMojo's
24 "customer segment," not the business which supply these services, and such consumers will see
25 DigitalMojo's mark CONNECT (and the marks of telecommunications providers) as it supplies
26 these services.

27 In efforts to determine the scope of ConnectPR's services, DigitalMojo has taken three
28 steps:

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1. Since ConnectPR is relying entirely on the identifications of its registrations, and will not consider the scope of those registrations except for the “magical words” contained therein, and except by ignoring words which do not support ConnectPR’s conclusions, DigitalMojo has filed the Cancellation Actions to cancel ConnectPR’s registrations CONNECTPR and CONNECT PUBLIC RELATIONS which identify (amongst other services) “marketing...services.” (Cancellation Action Numbers 92054427 and 92054395 ; see Cook Decl ¶ 4). The Cancellation Actions state a variety of reasons for cancellation, including indefiniteness, use of ConnectPR’s Marks, abandonment, and fraud on the Patent Office.
2. DigitalMojo has also, prior to the filing of ConnectPR’s Motion, requested the Board consolidate Cancellation Action Numbers 92054427 and 92054395 with and into this opposition. With such consolidation, we may in a single proceeding determine, amongst other things, whether ConnectPR is using its marks broadly, as ConnectPR characterizes its services in this Motion, or whether ConnectPR is providing a more narrow set of services, and is in this action merely asserting its services broadly to unfairly prevent registration by DigitalMojo. We may with consolidation determine how best to read ConnectPR’s identifications, and therefore whether DigitalMojo is entitled to registration.
3. In this opposition, DigitalMojo also served discovery on ConnectPR on September 4, 2011, in the form of APPLICANT’S INTERROGATORIES, SET THREE and APPLICANT’S REQUEST FOR ADMISSIONS, SET TWO. DigitalMojo’s discovery includes a series of questions about ConnectPR’s services, and its activities, as it provides (amongst other services) “marketing...services.” DigitalMojo believes that simple answers to its discovery, such as “admit” or “deny” in response to a request for admission, will allow DigitalMojo to compare

1 ConnectPR's interpretation of the scope of the services it has identified in
2 its registrations with the services ConnectPR actually supplies. On
3 December 5, 2011, ConnectPR returned responses to DigitalMojo's
4 discovery, however in those responses ConnectPR did not provide simple
5 answers such as "admit" or "deny." Instead, ConnectPR objected to
6 DigitalMojo's questions on a variety of bases, including relevance. (Cook
7 Decl. ¶ 4) DigitalMojo intends to request from ConnectPR fuller
8 responses to DigitalMojo's discovery, and DigitalMojo believes it is
9 entitled to such fuller responses before the Board makes any decision on
10 likelihood of confusion, in this Motion or otherwise.

11
12 In view of these steps, DigitalMojo asserts ConnectPR cannot factually establish its
13 "channels of trade," or its "class of customer," unless ConnectPR considers the specific markets it
14 and DigitalMojo serve, and from that whether businesses or consumers (or both) are presented
15 with ConnectPR's and DigitalMojo's marks. These specific markets may be determined through
16 consolidation of the Cancellation Actions with and into this opposition, or with reasonable
17 responses by ConnectPR to DigitalMojo's September 4, 2011 discovery requests, or both. For
18 the reasons set forth herein, these remain additional disputed facts in this case:

- 19 iv Whether there is a meaningful distinction in offering services to consumers
20 and offering services to businesses (which offer services to consumers),
21 such that services offered to consumers are not "related" to the services
22 offered to businesses.
- 23 v. Whether ConnectPR used the ConnectPR Marks for all of, or for some of,
24 or for none of, the services identified in ConnectPR's Registrations.
- 25 vi. Whether ConnectPR has committed fraud in the prosecution of the
26 ConnectPR Registrations by alleging it has, in respect of the ConnectPR
27 Marks, used the ConnectPR Marks as identified in the ConnectPR
28 Registrations, while ConnectPR never used the ConnectPR Marks for any,

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or for some of, or for some part of such services.

- vii. Whether ConnectPR has abandoned the ConnectPR Marks, in that ConnectPR failed to continue its use of, or ceased its use of, the ConnectPR Marks for some of the services identified in the ConnectPR Registrations, or ConnectPR failed to continue its use of, or ceased its use of, the ConnectPR Marks for some part of the services identified in the ConnectPR Registrations.
- viii. Whether ConnectPR has abandoned the ConnectPR Marks, in that ConnectPR intends not to use the ConnectPR Marks in the future in connection with some of, or some part of, the services identified in ConnectPR's Registrations.
- ix. Whether ConnectPR has committed fraud in the maintenance of the ConnectPR Registrations, by alleging it has used the ConnectPR Marks continuously for the services identified in the ConnectPR Registrations, while ConnectPR has failed to continuously use the ConnectPR Marks for any, or some of, or some part of such services.
- x. Whether ConnectPR has committed fraud in the prosecution of the ConnectPR Registrations by alleging, in respect of the ConnectPR Marks, it intended to use the ConnectPR Marks for the services identified in the ConnectPR Registrations, while ConnectPR never intended to use the ConnectPR Marks for any, or for some of, or for some part of such services.
- xi. Whether ConnectPR has identified its services in the ConnectPR Registrations so as to be not "definite," as required by the Trademark Act and the U.S. Patent & Trademark Office, in that U.S. Patent & Trademark Office and the public cannot reasonably determine the nature of the services with which ConnectPR uses the ConnectPR Marks (if any).
- xii. Whether ConnectPR has committed fraud in this Opposition or the

1 prosecution of the ConnectPR Registrations by making one or more
2 inaccurate statements and, more specifically, by alleging in this Opposition
3 that it believes it will be damaged by registration of DigitalMojo's mark
4 when ConnectPR did not and/or does not believe it will be damaged, and
5 ConnectPR has therefore acted inequitably, and employed the ConnectPR
6 Registrations improperly, and in restraint of trade.
7

8 **V. NON-CONTENTIOUS SERVICES**

9 DigitalMojo notes ConnectPR has not in its Motion mentioned, and so no decision should
10 be rendered regarding, the following services identified in DigitalMojo's application:

- 11 a. audio recordings featuring music; video recordings featuring music; downloadable
12 audio and video recordings featuring music; prerecorded music on CD, DVD and
13 other media;
- 14 b. providing telephone directory information via global communications networks;
- 15 c. providing telephone directory information via global communications networks;
- 16 d. arranging for others the initiation and termination of telecommunication services
17 and utility services in the nature of water, gas and electricity and consultation
18 rendered in connection therewith;
- 19 e. computer software development; application service provider (ASP) featuring
20 software to enable uploading, posting, showing, displaying, tagging, blogging,
21 sharing or otherwise providing electronic media or information over the Internet or
22 other communications network; providing temporary use of non-downloadable
23 software applications for classifieds, virtual community, social networking, photo
24 sharing, video sharing, and transmission of photographic images; computer
25 services, namely, hosting online web facilities for others for organizing and
26 conducting online meetings, gatherings, and interactive discussions; computer
27 services in the nature of customized web pages featuring user-defined information,
28 personal profiles and information;
- f. internet based dating, introduction and social networking services.

24 **VI. CONCLUSION**

25 DigitalMojo submits that when all of the foregoing is considered, this Board will find
26 there are genuine issues of material fact sufficient to deny summary judgment on the issue of
27 likelihood of confusion. The Opposed Mark and the ConnectPR Marks are similar but, without
28 evidence on the distinctiveness of the word "connect," or the sophistication of prospective

1 purchasers, the Board can come to no reasonable conclusion on whether these marks are
2 sufficiently similar to cause likelihood of confusion. Further, without such evidence on the
3 distinctiveness of the word "connect," and based on a selective reading of only some of the
4 services identified in DigitalMojo's application and some of the services identified in ConnectPR's
5 registration, the Board can come to no reasonable conclusion on whether such services are
6 related. Finally, because DigitalMojo questions both ConnectPR's interpretation of the services it
7 identifies in its registrations, and questions the markets served by, and channels of trade utilized
8 by, ConnectPR, DigitalMojo has petitioned to cancel two of ConnectPR's registrations, and
9 moved to consolidate those actions with this opposition. DigitalMojo believes ConnectPR's
10 services as supplied, and not just ConnectPR's services as identified, are relevant to this Motion,
11 and necessary to a decision on likelihood of confusion. DigitalMojo requests ConnectPR's
12 Motion be denied. Finally, before the Board finds in favor of opposer ConnectPR, DigitalMojo
13 requests decision on ConnectPR's Motion be suspended pending consolidation of Cancellation
14 Action Numbers 92054427 and 92054395 with and into this opposition, and that decision on
15 ConnectPR's Motion be suspended pending DigitalMojo's receipt of fuller responses to
16 DigitalMojo's discovery.

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18 Respectfully submitted,

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21 

22 Date: December 16, 2011

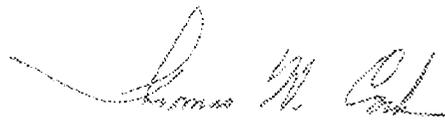
23 Thomas W. Cook, Reg. No. 38,849
24 Attorney for Applicant
25 3030 Bridgeway, Suite 425-430
26 Sausalito, California 94965
27 Telephone: 415-339-8550
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this document is today being submitted via electronic filing utilizing the ESTTA system on:

Date: December 19, 2011



Thomas W. Cook

CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)

I hereby declare:

I am over the age of 18 years, and am not a party to the within cause. I am employed in Sausalito, California.

My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing address is P.O. Box 1989, Sausalito, California.

On the date first written below, I served a true copy of the attached document entitled:

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

by placing it in a sealed envelope and depositing it in the United States mail, first class postage fully prepaid, addressed to the following:

Clayton, Howarth & Cannon, P.C.
P. O. Box 1909
Sandy UT 84091-1909
Attention: Karl R. Cannon

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sausalito, California on December 19, 2011.



Thomas Cook

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

3 In the Matter of Trademark Application Serial No. 77/714,693

4 Mark: CONNECT

5
6 CONNECT PUBLIC RELATIONS, INC., a
Utah corporation.)

7 Opposer,)

8 v.)

Opposition No. 91196299

9 DIGITALMOJO, INC., a California corporation)

10 Applicant.)
11)
12)

13
14 **DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S RESPONSE**
15 **TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

16 I, Thomas W. Cook, Esq. declare as follows:

17
18 1. I am the attorney of record for Applicant DIGITALMOJO, INC. ("DigitalMojo"). I
19 have personal knowledge of the facts herein stated. I am prepared to testify in a court of law
20 regarding such facts if requested.

21
22 2. I submit this declaration in support of DigitalMojo's Response to the Corrected Motion
23 for Partial Summary Judgment filed October 18, 2011 (the "Motion") by Opposer CONNECT
24 PUBLIC RELATION, INC.'s ("ConnectPR") in its opposition to registration of the mark
25 CONNECT (the "Mark," application number 77/714,693).

26
27 3. I conducted a search of the United States Patent and Trademark Office's (the "USPTO's")
28 web site at the time dm's application was being examined, and I then identified over 24 active

1 registrations on the Principal Register consisting of the term CONNECT. In addition, there are
2 literally thousands of applications and registrations which include the term "CONNECT" or its
3 close variants. [See attached TESS database printout of first page of list from the USPTO web
4 site.] The list below identified 23 live registrations for mark CONNECT for use with services that
5 are commonly purchased by a large percentage of the consumer population.

6	7	MARK	REG. NO.	GOODS/SERVICES
8		CONNECT	3378869	Water refrigerators and water fountains
9		CONNECT	3242619	Metal lattices, runners, hangers, profiles, namely, building wall and ceiling framing primarily of metal, grid system supports of metal for ceilings and walls, trims for building purposes, metal splices for joining walls, ceilings and grid systems, clips of metal for suspended ceilings and walls
10				
11				
12		CONNECT	3352403	Computer software that enables various user applications to communicate with one or more hardware devices
13				
14		CONNECT	3209085	Cigarettes
15		CONNECT	3111692	Educational Services, Namely, Arranging and Conducting Conferences and Seminars for Electric Utility Cooperatives in the Fields of Marketing, Communications, and Member Services
16				
17		CONNECT	3137854	Air passenger and baggage transfer services; ground transfer of air passengers; passenger ground transportation services
18				
19		CONNECT	2996013	Magazines and catalogs in the field of computers, technology, and information systems
20		CONNECT	3046870	Educational services, namely conducting classes, seminars, workshops, and conferences for investment advisors in the fields of investment advisor practice management
21				
22		CONNECT	2869782	Computer programs for use in optimization, pattern recognition, scheduling, and artificial intelligence
23				
24		CONNECT	3390861	Body and beauty care preparations; Body lotions; Hair care preparations; Hair styling preparations; Make-up; Non-medicated bath preparations
25				
26		CONNECT	3537420	Entertainment services, namely, providing pre-recorded music on-line via a global computer network
27		CONNECT	3214171	Computer-based services, namely computer programming, developing, implementing, and providing a non-downloadable web-based application program for
28				

1			others for generating reports, creating individually-tailored student interest forms and event response forms, importing student prospect data from student information systems, testing services, and other sources, scheduling and tracking targeted mailings and e-mail campaigns, conducting surveys that measure communication effectiveness, and generating reports and frequency tabulations from the survey data;
2			Computer-based services, namely computer programming, developing, implementing, and providing a non-downloadable web-based application program for others for providing information and advice to students and their parents regarding the college admissions process
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7	CONNECT	3133515	Providing on-line medical oncology information for use by patients to enhance cancer treatment decisions
8			
9	CONNECT	2892719	Trade publications, namely, periodic magazines for salon management professionals
10			
11	CONNECT	2836079	Allograph implants comprising formerly living tissue for use in spinal surgery
12	CONNECT	2824529	Educational services, namely, conducting classes, seminars, conferences, workshops for high-technology entrepreneurs in the fields of telecommunications, biotechnology, software, electronics, the Internet, financing and start-up funding, employee recruitment, human resources, executive education, partnering and networking
13			
14			
15	CONNECT	2675834	Wireless two way radios
16			
17	CONNECT	2580587	Educational services, namely, conducting seminars and providing training for entrepreneurs in the fields of high technology research and development, telecommunications, biotechnology, software, electronics, the Internet, financing and start-up funding, employee recruitment, human resources, executive education, industry updates, partnering and networking
18			
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21	CONNECT	2302904	Educational services, namely, conducting classes, conferences, workshops and seminars in the field of telephone customer service techniques
22			
23	CONNECT	2206279	Custom configured computer programs for enabling systems operating under different protocols and operating programs to interoperate and interface with each other
24			
25	CONNECT	1910546	Psychiatric and chemical dependency assessments and referrals
26	CONNECT	1718078	Religious educational material for classroom use
27	CONNECT	1679642	Education loan services and loan consolidation services
28			

- 1 4. Based on discovery responses produced in this opposition, on behalf of DigitalMojo, I
2 filed Petitions to Cancel the ConnectPR Registrations on August 22, 2011. DigitalMojo's
3 Petitions to Cancel the ConnectPR Registrations have been allocated action numbers
4 92054427, for CONNECT PUBLIC RELATIONS, and 92054395, for CONNECTPR
5 (collectively, the "Cancellation Actions"). As bases for the Cancellation Actions,
6 DigitalMojo has alleged ConnectPR:
- 7 a. did not use the ConnectPR Marks for any, or for some of, or for some part of, the
8 services identified in ConnectPR's Registrations, either at the time of filing its
9 application, or thereafter.
 - 10 b. has committed fraud in the prosecution of the ConnectPR Registrations by alleging
11 it has, in respect of the ConnectPR Marks, used the ConnectPR Marks as
12 identified in the ConnectPR Registrations, while ConnectPR never used the
13 ConnectPR Marks for any, or for some of, or for some part of such services.
 - 14 c. has abandoned the ConnectPR Marks, in that ConnectPR failed to continue its use
15 of, or ceased its use of, the ConnectPR Marks for some of the services identified in
16 the ConnectPR Registrations, or ConnectPR failed to continue its use of, or ceased
17 its use of, the ConnectPR Marks for some part of the services identified in the
18 ConnectPR Registrations.
 - 19 d. has abandoned the ConnectPR Marks, in that ConnectPR intends not to use the
20 ConnectPR Marks in the future in connection with some of, or some part of, the
21 services identified in ConnectPR's Registrations.
 - 22 e. has committed fraud in the maintenance of the ConnectPR Registrations, by
23 alleging it has used the ConnectPR Marks continuously for the services identified
24 in the ConnectPR Registrations, while ConnectPR has failed to continuously use
25 the ConnectPR Marks for any, or some of, or some part of such services.
 - 26 f. has committed fraud in the prosecution of the ConnectPR Registrations by
27 alleging, in respect of the ConnectPR Marks, it intended to use the ConnectPR
28 Marks for the services identified in the ConnectPR Registrations, while ConnectPR
never intended to use the ConnectPR Marks for any, or for some of, or for some
part of such services.
 - g. has not identified its services in the ConnectPR Registrations so as to be "definite,"
as required by the Trademark Act and the U.S. Patent & Trademark Office, with
the result that the U.S. Patent & Trademark Office and the public cannot
reasonably determine the nature of the services with which ConnectPR uses the
ConnectPR Marks (if any).
 - h. has committed fraud in this Opposition or the prosecution of the ConnectPR
Registrations by making one or more inaccurate statements and, more specifically,
by alleging in this Opposition that it believes it will be damaged by registration of
DigitalMojo's mark when ConnectPR did not and/or does not believe it will be
damaged, and ConnectPR has therefore acted inequitably, and employed the
ConnectPR Registrations improperly, and in restraint of trade.

1 5. On August 28, 2011, DigitalMojo, in this opposition action, filed its Motion to
2 Consolidate its Petitions to Cancel the ConnectPR Registrations and this opposition
3 action. DigitalMojo's Motion to Consolidate has not yet been decided by the Board.
4

5 6. On September 4, 2011, DigitalMojo served discovery on ConnectPR, which discovery
6 included APPLICANT'S INTERROGATORIES, SET THREE and APPLICANT'S
7 REQUEST FOR ADMISSIONS, SET TWO. ConnectPR has responded to these
8 discovery requests by DigitalMojo with evasions, rather than simple answers. I attach
9 hereto copies of ConnectPR's responses to DigitalMojo's

10 a. OPPOSER'S RESPONSES TO APPLICANT'S THIRD SET OF
11 INTERROGATORIES, and

12 b. OPPOSER'S RESPONSE TO APPLICANT'S SECOND SET OF
13 REQUESTS FOR ADMISSIONS

14 DigitalMojo therefore considers discovery in this case to be incomplete. DigitalMojo will
15 therefore shortly request ConnectPR fully respond to its discovery requests. I believe full
16 responses to DigitalMojo's discovery requests are necessary to gage the scope of
17 ConnectPR's services, and therefore the reasonable interpretation of the services
18 ConnectPR has identified in its registrations, and therefore whether those services are
19 related to the services identified by DigitalMojo in this opposition action.
20

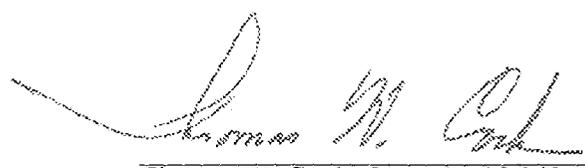
21 7. On September 21, 2010, ConnectPR's application for registration of the mark CONNECT
22 MARKETING, serial number 85061227, received a USPTO Office Action in which the
23 examining attorney handling that application required the following (and DigitalMojo
24 requests the Board take judicial notice of such requirement):

25 The wording "Marketing and market research and consulting services" in the
26 identification of services is indefinite and must be clarified to specify the type(s) of
27 "marketing" services. Applicant must also specify the subject matter of the
28 "consulting services" to enable proper classification of those services. See TMEP
§§ 1402.01, 1402.11(e).

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8. In reviewing documents produced by ConnectPR in this opposition action, I have come to the following conclusion: While ConnectPR asserts it “has actually offered and provided the services of promoting the goods and services of others over the Internet,” discovery documents show ConnectPR has actually provided the services of assisting ConnectPR’s *clients* to promote the *client’s* goods and services over the Internet under the *client’s* marks, and nothing in such documents show ConnectPR has used *ConnectPR’s marks* to offer or provide the services of promoting the goods and services of its clients over the Internet.

Respectfully submitted,



Date: December 16, 2011

Thomas W. Cook, Reg. No. 38,849
Attorney for Applicant
3030 Bridgeway, Suite 425-430
Sausalito, California 94965
Telephone: 415-339-8550

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CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. §2.119(a)

I hereby declare:

I am over the age of 18 years, and am not a party to the within cause. I am employed in Sausalito, California.

My business address is 3030 Bridgeway, Suite 425-430, Sausalito, California. My mailing address is P.O. Box 1989, Sausalito, California.

On the date first written below, I served a true copy of the attached document entitled:

**DECLARATION OF THOMAS COOK IN SUPPORT OF APPLICANT'S RESPONSE
TO OPPOSER'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

by placing it in a sealed envelope and depositing it in the United States mail, first class postage fully prepaid, addressed to the following:

Clayton, Howarth & Cannon, P.C.
P. O. Box 1909
Sandy UT 84091-1909
Attention: Karl R. Cannon

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sausalito, California on December 19, 2011



Thomas Cook

1 KARL R. CANNON (Registration No. 36,468)
2 BRETT J. DAVIS (Registration No. 46,655)
3 **CLAYTON, HOWARTH & CANNON, P.C.**
4 6965 Union Park Center, Suite 400
5 Cottonwood Heights, Utah 84047
6 P.O. Box 1909
7 Sandy, Utah 84091-1909
8 Telephone: (801) 255-5335
9 Facsimile: (801) 255-5338

10 Attorneys for Connect Public Relations, Inc.

11 **Opposed Mark: CONNECT**
12 **U.S. Trademark Application Serial Number: 77/714,693**
13 **Published: March 2, 2010**

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

16 CONNECT PUBLIC RELATIONS, INC., a Utah
17 corporation,

18 Opposer

19 v.

20 DIGITALMOJO, INC., a California corporation,

21 Applicant.

22 **OPPOSER'S RESPONSES TO**
23 **APPLICANT'S THIRD SET OF**
24 **INTERROGATORIES**

25 Opposition No. 91196299

26 Pursuant to Federal Rules of Civil Procedure, Rule 33, Connect Public Relations,
27 Inc. (hereinafter "Responding Party" or "Opposer") responds and objects to Digitalmojo
28 Inc.'s (hereinafter "Propounding Party" or "Applicant") Third Set of Interrogatories
propounded on Responding Party as follows:

GENERAL OBJECTIONS

Opposer hereby incorporates by reference the General Objections set forth in Opposer's Responses to Applicant's First Set of Interrogatories as if fully set forth herein.

1 **INTERROGATORIES**

2 INTERROGATORY NO. 1

3 1. Define “the connectivity market,” as this phrase is used in the documents numbered CPR
4 000388 - CPR 000393 produced by Opposer with Opposer’s Responses to Applicants
5 Second Set of Requests for Production of Documents and Things.
6

7 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
8 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
9 market.” Opposer further objects as none of the goods or services, classes of customers, or
10 channels of trade in the Applicant’s application are limited to the “connectivity market.”
11 Opposer further objects to this request as vague.
12

13
14 INTERROGATORY NO. 2

15 2. State what percentage of Opposer’s clients are within “the connectivity market.”
16

17 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
18 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
19 market.” Opposer further objects as none of the goods or services, classes of customers, or
20 channels of trade in the Applicant’s application are limited to the “connectivity market.”
21 Opposer further objects to this request as vague.
22

23
24 INTERROGATORY NO. 3

25 3. Identify Opposer’s clients that are within “the connectivity market.”
26

27 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
28 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity

1 market.” Opposer further objects as none of the goods or services, classes of customers, or
2 channels of trade in the Applicant’s application are limited to the “connectivity market.”

3 Opposer further objects to this request as vague.
4

5
6 INTERROGATORY NO. 4

7 4. Identify Opposer’s clients that are not within “the connectivity market.”

8 Response: Opposer objects to this request as irrelevant as none of the goods or services, classes
9 of customers, or channels of trade in Opposer’s registrations are limited to the “connectivity
10 market.” Opposer further objects as none of the goods or services, classes of customers, or
11 channels of trade in the Applicant’s application are limited to the “connectivity market.”
12 Opposer further objects to this request as vague.
13

14
15 INTERROGATORY NO. 5

16
17 5. Identify which of Opposer’s clients provide high technology goods or services.

18 Response: Opposer objects to this request as being unduly burdensome as it would require it to
19 investigate the goods and services of all of its clients and make the distinction between
20 technology and high technology. Opposer further objects to this request as irrelevant as none of
21 the goods or services, classes of customers, or channels of trade in Opposer’s registrations are
22 limited to the “high technology.” Opposer further objects as none of the goods or services,
23 classes of customers, or channels of trade in the Applicant’s application are limited to “high
24 technology.” Opposer further objects to this request as vague.
25

26
27 INTERROGATORY NO. 6

28 6. Identify which of Opposer’s clients provide high technology goods or services.

1 Response: See response to Interrogatory No. 5.

2
3 INTERROGATORY NO. 7

4
5 7. To what industries does Opposer presently supply its goods or services.

6 Response: Opposer objects to this request as being unduly burdensome as it would require it to
7 investigate the industry of all of its clients. Opposer further objects to this request as irrelevant
8 as none of the goods or services, classes of customers, or channels of trade in Opposer's
9 registrations or in Applicant's application are limited to any particular industry.
10

11
12 INTERROGATORY NO. 8

13 8. State which services, among those Opposer discusses in the documents numbered CPR
14 000388 - CPR 000393 produced by Opposer with Opposer's Responses to Applicants
15 Second Set of Requests for Production of Documents and Things, Opposer offers to
16 Consumers.
17

18 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
19 interrogatories as agreed to by the parties.
20

21
22
23 INTERROGATORY NO. 9

24 9. State which of Opposer's goods or services are not "connectivity" services.

25 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
26 interrogatories as agreed to by the parties.
27

28 INTERROGATORY NO. 10

1 10. State which of Opposer's goods or services it offers or supplies to consumers.

2 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
3 interrogatories agreed to by the parties.
4

5
6 INTERROGATORY NO. 11

7 11. State which services Opposer intends to offer or supply under the mark CONNECT
8 MARKETING other than those identified in its pending application for registration of
9 CONNECT MARKETING, serial number 85061227.
10

11 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
12 interrogatories agreed to by the parties.
13

14 INTERROGATORY NO. 12

15 12. State which services Opposer has ever offered or supplied under the mark CONNECTPR,
16 other than those identified in its pending application for registration of CONNECT
17 MARKETING, serial number 85061227.
18

19 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
20 interrogatories agreed to by the parties.
21

22
23 INTERROGATORY NO. 13

24 13. State which services Opposer has ever offered or supplied under the mark CONNECT
25 PUBLIC RELATIONS, other than those identified in its pending application for
26 registration of CONNECT MARKETING, serial number 85061227.
27

28 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
interrogatories agreed to by the parties.

1
2 INTERROGATORY NO. 14

3 14. State whether Opposer works for its clients on a project basis, after submitting to them
4 fixed-cost bids, and whether Opposer uses such a process with clients never, seldom,
5 usually, or always.
6

7 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
8 interrogatories agreed to by the parties.
9

10
11 INTERROGATORY NO. 15

12 15. State what industries Opposer refers to, when it uses the phrase “this specific market-
13 place,” as that phrase is used in the document numbered CPR 000643 produced by
14 Opposer.
15

16 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
17 interrogatories agreed to by the parties.
18

19 INTERROGATORY NO. 16

20 16. Identify each of Opposer’s clients, and state describe each such client’s industry.
21

22 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
23 interrogatories agreed to by the parties.
24

25 INTERROGATORY NO. 17

26 17. Describe how Opposer services it clients, as “the largest connectivity-specific PR firm in
27
28

1 the world,” which Opposer claims in the document numbered CPR 000643 produced by
2 Opposer.

3 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
4 interrogatories agreed to by the parties.
5

6
7 INTERROGATORY NO. 18

8 18. Describe how Opposer serves “this specific market-place,” as that phrase is used in the
9 document numbered CPR 000643 produced by Opposer.
10

11 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
12 interrogatories agreed to by the parties.
13

14 INTERROGATORY NO. 19

15 19. Describe what a “connectivity-specific PR firm” does, as this phrase is used in the
16 Opposer’s document numbered CPR 000643.
17

18 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
19 interrogatories agreed to by the parties.
20

21 INTERROGATORY NO. 20

22 20. State how Opposer’s services are different from those identified in its pending application
23 for registration of CONNECT MARKETING, serial number 85061227.
24

25 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
26 interrogatories agreed to by the parties.
27

1
2 INTERROGATORY NO. 21

3 21. State how the business of “public relations” services, rendered to others, are different
4 from those identified in Opposer’s pending application for registration of CONNECT
5 MARKETING, serial number 85061227.
6

7 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
8 interrogatories agreed to by the parties.
9

10
11 INTERROGATORY NO. 22

12 22. State how Opposer’s services are different from the business of “public relations”
13 services, rendered to others.

14 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
15 interrogatories agreed to by the parties.
16

17
18 INTERROGATORY NO. 23

19 23. List Opposer’s clients which are not “connectivity” clients.

20 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
21 interrogatories agreed to by the parties.
22

23
24 INTERROGATORY NO. 24

25 24. List Opposer’s clients which are not “technology” clients.

26 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
27

1 interrogatories agreed to by the parties.

2
3 INTERROGATORY NO. 25

4
5 25. Define "connectivity clients," as that phrase is used in the document numbered CPR
6 001086 produced by Opposer with Opposer's Responses to Applicants Second Set of
7 Requests for Production of Documents and Things.

8 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
9 interrogatories agreed to by the parties.
10

11
12 INTERROGATORY NO. 26

13 26. State the annual volume of advertising under and/or in connection with Opposer's Marks
14 in connection with the goods and services set forth in Opposer's registrations for each
15 year since such advertising commenced.

16
17 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
18 interrogatories agreed to by the parties.
19

20 INTERROGATORY NO. 27

21 27. Identify each medium in which Opposer's Marks have been or is intended to be used.

22
23 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
24 interrogatories agreed to by the parties.
25

26 INTERROGATORY NO. 28

1 28. Identify all promotional activities undertaken by Opposer in which the mark CONNECT,
2 or any variation thereof, has been used in connection with the goods and services set forth
3 in Opposer's registrations for each year since such promotion commenced.
4

5 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
6 interrogatories agreed to by the parties.
7

8 INTERROGATORY NO. 29

9 29. For each product and service in connection with which Opposer is using or intends to use
10 Opposer's Marks, identify, in detail, the channels of trade through which such products
11 and/or services have been or are intended to be sold and/or rendered.
12

13 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
14 interrogatories agreed to by the parties.
15

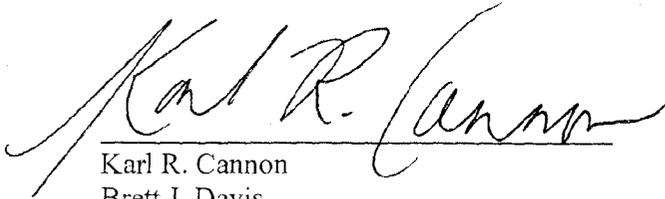
16 INTERROGATORY NO. 30

17 30. Provide a general description of the type of customers to whom Opposer does or intends
18 to advertise, promote, and/or sell Opposer's products and/or services in connection with
19 Opposer's Marks.
20

21 Response: Opposer objects to this interrogatory as it exceeds the number of allowed
22 interrogatories agreed to by the parties.
23
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1 DATED this 5 day of December, 2011.

2
3 Respectfully submitted, as to the objections contained herein, pursuant to Rule 33 of the
4 Federal Rules of Civil Procedure, and Section 405.04(c) of the Trademark Trial and Appeal
5 Board Manual of Procedure.
6

7
8 
9 Karl R. Cannon
Brett J. Davis

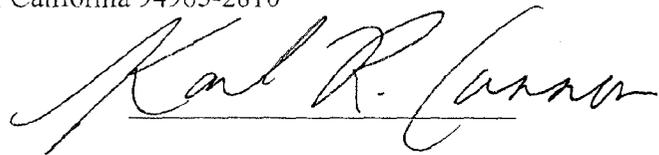
10
11 **CLAYTON, HOWARTH & CANNON, P.C.**
12 P.O. Box 1909
13 Sandy, Utah 84091-1909
14 Telephone: (801) 255-5335
15 Facsimile: (801) 255-5338

16
17 Attorneys for Opposer
18 Connect Public Relations, Inc.
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1 CERTIFICATE OF SERVICE

2 I hereby certify that I caused a true and correct copy of the foregoing **OPPOSER'S**
3 **RESPONSES TO APPLICANT'S THIRD SET OF INTERROGATORIES** to be served, via
4 first class mail, postage prepaid, on this 5 day of December, 2011, to:
5
6

7 Thomas W. Cook, Esq.
8 Thomas Cook Intellectual Property Attorneys
9 3030 Bridgeway, Suite 425-430
Sausalito, California 94965-2810

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1 KARL R. CANNON (Registration No. 36,468)
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6 Attorneys for Connect Public Relations, Inc.

7 **Opposed Mark: CONNECT**
U.S. Trademark Application Serial Number: 77/714,693
8 **Published: March 2, 2010**

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

12 CONNECT PUBLIC RELATIONS, INC., a Utah
corporation,)

13 Opposer,)

14 v.)

15 DIGITALMOJO, INC., a California corporation,)

16 Applicant.)

**OPPOSER'S RESPONSE TO
APPLICANT'S SECOND SET OF
REQUESTS FOR ADMISSIONS**

Opposition No. 91196299

18 **RESPONSES TO REQUESTS FOR ADMISSIONS**

19 Pursuant to Federal Rules of Civil Procedure, Rule 36, Connect Public Relations, Inc.
20 ("Opposer") responds and objects to Applicant's Second Set of Requests for Admissions.

21 General Objections

22 1. Opposer hereby incorporates by reference the General Objections set forth in
23 Opposer's Responses to Applicant's First Set of Interrogatories as if fully set forth herein.
24

25 **RESPONSES TO REQUESTS FOR ADMISSIONS**

26 REQUEST FOR ADMISSION NO. 1

27 1. Admit the document numbered CPR 000004, produced by Opposer with Opposer's
28

1 Responses to Applicants Second Set of Requests for Production of Documents and
2 Things, which document is attached hereto, is genuine.

3 RESPONSE: Admitted.

4
5 REQUEST FOR ADMISSION NO. 2

6 2. Admit the document numbered CPR 000006, produced by Opposer with Opposer's
7 Responses to Applicants Second Set of Requests for Production of Documents and
8 Things, which document is attached hereto, is genuine.

9 RESPONSE: Admitted.

10
11 REQUEST FOR ADMISSION NO. 3

12 3. Admit the document numbered CPR 000007, produced by Opposer with Opposer's
13 Responses to Applicants Second Set of Requests for Production of Documents and
14 Things, which document is attached hereto, is genuine.

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 4

18 4. Admit the document numbered CPR 000008, produced by Opposer with Opposer's
19 Responses to Applicants Second Set of Requests for Production of Documents and
20 Things, which document is attached hereto, is genuine.

21 RESPONSE: Admitted.

22
23 REQUEST FOR ADMISSION NO. 5

24 5. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with
25 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
26 and Things, which documents are attached hereto, are genuine.

27 RESPONSE: The documents numbered CPR 000084 - CPR 000086 were not created by Opposer
28 and therefore Opposer denies the same.

1 REQUEST FOR ADMISSION NO. 6

2 6. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with
3 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
4 and Things, which documents are attached hereto, shows an online dictionary entry for
5 the word "connect" from Encarta.

6 RESPONSE: The documents numbered CPR 000084 - CPR 000086 were not created by Opposer
7 and therefore Opposer denies the same.

8
9 REQUEST FOR ADMISSION NO. 7

10 7. Admit the documents numbered CPR 000084 - CPR 000086, produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, demonstrates the word "connect" is a common word in English.

13 RESPONSE: Opposer admits that the word "connect" is an English word but denies that the
14 documents numbered CPR000084 - CPR000086 demonstrate that the word "connect" is a
15 common word in English.

16
17 REQUEST FOR ADMISSION NO. 8

18 8. Admit Opposer often uses the word "connect" to describe its services.

19 RESPONSE: Opposer objects to this request as irrelevant as Opposer's registrations are
20 incontestable and cannot be challenged on the basis of descriptiveness.

21
22 REQUEST FOR ADMISSION NO. 9

23 9. Admit Opposer often uses the word "connect" in the materials by which it markets its
24 services.

25 RESPONSE: Opposer admits that it uses the word "connect" in its marks CONNECT,
26 CONNECT PUBLIC RELATIONS and CONNECTPR in the materials by which it markets its
27 services.

28
REQUEST FOR ADMISSION NO. 10

1 10. Admit word "connect" is often used in the public relations industry.

2 RESPONSE: Denied.

3
4 REQUEST FOR ADMISSION NO. 11

5 11. Admit word "connect" is often used in the Opposer's industry.

6 RESPONSE: Denied.

7
8 REQUEST FOR ADMISSION NO. 12

9 12. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with
10 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
11 and Things, which documents are attached hereto, are genuine.

12 RESPONSE: Admitted.

13
14 REQUEST FOR ADMISSION NO. 13

15 13. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with
16 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
17 and Things, comprises a Combined Declaration of Use submitted to the U.S. Patent &
18 Trademark Office by Opposer, or its attorney on Opposer's behalf, to demonstrate use of
19 the mark CONNECT PUBLIC RELATIONS, registered under number 2,383,788.

20 RESPONSE: Admitted.

21
22 REQUEST FOR ADMISSION NO. 14

23 14. Admit the documents numbered CPR 000103 - CPR 000110, produced by Opposer with
24 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
25 and Things, states Opposer has used the mark CONNECT PUBLIC RELATIONS,
26 registered under number 2,383,788, on all goods or services listed in such registration.

27 RESPONSE: Admitted.

28
REQUEST FOR ADMISSION NO. 15

1 15. Admit the services identified in the registration of the mark CONNECT PUBLIC
2 RELATIONS, registered under number 2,383,788, includes International Class 038
3 services.

4 RESPONSE: Opposer objects to this request as irrelevant.

5
6 REQUEST FOR ADMISSION NO. 16

7 16. Admit the services classified by the U.S. Patent & Trademark Office under International
8 Class 038 include: local and long distance telephone services, broadcasting of television
9 programmes, providing Internet access, and “telecommunication services, namely,
10 transmission of voice, data, graphics, sound and video by means of broadband power line
11 or wireless networks.”

12 RESPONSE: Opposer objects to this request as irrelevant.

13
14 REQUEST FOR ADMISSION NO. 17

15 17. Admit the “telecommunications industry” is an industry which carries messages and
16 information for others.

17 RESPONSE: Opposer objects to this request as vague as an “industry,” by definition, does not
18 carry messages and information for others. Opposer further objects to this request as irrelevant.

19
20 REQUEST FOR ADMISSION NO. 18

21 18. Admit the services classified by the U.S. Patent & Trademark Office under International
22 Class 038 include services supplied by the “telecommunications industry.”

23 RESPONSE: Opposer objects to this request as irrelevant.

24
25 REQUEST FOR ADMISSION NO. 19

26 19. Admit Opposer is not in the “telecommunications industry.”

27 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of the term
28 “telecommunications industry.” Opposer further objects to this request as irrelevant as none of
the goods or services, classes of customers, or channels of trade in Opposer’s registrations are

1 limited to the “telecommunications industry.”

2
3 REQUEST FOR ADMISSION NO. 20

4 20. Admit Opposer is only in the “telecommunications industry.”

5 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of the term
6 “telecommunications industry.” Opposer further objects to this request as irrelevant as none of
7 the goods or services, classes of customers, or channels of trade in Opposer’s registrations are
8 limited to the “telecommunications industry.”

9
10 REQUEST FOR ADMISSION NO. 21

11 21. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
12 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
13 and Things, which documents are attached hereto, are genuine.

14 RESPONSE: Admitted.

15
16 REQUEST FOR ADMISSION NO. 22

17 22. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
18 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
19 and Things, comprises a Combined Declaration of Use submitted to the U.S. Patent &
20 Trademark Office by Opposer, or its attorney on Opposer’s behalf, to demonstrate use of
21 the mark CONNECT PUBLIC RELATIONS, registered under number 2,383,788.

22 RESPONSE: Admitted.

23
24 REQUEST FOR ADMISSION NO. 23

25 23. Admit the documents numbered CPR 000121 - CPR 000123, produced by Opposer with
26 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
27 and Things, states Opposer has used the mark CONNECT PUBLIC RELATIONS,
28 registered under number 2,383,788, on all goods or services listed in such registration.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 24

2 24. Admit the services identified in the registration of the mark CONNECT PUBLIC
3 RELATIONS, registered under number 2,383,788, includes International Class 038
4 services.

5 RESPONSE: Opposer objects to this request as irrelevant.

6
7 REQUEST FOR ADMISSION NO. 25

8 25. Admit the services classified by the U.S. Patent & Trademark Office under International
9 Class 038 include: local and long distance telephone services, broadcasting of television
10 programmes, providing Internet access, and “telecommunication services, namely,
11 transmission of voice, data, graphics, sound and video by means of broadband power line
12 or wireless networks.”

13 RESPONSE: Opposer objects to this request as being irrelevant.

14
15 REQUEST FOR ADMISSION NO. 26

16 26. Admit the industry of “telecommunications” includes only the carrying messages and
17 information for others.

18 RESPONSE: Opposer objects to this request as being irrelevant and vague.

19
20 REQUEST FOR ADMISSION NO. 27

21 27. Admit the services classified by the U.S. Patent & Trademark Office under International
22 Class 038 include only services supplied by the “telecommunications industry.”

23 RESPONSE: Opposer objects to this request as being irrelevant.

24
25 REQUEST FOR ADMISSION NO. 28

26 28. Admit Opposer is not supplying services as a “telecommunications” company.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer’s registrations are limited to
“telecommunications.”

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REQUEST FOR ADMISSION NO. 29

29. Admit Opposer is only supplying services as a “telecommunications” company.

RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer’s registrations are limited to “telecommunications.”

REQUEST FOR ADMISSION NO. 30

30. Admit Opposer is supplying some services as a “telecommunications” company.

RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer’s registrations are limited to “telecommunications.”

REQUEST FOR ADMISSION NO. 31

31. Admit Opposer is supplying some “telecommunications” services.

RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer’s registrations are limited to “telecommunications.”

REQUEST FOR ADMISSION NO. 32

32. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with Opposer’s Responses to Applicants Second Set of Requests for Production of Documents and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 33

33. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with Opposer’s Responses to Applicants Second Set of Requests for Production of Documents and Things, show coverage Opposer’s clients have received.

1 RESPONSE: Admitted.

2
3 REQUEST FOR ADMISSION NO. 34

4 34. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
5 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
6 and Things, show coverage about Opposer's clients which are in the technology industry.

7 RESPONSE: Admitted.

8
9 REQUEST FOR ADMISSION NO. 35

10 35. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, show the company Microsoft is or was a client of Opposer.

13 RESPONSE: Admitted.

14
15 REQUEST FOR ADMISSION NO. 36

16 36. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
17 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
18 and Things, show the company Symantec is or was a client of Opposer.

19 RESPONSE: Admitted.

20
21 REQUEST FOR ADMISSION NO. 37

22 37. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, show the company Lexmark International is or was a client of Opposer.

25 RESPONSE: Admitted.

26
27 REQUEST FOR ADMISSION NO. 38

28 38. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
Opposer's Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, show the company V-ONE is or was a client of Opposer.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 39

5 39. Admit the documents numbered CPR 000132 - CPR 000136, produced by Opposer with
6 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
7 and Things, show the company Internet Security Systems is or was a client of Opposer.

8 RESPONSE: Admitted.

9
10 REQUEST FOR ADMISSION NO. 40

11 40. Admit Opposer considers the company Microsoft a technology company, which writes
12 and distributes computer operating systems.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 41

16 41. Admit Opposer considers the company Symantec a technology company, which writes
17 and distributes computer security systems.

18 RESPONSE: Opposer objects to this request as being irrelevant and vague.

19
20 REQUEST FOR ADMISSION NO. 42

21 42. Admit Opposer considers the company Lexmark International a technology company,
22 which manufactures and distributes computer printers.

23 RESPONSE: Opposer objects to this request as being irrelevant and vague.

24
25 REQUEST FOR ADMISSION NO. 43

26 43. Admit Opposer considers the company V-ONE a technology company in the field of
27 virtual private networks.

28 RESPONSE: Opposer objects to this request as being irrelevant and vague.

1 REQUEST FOR ADMISSION NO. 44

2 44. Admit Opposer considers the company Internet Security Systems a technology company
3 in the field of Internet security.

4 RESPONSE: Opposer objects to this request as being irrelevant and vague.
5

6 REQUEST FOR ADMISSION NO. 45

7 45. Admit many of Opposer's clients are in technology industries.

8 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
9 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
10 application are limited to "technology industries."
11

12 REQUEST FOR ADMISSION NO. 46

13 46. Admit most of Opposer's clients are in technology industries.

14 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
15 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
16 application are limited to "technology industries."
17

18 REQUEST FOR ADMISSION NO. 47

19 47. Admit all of Opposer's clients are in technology industries.

20 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
21 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
22 application are limited to "technology industries."
23

24 REQUEST FOR ADMISSION NO. 48

25 48. Admit over 50% of Opposer's clients are in technology industries.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
27 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
28 application are limited to "technology industries."

1 REQUEST FOR ADMISSION NO. 49

2 49. Admit over 60% of Opposer's clients are in technology industries.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology industries."

6
7 REQUEST FOR ADMISSION NO. 50

8 50. Admit over 70% of Opposer's clients are in technology industries.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology industries."

12
13 REQUEST FOR ADMISSION NO. 51

14 51. Admit over 80% of Opposer's clients are in technology industries.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "technology industries."

18
19 REQUEST FOR ADMISSION NO. 52

20 52. Admit over 90% of Opposer's clients are in technology industries.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology industries."

24
25 REQUEST FOR ADMISSION NO. 53

26 53. Admit over 95% of Opposer's clients are in technology industries.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology industries."

1 REQUEST FOR ADMISSION NO. 54

2 54. Admit over 98% of Opposer's clients are in technology industries.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology industries."
6

7 REQUEST FOR ADMISSION NO. 55

8 55. Admit Opposer markets its services to many technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."
12

13 REQUEST FOR ADMISSION NO. 56

14 56. Admit Opposer markets its services mostly to technology companies.

15 RESPONSE: Opposer objects to this request as vague irrelevant as none of the goods or services,
16 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
17 are limited to "technology companies."
18

19 REQUEST FOR ADMISSION NO. 57

20 57. Admit Opposer markets its services only to technology companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology companies."
24

25 REQUEST FOR ADMISSION NO. 58

26 58. Admit Opposer markets over 50% of its services to technology companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology companies."

1 REQUEST FOR ADMISSION NO. 59

2 59. Admit Opposer markets over 60% of its services to technology companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology companies."
6

7 REQUEST FOR ADMISSION NO. 60

8 60. Admit Opposer markets over 70% of its services to technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."
12

13 REQUEST FOR ADMISSION NO. 61

14 61. Admit Opposer markets over 80% of its services to technology companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "technology companies."
18

19 REQUEST FOR ADMISSION NO. 62

20 62. Admit Opposer markets over 90% its services to technology companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
23 application are limited to "technology companies."
24

25 REQUEST FOR ADMISSION NO. 63

26 63. Admit Opposer markets over 95% of its services to technology companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
application are limited to "technology companies."

1 REQUEST FOR ADMISSION NO. 64

2 64. Admit Opposer markets over 98% of its services to technology companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
5 application are limited to "technology companies."

6
7 REQUEST FOR ADMISSION NO. 65

8 65. Admit Opposer markets its services only to technology companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
11 application are limited to "technology companies."

12
13 REQUEST FOR ADMISSION NO. 66

14 66. Admit Opposer markets its services to those in the field of technology.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations or Applicant's
17 application are limited to "the field of technology."

18
19 REQUEST FOR ADMISSION NO. 67

20 67. Admit the documents numbered CPR 000156 - CPR 000160, produced by Opposer with
21 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
22 and Things, which documents are attached hereto, are genuine.

23 RESPONSE: Admitted.

24
25 REQUEST FOR ADMISSION NO. 68

26 68. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer's response to
27 the communication from the U.S. Patent & Trademark office during prosecution of an
28 application for the mark CONNECT PUBLIC RELATIONS, which was then proceeding
under serial number 75/456,520.

1 RESPONSE: Admitted.

2

3 REQUEST FOR ADMISSION NO. 69

4 69. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer applied for
5 registration of the mark CONNECT PUBLIC RELATIONS at the U.S. Patent &
6 Trademark office identifying some "communications services" in serial number 75/456,
7 520.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.

9

10 REQUEST FOR ADMISSION NO. 70

11 70. Admit the documents numbered CPR 000156 - CPR 000160 show Opposer stated, in its
12 application for registration of the mark CONNECT PUBLIC RELATIONS at the U.S.
13 Patent & Trademark office in serial number 75/456, 520 that the phrase "communications
14 services" "claims the entirety of international class 38 and all its forms of communication
15 and electronic transmission related services, until narrowed further as applicant has done
16 by this amendment."

17 RESPONSE: Denied.

18

19 REQUEST FOR ADMISSION NO. 71

20 71. Admit that the phrase "communications services" in international class 38 means
21 transmission of information by electronic means for others.

22 RESPONSE: Opposer objects to this request as being irrelevant and vague.

23

24 REQUEST FOR ADMISSION NO. 72

25 72. Admit that the phrase "communication and electronic transmission related services" in
26 international class 38 means transmission of information by electronic means for others.

27 RESPONSE: Opposer objects to this request as being irrelevant and vague.

28

REQUEST FOR ADMISSION NO. 73

1 73. Admit that “communications services” in international class 38 involves accurate
2 transmission of information by electronic means for others.

3 RESPONSE: Opposer objects to this request as being irrelevant and vague.
4

5 REQUEST FOR ADMISSION NO. 74

6 74. Admit that “communication and electronic transmission related services” in international
7 class 38 involves accurate transmission of information by electronic means for others.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.
9

10 REQUEST FOR ADMISSION NO. 75

11 75. Admit that “communications services” in international class 38 does not involve the
12 addition of Opposer’s information to the information supplied for transmission by others.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.
14

15 REQUEST FOR ADMISSION NO. 76

16 76. Admit that “communication and electronic transmission related services” in international
17 class 38 does not involve the addition of information by Opposer to the information
18 supplied for transmission by others.

19 RESPONSE: Opposer objects to this request as being irrelevant and vague.
20

21 REQUEST FOR ADMISSION NO. 77

22 77. Admit the documents numbered CPR 000176 - CPR 000178, produced by Opposer with
23 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.
26

27 REQUEST FOR ADMISSION NO. 78

28 78. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
Opposer’s Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, which documents are attached hereto, are genuine.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 79

5 79. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
6 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
7 and Things, which documents are attached hereto, shows Opposer has described itself as
8 a "high-tech public relations firm," which has specialized in media relations for the
9 connectivity and Internet infrastructure industries.

10 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
11 services, classes of customers, or channels of trade in Opposer's registrations are limited to
12 "high-tech public relations."

13
14 REQUEST FOR ADMISSION NO. 80

15 80. Admit the documents numbered CPR 000207 - CPR 000208, produced by Opposer with
16 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
17 and Things, which documents are attached hereto, shows Opposer has provided its "high-
18 tech public relations" to for the connectivity and Internet infrastructure industries to
19 Symantec, Siemens and F5 Networks.

20 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
21 services, classes of customers, or channels of trade in Opposer's registrations are limited to
22 "high-tech public relations."

23
24 REQUEST FOR ADMISSION NO. 81

25 81. Admit Symantec, Siemens and F5 Networks are all high-tech companies.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
27 services, classes of customers, or channels of trade in Opposer's registrations are limited to
28 "high-tech companies."

1 REQUEST FOR ADMISSION NO. 82

2 82. Admit Opposer offers its services only to high-tech companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations are limited to
5 "high-tech companies."
6

7 REQUEST FOR ADMISSION NO. 83

8 83. Admit Opposer specializes in public relations services to high-tech companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations are limited to
11 "high-tech companies."
12

13 REQUEST FOR ADMISSION NO. 84

14 84. Admit Opposer provides over 50% of its public relations services to high-tech companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations are limited to
17 "high-tech companies."
18

19 REQUEST FOR ADMISSION NO. 85

20 85. Admit Opposer provides over 60% of its public relations services to high-tech companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations are limited to
23 "high-tech companies."
24

25 REQUEST FOR ADMISSION NO. 86

26 86. Admit Opposer provides over 70% of its public relations services to high-tech companies.

27 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
28 services, classes of customers, or channels of trade in Opposer's registrations are limited to
"high-tech companies."

1 REQUEST FOR ADMISSION NO. 87

2 87. Admit Opposer provides over 80% of its public relations services to high-tech companies.

3 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
4 services, classes of customers, or channels of trade in Opposer's registrations are limited to
5 "high-tech companies."
6

7 REQUEST FOR ADMISSION NO. 88

8 88. Admit Opposer provides over 90% of its public relations services to high-tech companies.

9 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
10 services, classes of customers, or channels of trade in Opposer's registrations are limited to
11 "high-tech companies."
12

13 REQUEST FOR ADMISSION NO. 89

14 89. Admit Opposer provides over 95% of its public relations services to high-tech companies.

15 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
16 services, classes of customers, or channels of trade in Opposer's registrations are limited to
17 "high-tech companies."
18

19 REQUEST FOR ADMISSION NO. 90

20 90. Admit Opposer provides over 98% of its public relations services to high-tech companies.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of the goods or
22 services, classes of customers, or channels of trade in Opposer's registrations are limited to
23 "high-tech companies."
24

25 REQUEST FOR ADMISSION NO. 91

26 91. Admit the documents numbered CPR 000345 - CPR 000360, produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 92

2 92. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer's Combined
3 Declaration of Use filed at the U.S. Patent & Trademark Office after registration of the
4 mark CONNECT PUBLIC RELATIONS, which mark was registered under registration
5 number 2373504.

6 RESPONSE: Admitted.

7
8 REQUEST FOR ADMISSION NO. 93

9 93. Admit registration number 2373504 issued with the following identification of services:
10 "Marketing and market research and consulting services; public and media relations
11 services and sales promotion services."

12 RESPONSE: Admitted.

13
14 REQUEST FOR ADMISSION NO. 94

15 94. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer stated, in its
16 Declaration of Use filed at the U.S. Patent & Trademark Office, that "the mark is in use
17 in commerce on or in connection with all goods or services listed in the existing
18 registration for this specific class: Marketing and market research and consulting services;
19 public and media relations services."

20 RESPONSE: Admitted.

21
22 REQUEST FOR ADMISSION NO. 95

23 95. Admit the phrase "Marketing and market research and consulting services; public and
24 media relations services" does not include the phrase "sales promotion services."

25 RESPONSE: Opposer objects to this request as being irrelevant.

26
27 REQUEST FOR ADMISSION NO. 96

28 96. Admit the documents numbered CPR 000345 - CPR 000360 do not show Opposer is
continuing to use the mark CONNECT PUBLIC RELATIONS for "sales promotion

1 services.”

2 RESPONSE: Denied.

3

4 REQUEST FOR ADMISSION NO. 97

5 97. Admit the phrase “Marketing and market research and consulting services” identifies a
6 particular kind of research and consulting services.

7 RESPONSE: Denied.

8

9 REQUEST FOR ADMISSION NO. 98

10 98. Admit the particular kind of research and consulting services supplied in Opposer’s
11 “Marketing and market research and consulting services” is research and consulting
12 services about marketing and markets.

13 RESPONSE: Denied.

14

15 REQUEST FOR ADMISSION NO. 99

16 99. Admit the phrase “Marketing and market research and consulting services” identifies both
17 marketing services, and also market research and consulting services.

18 RESPONSE: Admitted.

19

20 REQUEST FOR ADMISSION NO. 100

21 100. Admit the phrase “Marketing and market research and consulting services” identifies
22 marketing services, and also market research services, and also market consulting
23 services.

24 RESPONSE: Denied.

25

26 REQUEST FOR ADMISSION NO. 101

27 101. Admit Opposer’s “Marketing and market research and consulting services” are offered to
28 and supplied to Opposer’s clients.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 102

102. Admit Opposer's "Marketing and market research and consulting services" are offered to and supplied to Opposer's clients.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 103

103. Admit Opposer's "Marketing and market research and consulting services" are offered to and supplied to Opposer's clients so Opposer's clients can better market their services.

RESPONSE: Opposer admits that this may be one reason for offering and supplying its services.

REQUEST FOR ADMISSION NO. 104

104. Admit Opposer's "Marketing and market research and consulting services" often result in greater market exposure for the names of Opposer's clients.

RESPONSE: Opposer admits that this may be one result.

REQUEST FOR ADMISSION NO. 105

105. Admit greater market exposure for the names of Opposer's clients resulting from Opposer's "Marketing and market research and consulting services" involves various means to present the names of Opposer's clients to their customers.

RESPONSE: Opposer objects to this request as being vague as it is unclear of the meaning of the phrase "various means" referred to in the request.

REQUEST FOR ADMISSION NO. 106

106. Admit Opposer presents its Opposer's Marks to its clients as Opposer markets its "Marketing and market research and consulting services" to Opposer's clients.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 107

1 107. Admit Opposer presents its Opposer's Marks to its client's customers as Opposer markets
2 its "Marketing and market research and consulting services" to Opposer's clients.

3 RESPONSE: Opposer objects to this request as being irrelevant and vague.

4
5 REQUEST FOR ADMISSION NO. 108

6 108. Admit Opposer rarely presents its Opposer's Marks to its client's customers as Opposer
7 markets its "Marketing and market research and consulting services" to Opposer's clients.

8 RESPONSE: Opposer objects to this request as being irrelevant and vague.

9
10 REQUEST FOR ADMISSION NO. 109

11 109. Admit Opposer never presents its Opposer's Marks to its client's customers Opposer
12 markets its "Marketing and market research and consulting services" to Opposer's clients.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14
15 REQUEST FOR ADMISSION NO. 110

16 110. Admit Opposer presents its Opposer's Marks to its clients as Opposer performs its
17 "Marketing and market research and consulting services" to Opposer's clients.

18 RESPONSE: Admitted.

19
20 REQUEST FOR ADMISSION NO. 111

21 111. Admit Opposer presents its Opposer's Marks to its client's customers as Opposer
22 performs its "Marketing and market research and consulting services" to Opposer's
23 clients.

24 RESPONSE: Opposer objects to this request as being irrelevant and vague.

25
26 REQUEST FOR ADMISSION NO. 112

27 112. Admit Opposer rarely presents its Opposer's Marks to its client's customers as Opposer
28 performs its "Marketing and market research and consulting services" to Opposer's
clients.

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2

3 REQUEST FOR ADMISSION NO. 113

4 113. Admit Opposer never presents its Opposer's Marks to its client's customers as Opposer
5 performs its "Marketing and market research and consulting services" to Opposer's
6 clients.

7 RESPONSE: Opposer objects to this request as being irrelevant and vague.

8

9 REQUEST FOR ADMISSION NO. 114

10 114. Admit Opposer presents its Opposer's Marks to its client's consumer customers as
11 Opposer performs its "Marketing and market research and consulting services" to
12 Opposer's clients.

13 RESPONSE: Opposer objects to this request as being irrelevant and vague.

14

15 REQUEST FOR ADMISSION NO. 115

16 115. Admit Opposer rarely presents its Opposer's Marks to its client's consumer customers as
17 Opposer performs its "Marketing and market research and consulting services" to
18 Opposer's clients.

19 RESPONSE: Opposer objects to this request as being irrelevant and vague.

20

21 REQUEST FOR ADMISSION NO. 116

22 116. Admit Opposer never presents its Opposer's Marks to its client's consumer customers as
23 Opposer performs its "Marketing and market research and consulting services" to
24 Opposer's clients.

25 RESPONSE: Opposer objects to this request as being irrelevant and vague.

26

27 REQUEST FOR ADMISSION NO. 117

28 117. Admit Opposer never presents its Opposer's Marks to consumers so that Opposer may
perform its "Marketing and market research and consulting services."

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2
3 REQUEST FOR ADMISSION NO. 118

4 118. Admit the documents numbered CPR 000345 - CPR 000360 show Opposer stated, in its
5 application for registration of the mark CONNECT PUBLIC RELATIONS at the U.S.
6 Patent & Trademark office in serial number 75/456, 520 that the phrase “communications
7 services” “claims the entirety of international class 38 and all its forms of communication
8 and electronic transmission related services, until narrowed further as applicant has done
9 by this amendment.”

10 RESPONSE: Denied.

11
12 REQUEST FOR ADMISSION NO. 119

13 119. Admit that the phrase “communications services” in international class 38 means
14 transmission of information by electronic means for others.

15 RESPONSE: Opposer objects to this request as being irrelevant and vague.

16
17 REQUEST FOR ADMISSION NO. 120

18 120. Admit that the phrase “communication and electronic transmission related services” in
19 international class 38 means transmission of information by electronic means for others.

20 RESPONSE: Opposer objects to this request as being irrelevant and vague.

21
22 REQUEST FOR ADMISSION NO. 121

23 121. Admit that “communications services” in international class 38 involves accurate
24 transmission of information by electronic means for others.

25 RESPONSE: Opposer objects to this request as being irrelevant and vague.

26
27 REQUEST FOR ADMISSION NO. 122

28 122. Admit that “communication and electronic transmission related services” in international
class 38 involves accurate transmission of information by electronic means for others.

1 RESPONSE: Opposer objects to this request as being irrelevant and vague.

2
3 REQUEST FOR ADMISSION NO. 123

4 123. Admit that “communications services” in international class 38 does not involve the
5 addition of Opposer’s information to the information supplied for transmission by others.

6 RESPONSE: Opposer objects to this request as being irrelevant and vague.

7
8 REQUEST FOR ADMISSION NO. 124

9 124. Admit that “communication and electronic transmission related services” in international
10 class 38 does not involve the addition of information by Opposer to the information
11 supplied for transmission by others.

12 RESPONSE: Opposer objects to this request as being irrelevant and vague.

13
14 REQUEST FOR ADMISSION NO. 125

15 125. Admit the documents numbered CPR 000375 - CPR 000376 produced by Opposer with
16 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
17 and Things, which documents are attached hereto, are genuine.

18 RESPONSE: Admitted.

19
20 REQUEST FOR ADMISSION NO. 126

21 126. Admit the documents numbered CPR 000375 - CPR 000376 produced by Opposer with
22 Opposer’s Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, states Opposer was, at the time the statement was made, using “the mark” in
24 commerce on or in connection with all goods and/or services “listed in the existing
25 registration.”

26 RESPONSE: Admitted.

27
28 REQUEST FOR ADMISSION NO. 127

127. Admit the documents numbered CPR 000375 - CPR 000376 refer to the registration of

1 the mark CONNECT PUBLIC RELATIONS, registered under number 2373504, and that
2 all goods and/or services "listed in the existing registration" comprise: "Marketing and
3 market research and consulting services; public and media relations services and sales
4 promotion services."

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 128

8 128. Admit at the time Opposer made the statement it was using the mark CONNECT
9 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
10 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
11 CPR 000376, Opposer was not using its mark on all "marketing" services.

12 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
13 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's use of its
14 marks is not at issue.

15
16 REQUEST FOR ADMISSION NO. 129

17 129. Admit at the time Opposer made the statement it was using the mark CONNECT
18 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
19 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
20 CPR 000376, Opposer was not using its mark on all "market research" services.

21 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
22 'market research' services." Opposer objects to this request as being irrelevant as Opposer's use
23 of its marks is not at issue.

24
25 REQUEST FOR ADMISSION NO. 130

26 130. Admit at the time Opposer made the statement it was using the mark CONNECT
27 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
28 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
CPR 000376, Opposer was not using its mark on all "consulting services."

1 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
2 consulting services." Opposer objects to this request as being irrelevant as Opposer's use of its
3 marks is not at issue.

4
5 REQUEST FOR ADMISSION NO. 131

6 131. Admit at the time Opposer made the statement it was using the mark CONNECT
7 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
8 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
9 CPR 000376, Opposer was not using its mark on all "research and consulting services."

10 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
11 research and consulting services." Opposer objects to this request as being irrelevant as
12 Opposer's use of its marks is not at issue.

13
14 REQUEST FOR ADMISSION NO. 132

15 132. Admit at the time Opposer made the statement it was using the mark CONNECT
16 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
17 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
18 CPR 000376, Opposer was not using its mark on all "market research and consulting
19 services."

20 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
21 marketing research and consulting services." Opposer objects to this request as being irrelevant
22 as Opposer's use of its marks is not at issue.

23
24 REQUEST FOR ADMISSION NO. 133

25 133. Admit at the time Opposer made the statement it was using the mark CONNECT
26 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
27 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
28 CPR 000376, Opposer was not using its mark on all "Marketing and market research"
services.

1 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all
2 'Marketing and market research' services." Opposer objects to this request as being irrelevant as
3 Opposer's use of its marks is not at issue.

4
5 REQUEST FOR ADMISSION NO. 134

6 134. Admit at the time Opposer made the statement it was using the mark CONNECT
7 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
8 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
9 CPR 000376, Opposer was not using its mark on all "sales promotion services."

10 RESPONSE: Opposer objects to this request as vague as it is unclear what is meant by "all 'sales
11 promotion services.'" Opposer objects to this request as being irrelevant as Opposer's use of its
12 marks is not at issue.

13
14 REQUEST FOR ADMISSION NO. 135

15 135. Admit at the time Opposer made the statement it was using the mark CONNECT
16 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
17 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
18 CPR 000376, Opposer was using its mark for all possible "marketing" services.

19 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
20 possible 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's
21 use of its marks is not at issue.

22
23 REQUEST FOR ADMISSION NO. 136

24 136. Admit at the time Opposer made the statement it was using the mark CONNECT
25 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
26 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
27 CPR 000376, Opposer was using its mark for all possible "market research" services.

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
possible 'market research' services." Opposer objects to this request as being irrelevant as

1 Opposer's use of its marks is not at issue.

2
3 REQUEST FOR ADMISSION NO. 137

4 137. Admit at the time Opposer made the statement it was using the mark CONNECT
5 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
6 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
7 CPR 000376, Opposer was using its mark for all possible "consulting services."

8 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "all
9 possible 'consulting services.'" Opposer objects to this request as being irrelevant as Opposer's
10 use of its marks is not at issue.

11
12 REQUEST FOR ADMISSION NO. 138

13 138. Admit at the time Opposer made the statement it was using the mark CONNECT
14 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
15 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
16 CPR 000376, Opposer was using its mark for all possible "research and consulting
17 services."

18 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
19 possible 'research and consulting services.'" Opposer objects to this request as being irrelevant
20 as Opposer's use of its marks is not at issue.

21
22 REQUEST FOR ADMISSION NO. 139

23 139. Admit at the time Opposer made the statement it was using the mark CONNECT
24 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
25 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
26 CPR 000376, Opposer was using its mark for all possible "market research and
27 consulting services."

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
possible market research and consulting services.'" Opposer objects to this request as being

1 irrelevant as Opposer's use of its marks is not at issue.

2
3 REQUEST FOR ADMISSION NO. 140

4 140. Admit at the time Opposer made the statement it was using the mark CONNECT
5 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
6 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
7 CPR 000376, Opposer was using its mark for all possible "Marketing and market
8 research" services.

9 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of "all
10 possible 'Marketing and market research' services." Opposer objects to this request as being
11 irrelevant as Opposer's use of its marks is not at issue.

12
13 REQUEST FOR ADMISSION NO. 141

14 141. Admit at the time Opposer made the statement it was using the mark CONNECT
15 PUBLIC RELATIONS, registered under number 2373504, for all goods and/or services
16 "listed in the existing registration," as set forth in documents numbered CPR 000375 -
17 CPR 000376, Opposer was using its mark for all possible "sales promotion services."

18 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "all
19 possible 'sales promotion services.'" Opposer objects to this request as being irrelevant as
20 Opposer's use of its marks is not at issue.

21
22 REQUEST FOR ADMISSION NO. 142

23 142. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer with
24 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
25 and Things, which documents are attached hereto, are genuine.

26 RESPONSE: Admitted.

27
28 REQUEST FOR ADMISSION NO. 143

143. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer is a

1 writing about marketing in the technology market.

2 RESPONSE: Opposer objects to this request as being vague and irrelevant as Opposer's
3 registrations are not limited to the "technology market."

4

5 REQUEST FOR ADMISSION NO. 144

6 144. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer is a
7 writing about marketing in the "connectivity" market.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations are limited to the
10 "connectivity market." Opposer further objects as none of the goods or services, classes of
11 customers, or channels of trade in the Applicant's application are limited to the "connectivity
12 market." Opposer further objects to this request as vague.

13

14 REQUEST FOR ADMISSION NO. 145

15 145. Admit the documents numbered CPR 000388 - CPR 000393 produced by Opposer
16 describe "public relations" functions, as practiced by Opposer or others.

17 RESPONSE: Opposer admits that the documents numbered CPR 000388 - CPR 000393 describe
18 marketing and market research and consulting services; public and media relations services and
19 sales promotion functions.

20

21 REQUEST FOR ADMISSION NO. 146

22 146. Admit Opposer is a "public relations" company.

23 RESPONSE: Opposer objects to this request as vague and irrelevant. Opposer offers many
24 services including marketing and market research and consulting services; public and media
25 relations services and sales promotion services.

26

27 REQUEST FOR ADMISSION NO. 147

28 147. Admit Opposer provides many of the "public relations" functions described in documents
numbered CPR 000388 - CPR 000393.

1 RESPONSE: Opposer admits that it provides may of the functions, but that the functions are
2 marketing and market research and consulting services; public and media relations services and
3 sales promotion functions.

4
5 REQUEST FOR ADMISSION NO. 148

6 148. Admit Opposer provides only “public relations” functions, many of which are described
7 in documents numbered CPR 000388 - CPR 000393.

8 RESPONSE: Denied.

9
10 REQUEST FOR ADMISSION NO. 149

11 149. Admit Opposer is a “public relations” company.

12 RESPONSE: Opposer objects to this request as vague and irrelevant. Opposer offers many
13 services including marketing and market research and consulting services; public and media
14 relations services and sales promotion services.

15
16 REQUEST FOR ADMISSION NO. 150

17 150. Admit Opposer supplies marketing services to the “connectivity” market.

18 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of the
19 word connectivity in quotations as posed by Applicant. Opposer objects to this request as
20 irrelevant as none of the goods or services, classes of customers, or channels of trade in
21 Opposer’s registrations are limited to the “connectivity market.” Opposer further objects as none
22 of the goods or services, classes of customers, or channels of trade in the Applicant’s application
23 are limited to the “connectivity market.”

24
25 REQUEST FOR ADMISSION NO. 151

26 151. Admit Opposer supplies marketing services to the “high technology” market.

27 RESPONSE: Opposer objects to this request as vague as it is unclear as to the meaning of the
28 word high technology in quotations as posed by Applicant. Opposer objects to this request as
irrelevant as none of the goods or services, classes of customers, or channels of trade in

1 Opposer's registrations or the Applicant's application are limited to the "high technology"
2 market."

3
4 REQUEST FOR ADMISSION NO. 152

5 152. Admit Opposer supplies marketing services to some "technology segments," as that
6 phrase is used Opposer's documents numbered CPR 000388 - CPR 000393 (bottom of
7 CPR 000389).

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations or the Applicant's
10 application are limited to the "technology segments."

11
12 REQUEST FOR ADMISSION NO. 153

13 153. Admit Opposer supplies marketing services to "clients," as that phrase is used in
14 Opposer's documents numbered CPR 000388 - CPR 000393 (middle of CPR 000392).

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 154

18 154. Admit Opposer supplies marketing services to companies only under an agreement for
19 marketing services with its "clients," as that phrase is used in Opposer's documents
20 numbered CPR 000388 - CPR 000393 (middle of CPR 000392).

21 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
22 Opposer's registrations are limited to be only provided "under agreement."

23
24 REQUEST FOR ADMISSION NO. 155

25 155. Admit Opposer provides its marketing services to clients under an agreement for fees.

26 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
27 Opposer's registrations are limited to be only provided "under an arrangement for fees."

28
REQUEST FOR ADMISSION NO. 156

1 156. Admit Opposer provides its marketing services to clients under an agreement for set fees.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
3 Opposer's registrations are limited to be only provided "under an agreement for set fees."
4

5 REQUEST FOR ADMISSION NO. 157

6 157. Admit Opposer provides some or all of its supplies marketing services to clients under an
7 agreement for fees.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
9 Opposer's registrations are limited to be only provided "under an agreement for fees."
10

10

11 REQUEST FOR ADMISSION NO. 158

12 158. Admit Opposer provides some or all of its marketing services to clients under an
13 agreement in which fees are set for those marketing services Opposer provides.

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
15 Opposer's registrations are limited to be only provided "under an agreement in which fees are set
16 for those marketing services Opposer provides."
17

17

18 REQUEST FOR ADMISSION NO. 159

19 159. Admit the phrase "Marketing and market research and consulting services" is indefinite.

20 RESPONSE: Opposer objects to this request as vague and irrelevant. The definiteness of
21 Opposer's recited goods and services is not at issue.
22

22

23 REQUEST FOR ADMISSION NO. 160

24 160. Admit the documents numbered CPR 000542 - CPR 000550 produced by Opposer with
25 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
26 and Things, which documents are attached hereto, are genuine.

27 RESPONSE: Admitted.
28

28

REQUEST FOR ADMISSION NO. 161

1 161. Admit the documents numbered CPR 000542 - CPR 000550 produced by Opposer with
2 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
3 and Things, states Opposer was, at the time the statement was made, using "the mark" in
4 commerce on or in connection with all goods and/or services "listed in the existing
5 registration."

6 RESPONSE: Admitted.

7
8 REQUEST FOR ADMISSION NO. 162

9 162. Admit the documents numbered CPR 000542 - CPR 000550 refer to the registration of
10 the mark CONNECT PR, registered under number 2366850, and that all goods and/or
11 services "listed in the existing registration" comprise: "Marketing and market research
12 and consulting services; public and media relations services and sales promotion
13 services."

14 RESPONSE: Admitted.

15
16 REQUEST FOR ADMISSION NO. 163

17 163. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
18 registered under number 2366850, for all goods and/or services "listed in the existing
19 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
20 was not using this mark on all "marketing" services.

21 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
22 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's use of its
23 marks is not at issue.

24
25 REQUEST FOR ADMISSION NO. 164

26 164. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
27 registered under number 2366850, for all goods and/or services "listed in the existing
28 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
was not using its mark on all "market research" services.

1 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
2 ‘market research’ services. Opposer objects to this request as being irrelevant as Opposer’s use
3 of its marks is not at issue.
4

5 REQUEST FOR ADMISSION NO. 165

6 165. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
7 registered under number 2366850, for all goods and/or services “listed in the existing
8 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
9 was not using its mark on all “consulting services.”

10 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
11 ‘consulting services.’” Opposer objects to this request as being irrelevant as Opposer’s use of its
12 marks is not at issue.
13

14 REQUEST FOR ADMISSION NO. 166

15 166. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
16 registered under number 2366850, for all goods and/or services “listed in the existing
17 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
18 was not using its mark on all “research and consulting services.”

19 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
20 ‘research and consulting services.’” Opposer objects to this request as being irrelevant as
21 Opposer’s use of its marks is not at issue.
22

23 REQUEST FOR ADMISSION NO. 167

24 167. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
25 registered under number 2366850, for all goods and/or services “listed in the existing
26 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
27 was not using its mark on all “market research and consulting services.”

28 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
‘market research and consulting services.’” Opposer objects to this request as being irrelevant as

1 Opposer's use of its marks is not at issue.

2

3 REQUEST FOR ADMISSION NO. 168

4 168. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
5 registered under number 2366850, for all goods and/or services "listed in the existing
6 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
7 was not using its mark on all "Marketing and market research" services.

8 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
9 'Marketing and market research' services." Opposer objects to this request as being irrelevant as
10 Opposer's use of its marks is not at issue.

11

12 REQUEST FOR ADMISSION NO. 169

13 169. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
14 registered under number 2366850, for all goods and/or services "listed in the existing
15 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
16 was not using its mark on all "sales promotion services."

17 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
18 'sales promotion services.'" Opposer objects to this request as being irrelevant as Opposer's use
19 of its marks is not at issue.

20

21 REQUEST FOR ADMISSION NO. 170

22 170. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
23 registered under number 2366850, for all goods and/or services "listed in the existing
24 registration," as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
25 was using its mark for all possible "marketing" services.

26 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of "all
27 possible 'marketing' services." Opposer objects to this request as being irrelevant as Opposer's
28 use of its marks is not at issue.

1 REQUEST FOR ADMISSION NO. 171

2 171. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
3 registered under number 2366850, for all goods and/or services “listed in the existing
4 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
5 was using its mark for all possible “market research” services.

6 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
7 possible ‘market research’ services.” Opposer objects to this request as being irrelevant as
8 Opposer’s use of its marks is not at issue.

9
10 REQUEST FOR ADMISSION NO. 172

11 172. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
12 registered under number 2366850, for all goods and/or services “listed in the existing
13 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
14 was using its mark for all possible “consulting services.”

15 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
16 possible ‘consulting services.’” Opposer objects to this request as being irrelevant as Opposer’s
17 use of its marks is not at issue.

18
19 REQUEST FOR ADMISSION NO. 173

20 173. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
21 registered under number 2366850, for all goods and/or services “listed in the existing
22 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
23 was using its mark for all possible “research and consulting services.”

24 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
25 possible ‘research and consulting services.’” Opposer objects to this request as being irrelevant
26 as Opposer’s use of its marks is not at issue.

27
28 REQUEST FOR ADMISSION NO. 174

174. Admit at the time Opposer made the statement it was using the mark CONNECTPR,

1 registered under number 2366850, for all goods and/or services “listed in the existing
2 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
3 was using its mark for all possible “market research and consulting services.”

4 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
5 possible ‘market research and consulting services.’” Opposer objects to this request as being
6 irrelevant as Opposer’s use of its marks is not at issue.

7
8 REQUEST FOR ADMISSION NO. 175

9 175. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
10 registered under number 2366850, for all goods and/or services “listed in the existing
11 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
12 was using its mark for all possible “Marketing and market research” services.

13 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
14 possible ‘Marketing and market research’ services.” Opposer objects to this request as being
15 irrelevant as Opposer’s use of its marks is not at issue.

16
17 REQUEST FOR ADMISSION NO. 176

18 176. Admit at the time Opposer made the statement it was using the mark CONNECTPR,
19 registered under number 2366850, for all goods and/or services “listed in the existing
20 registration,” as set forth in documents numbered CPR 000542 - CPR 000550, Opposer
21 was using its mark for all possible “sales promotion services.”

22 RESPONSE: Opposer objects to this request as vague as it is unclear of the meaning of “all
23 possible ‘sales promotion services.’” Opposer objects to this request as being irrelevant as
24 Opposer’s use of its marks is not at issue.

25
26 REQUEST FOR ADMISSION NO. 177

27 177. Admit the document numbered CPR 000643 produced by Opposer with Opposer’s
28 Responses to Applicants Second Set of Requests for Production of Documents and
Things, which document is attached hereto, is genuine.

1 RESPONSE: Admitted.

2

3 REQUEST FOR ADMISSION NO. 178

4 178. Admit Opposer, in the document numbered CPR 000643 produced by Opposer, states:

5 “Since our inception in 1990, serving clients in this specific market-place has been our

6 only goal. Through focus and determination, we have quickly become the largest

7 connectivity-specific PR firm in the world.”

8 RESPONSE: Admitted.

9

10 REQUEST FOR ADMISSION NO. 179

11 179. Admit Opposer statement about serving “this specific market-place” in the document

12 numbered CPR 000643 is true.

13 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in

14 Opposer’s registrations.

15

16 REQUEST FOR ADMISSION NO. 180

17 180. Admit Opposer statement about being a “connectivity-specific PR firm” in the document

18 numbered CPR 000643 is true.

19 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in

20 Opposer’s registrations.

21

22 REQUEST FOR ADMISSION NO. 181

23 181. Admit Opposer, in the document numbered CPR 000643 produced by Opposer, states

24 that it serves only the “connectivity market,” as that phrase is used in document numbered

25 CPR 000643.

26 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in

27 Opposer’s registrations.

28

REQUEST FOR ADMISSION NO. 182

1 182. Admit document numbered CPR 000643 produced by Opposer is or was a promotional
2 piece used by Opposer to secure clients in the “connectivity market.”

3 RESPONSE: Opposer objects to this request as irrelevant as there is no such limitation in
4 Opposer’s registrations.

5
6 REQUEST FOR ADMISSION NO. 183

7 183. Admit document numbered CPR 000643 produced by Opposer could only be used as a
8 promotional piece Opposer with clients or prospective clients in the “connectivity
9 market.”

10 RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not
11 limited to the “connectivity market.”

12
13 REQUEST FOR ADMISSION NO. 184

14 184. Admit Opposer’s pending application for registration of CONNECT MARKETING,
15 serial number 85061227, identifies as the services to be provided under this mark:
16 “Marketing, namely, business marketing services; market research and marketing
17 consulting services; public and media relations services; sales promotion services;
18 marketing consultation services in the fields of computer hardware and software;
19 marketing consultation services in the field of computer networks; marketing services,
20 namely, designing online marketing programs for social networking websites and
21 business networking websites.”

22 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.
23 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
24 this opposition proceeding.

25
26 REQUEST FOR ADMISSION NO. 185

27 185. Admit Opposer’s pending application for registration of CONNECT MARKETING,
28 serial number 85061227, has received an “office action” in which the examining attorney
states, by authority of TMEP §§1402.01, 1402.11(e): “The wording ‘Marketing and

1 market research and consulting services' in the identification of services is indefinite and
2 must be clarified to specify the type(s) of 'marketing' services. Applicant must also
3 specify the subject matter of the 'consulting services' to enable proper classification of
4 those services."

5 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

6 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
7 this opposition proceeding.

8
9 REQUEST FOR ADMISSION NO. 186

10 186. Admit Opposer's pending application for registration of CONNECT MARKETING,
11 serial number 85061227, has received an "office action" in which the examining attorney
12 states, by authority of TMEP §1402.01.: "In addition, the wording 'Computer hardware
13 and software marketing consultation services, and computer network marketing
14 consultation services' must be rewritten to more clearly identify the nature of the
15 services."

16 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

17 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
18 this opposition proceeding.

19
20 REQUEST FOR ADMISSION NO. 187

21 187. Admit Opposer's has responded to the requirements of the examining attorney in pending
22 application for registration of CONNECT MARKETING, serial number 85061227, by
23 amending its identification of services, to the following: "Marketing, namely, business
24 marketing services; market research and marketing consulting services; public and media
25 relations services; sales promotion services; marketing consultation services in the fields
26 of computer hardware and software; marketing consultation services in the field of
27 computer networks; marketing services, namely, designing online marketing programs for
28 social networking websites and business networking websites."

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 188

5 188. Admit Opposer's amendment in pending application for registration of CONNECT
6 MARKETING, serial number 85061227, was entered in part to make the identification of
7 services as originally filed by Opposer definite.

8 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

9 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
10 this opposition proceeding.

11
12 REQUEST FOR ADMISSION NO. 189

13 189. Admit Opposer's amendment in pending application for registration of CONNECT
14 MARKETING, serial number 85061227, included Opposer's statement: "Applicant has
15 amended the recitation of the services patterned after the suggestions made in the Office
16 Action and to reflect terminology used in the marketplace, to be acceptably definite, and
17 to satisfy the requirements raised in the Office Action."

18 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

19 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
20 this opposition proceeding.

21
22 REQUEST FOR ADMISSION NO. 190

23 190. Admit that part of Opposer's statement that it was amending its identification of services
24 in pending application for registration of CONNECT MARKETING, serial number
25 85061227, "...to be acceptably definite..." refers specifically to meeting the examining
26 attorney's statement: "The wording 'Marketing and market research and consulting
27 services' in the identification of services is indefinite and must be clarified to specify the
28 type(s) of 'marketing' services."

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 191

5 191. Admit that Opposer's has in its amendment to its identification of services in pending
6 application for registration of CONNECT MARKETING, serial number 85061227,
7 admitted the wording "Marketing and market research and consulting services" in the
8 identification of services of this application is indefinite.

9 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

10 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
11 this opposition proceeding.

12
13 REQUEST FOR ADMISSION NO. 192

14 192. Admit the wording "Marketing and market research and consulting services" is indefinite.

15 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
16 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
17 proceeding.

18
19 REQUEST FOR ADMISSION NO. 193

20 193. Admit the wording "Marketing and market research and consulting services" identified as
21 the services in the registration of the mark CONNECTPR, registered under number
22 2366850, is indefinite.

23 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
24 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
25 proceeding.

26
27 REQUEST FOR ADMISSION NO. 194

28 194. Admit the wording "Marketing and market research and consulting services" identified as
the services in the registration of the mark CONNECT PUBLIC RELATIONS, registered

1 under number 2373504, is indefinite.

2 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
3 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
4 proceeding.

5
6 REQUEST FOR ADMISSION NO. 195

7 195. Admit indefinite wording is not allowed at the U.S. Patent & Trademark Office because
8 such wording does not allow others to be apprized of the nature of services thereby
9 identified.

10 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
11 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
12 proceeding.

13
14 REQUEST FOR ADMISSION NO. 196

15 196. Admit indefinite wording is not allowed at the U.S. Patent & Trademark Office because
16 such wording does not allow others to be apprized of the nature of services thereby
17 identified because such wording is too broad.

18 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same. The
19 definiteness of the services listed in Opposer's registrations is not at issue in this opposition
20 proceeding.

21
22 REQUEST FOR ADMISSION NO. 197

23 197. Admit the services Opposer offers or intends to offer, as identified in pending application
24 for registration of CONNECT MARKETING, serial number 85061227, are now
25 accurately described for that mark, i.e.: "Marketing, namely, business marketing services;
26 market research and marketing consulting services; public and media relations services;
27 sales promotion services; marketing consultation services in the fields of computer
28 hardware and software; marketing consultation services in the field of computer
networks; marketing services, namely, designing online marketing programs for social

1 networking websites and business networking websites.”

2 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

3 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
4 this opposition proceeding.

5
6 REQUEST FOR ADMISSION NO. 198

7 198. Admit the services Opposer has offered under its mark CONNECT PUBLIC
8 RELATIONS, registered under number 2373504, are the same services it intends to offer
9 under its mark CONNECT MARKETING, pending application serial number 85061227.

10 RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

11 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
12 this opposition proceeding.

13
14 REQUEST FOR ADMISSION NO. 199

15 199. Admit the services Opposer has offered under its mark CONNECT PUBLIC
16 RELATIONS, registered under number 2373504, are accurately described as follows:
17 “Marketing, namely, business marketing services; market research and marketing
18 consulting services; public and media relations services; sales promotion services;
19 marketing consultation services in the fields of computer hardware and software;
20 marketing consultation services in the field of computer networks; marketing services,
21 namely, designing online marketing programs for social networking websites and
22 business networking websites.”

23 RESPONSE: Opposer objects to this request as irrelevant.

24
25 REQUEST FOR ADMISSION NO. 200

26 200. Admit the services Opposer has offered under its mark CONNECTPR, registered under
27 number 2366850, are the same services it intends to offer under its mark CONNECT
28 MARKETING, pending application serial number 85061227.

RESPONSE: Opposer objects to this request as irrelevant and therefore denies the same.

1 Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in
2 this opposition proceeding.

3
4 REQUEST FOR ADMISSION NO. 201

5 201. Admit the services Opposer has offered under its mark CONNECTPR, registered under
6 number 2366850, are accurately described as follows: “Marketing, namely, business
7 marketing services; market research and marketing consulting services; public and media
8 relations services; sales promotion services; marketing consultation services in the fields
9 of computer hardware and software; marketing consultation services in the field of
10 computer networks; marketing services, namely, designing online marketing programs for
11 social networking websites and business networking websites.”

12 RESPONSE: Opposer objects to this request as irrelevant.

13
14 REQUEST FOR ADMISSION NO. 202

15 202. Admit the following services are offered by Opposer to businesses: “Marketing, namely,
16 business marketing services; market research and marketing consulting services; public
17 and media relations services; sales promotion services; marketing consultation services in
18 the fields of computer hardware and software; marketing consultation services in the field
19 of computer networks; marketing services, namely, designing online marketing programs
20 for social networking websites and business networking websites.”

21 RESPONSE: Opposer objects to this request as irrelevant.

22
23 REQUEST FOR ADMISSION NO. 203

24 203. Admit the following services are offered by Opposer to businesses in the connectivity
25 market: “Marketing, namely, business marketing services; market research and marketing
26 consulting services; public and media relations services; sales promotion services;
27 marketing consultation services in the fields of computer hardware and software;
28 marketing consultation services in the field of computer networks; marketing services,
namely, designing online marketing programs for social networking websites and

1 business networking websites.”

2 RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not
3 limited to the “connectivity market.”

4

5 REQUEST FOR ADMISSION NO. 204

6 204. Admit the following services are offered by Opposer only to businesses: “Marketing,
7 namely, business marketing services; market research and marketing consulting services;
8 public and media relations services; sales promotion services; marketing consultation
9 services in the fields of computer hardware and software; marketing consultation services
10 in the field of computer networks; marketing services, namely, designing online
11 marketing programs for social networking websites and business networking websites.”

12 RESPONSE: Opposer objects to this request as irrelevant.

13

14 REQUEST FOR ADMISSION NO. 205

15 205. Admit Opposer provides to businesses in the connectivity market: “Marketing, namely,
16 business marketing services; market research and marketing consulting services; public
17 and media relations services; sales promotion services; marketing consultation services in
18 the fields of computer hardware and software; marketing consultation services in the field
19 of computer networks; marketing services, namely, designing online marketing programs
20 for social networking websites and business networking websites.”

21 RESPONSE: Opposer objects to this request as irrelevant as Opposer’s registrations are not
22 limited to the “connectivity market.”

23

24 REQUEST FOR ADMISSION NO. 206

25 206. Admit Opposer does not present its Opposer’s Marks, any of them, to consumers.

26 RESPONSE: Opposer objects to this request as irrelevant.

27

28 REQUEST FOR ADMISSION NO. 207

207. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or

1 prospective clients outside “the connectivity market,” as this term is used by Opposer in
2 document CPR 000643.

3 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
4 classes of customers, or channels of trade in Opposer’s registrations are limited to the
5 “connectivity market.”

6
7 REQUEST FOR ADMISSION NO. 208

8 208. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or
9 prospective clients having business outside the high technology markets.

10 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
11 classes of customers, or channels of trade in Opposer’s registrations are limited as stated in the
12 request.

13
14 REQUEST FOR ADMISSION NO. 209

15 209. Admit Opposer does not present its Opposer’s Marks, any of them, to clients or
16 prospective clients having business outside the technology markets.

17 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
18 classes of customers, or channels of trade in Opposer’s registrations are limited as stated in the
19 request.

20
21 REQUEST FOR ADMISSION NO. 210

22 210. Admit all Opposer’s clients are within “the connectivity market,” as this term is used by
23 Opposer in document CPR 000643.

24 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
25 classes of customers, or channels of trade in Opposer’s registrations are limited to the
26 “connectivity market.” Opposer further objects as none of the goods or services, classes of
27 customers, or channels of trade in the Applicant’s application are limited to the “connectivity
28 market.” Opposer further objects to this request as vague.

1 REQUEST FOR ADMISSION NO. 211

2 211. Admit Opposer's clients which are not within "the connectivity market," as this term is
3 used by Opposer in document CPR 000643, are within the high technology markets.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
5 classes of customers, or channels of trade in Opposer's registrations are limited to the
6 "connectivity market." Opposer further objects as none of the goods or services, classes of
7 customers, or channels of trade in the Applicant's application are limited to the "connectivity
8 market." Opposer further objects to this request as vague.

9
10 REQUEST FOR ADMISSION NO. 212

11 212. Admit "the connectivity market" of Opposer, as this term is used by Opposer in document
12 CPR 000643, is a segment of the high technology markets.

13 RESPONSE: Opposer objects to the request as vague as it is unclear of the meaning of the term
14 "segment." Opposer objects to this request as irrelevant as none of the goods or services, classes
15 of customers, or channels of trade in Opposer's registrations are limited to the "connectivity
16 market." Opposer further objects as none of the goods or services, classes of customers, or
17 channels of trade in the Applicant's application are limited to the "connectivity market."

18
19 REQUEST FOR ADMISSION NO. 213

20 213. Admit all of Opposer's clients provide high technology goods or services.

21 RESPONSE: Opposer objects to this request as vague and irrelevant as none of Opposer's
22 registrations limit the goods and services provided by Opposer's clients.

23
24 REQUEST FOR ADMISSION NO. 214

25 214. Admit all of Opposer's clients provide technology goods or services.

26 RESPONSE: Opposer objects to this request as vague and irrelevant as none of Opposer's
27 registrations limit the goods and services provided by Opposer's clients.

28
REQUEST FOR ADMISSION NO. 215

1 215. Admit Opposer has never supplied any of its goods or services to consumers.

2 RESPONSE: Opposer objects to this request as irrelevant and vague.

3

4 REQUEST FOR ADMISSION NO. 216

5 216. Admit Opposer's goods and/or services are limited to "connectivity" services, as this term
6 is used by Opposer in document CPR 000643.

7 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
8 classes of customers, or channels of trade in Opposer's registrations are limited to the
9 "connectivity services." Opposer further objects as none of the goods or services, classes of
10 customers, or channels of trade in the Applicant's application are limited to the "connectivity
11 services." Opposer further objects to this request as vague.

12

13 REQUEST FOR ADMISSION NO. 217

14 217. Admit Opposer's goods and/or services are limited to "high technology" services.

15 RESPONSE: Opposer objects to this request as irrelevant as none of Opposer's registrations
16 limit the goods and services provided by Opposer.

17

18 REQUEST FOR ADMISSION NO. 218

19 218. Admit Opposer offers or supplies its goods or services to clients which make or distribute
20 high technology goods or services.

21 RESPONSE: Opposer objects to this request as irrelevant as none of Opposer's registrations
22 limit the goods and services provided by Opposer.

23

24 REQUEST FOR ADMISSION NO. 219

25 219. Admit Opposer intends to offer or supply under the mark CONNECT MARKETING only
26 those goods or services identified in its pending application for registration of CONNECT
27 MARKETING, serial number 85061227.

28 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
upon any of its CONNECT MARKETING applications in this opposition proceeding.

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REQUEST FOR ADMISSION NO. 220

220. Admit Opposer has offered or supplied under the mark CONNECTPR only those goods or services identified in its pending application for registration of CONNECT MARKETING, serial number 85061227.

RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in this opposition proceeding.

REQUEST FOR ADMISSION NO. 222

221. Admit Opposer has offered or supplied under the mark CONNECT PUBLIC RELATIONS only those goods or services identified in its pending application for registration of CONNECT MARKETING, serial number 85061227.

RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied upon any of its CONNECT MARKETING applications in this opposition proceeding.

REQUEST FOR ADMISSION NO. 222

222. Admit Opposer has offered or supplied the same goods or services under the mark CONNECTPR as it has offered or supplied under the mark CONNECT PUBLIC RELATIONS.

RESPONSE: Opposer objects to this request as irrelevant and vague.

REQUEST FOR ADMISSION NO. 223

223. Admit Opposer does not offer only some of its goods or services under the mark CONNECTPR.

RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at issue in this proceeding.

REQUEST FOR ADMISSION NO. 224

224. Admit Opposer offers all of its goods and services under the mark CONNECTPR.

1 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
2 issue in this proceeding.

3
4 REQUEST FOR ADMISSION NO. 225

5 225. Admit Opposer does not offer only some of its goods or services under the mark
6 CONNECT PUBLIC RELATIONS.

7 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
8 issue in this proceeding.

9
10 REQUEST FOR ADMISSION NO. 226

11 226. Admit Opposer offers all of its goods and services under the mark CONNECT PUBLIC
12 RELATIONS.

13 RESPONSE: Opposer objects to this request as irrelevant and vague as Opposer's use is not at
14 issue in this proceeding.

15
16 REQUEST FOR ADMISSION NO. 227

17 227. Admit Opposer intends to offer or supply the same goods or services under the mark
18 CONNECT MARKETING, serial number 85061227, as it has offered or supplied under
19 the mark CONNECT PUBLIC RELATIONS.

20 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
21 upon any of its CONNECT MARKETING applications in this opposition proceeding.

22
23 REQUEST FOR ADMISSION NO. 228

24 228. Admit Opposer intends to offer or supply the same goods or services under the mark
25 CONNECT MARKETING, serial number 85061227, as it has offered or supplied under
26 the mark CONNECTPR.

27 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
28 upon any of its CONNECT MARKETING applications in this opposition proceeding.

1 REQUEST FOR ADMISSION NO. 229

2 229. Admit Opposer does not intend to offer only some of its goods or services under the mark
3 CONNECT MARKETING, serial number 85061227.

4 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
5 upon any of its CONNECT MARKETING applications in this opposition proceeding.

6
7 REQUEST FOR ADMISSION NO. 230

8 230. Admit Opposer intends to offer all of its goods and services under the mark CONNECT
9 MARKETING, serial number 85061227.

10 RESPONSE: Opposer objects to this request as irrelevant. Opposer has neither pled nor relied
11 upon any of its CONNECT MARKETING applications in this opposition proceeding.

12
13 REQUEST FOR ADMISSION NO. 231

14 231. Admit Opposer does not offer or provide all services which may be described by the
15 words: "Marketing and market research and consulting services; public and media
16 relations services and sales promotion services."

17 RESPONSE: Opposer objects to this request as irrelevant, unduly burdensome and vague as it is
18 unclear what constitutes "all services." Opposer further objects that the services it provides is not
19 at issue.

20
21 REQUEST FOR ADMISSION NO. 232

22 232. Admit the documents numbered CPR 000673 - CPR 000674 produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.

26
27 REQUEST FOR ADMISSION NO. 233

28 233. Admit the activity referred to as "building rapport" in documents numbered CPR 000673
- CPR 000674, produced by Opposer with Opposer's Responses to Applicants Second Set

1 of Requests for Production of Documents and Things, is an activity conducted by firms
2 which engage in "public relations" work for others.

3 RESPONSE: Opposer admits that "building rapport" may be an activity conducted by firms that
4 engage in public relations and marketing.

5
6 REQUEST FOR ADMISSION NO. 234

7 234. Admit the activity referred to as "educating press and analysts" in documents numbered
8 CPR 000673 - CPR 000674, produced by Opposer with Opposer's Responses to
9 Applicants Second Set of Requests for Production of Documents and Things, is an
10 activity conducted by firms which engage in "public relations" work for others.

11 RESPONSE: Opposer admits that "educating press and analysts" may be an activity conducted
12 by firms that engage in public relations and marketing.

13
14 REQUEST FOR ADMISSION NO. 235

15 235. Admit the activity referred to as "selling your model" in documents numbered CPR
16 000673 - CPR 000674, produced by Opposer with Opposer's Responses to Applicants
17 Second Set of Requests for Production of Documents and Things, is an activity conducted
18 by firms which engage in "public relations" work for others.

19 RESPONSE: Opposer admits that "selling your model" may be an activity conducted by firms
20 that engage in public relations and marketing.

21
22 REQUEST FOR ADMISSION NO. 236

23 236. Admit the activity referred to as "garnering effective coverage" in documents numbered
24 CPR 000673 - CPR 000674, produced by Opposer with Opposer's Responses to
25 Applicants Second Set of Requests for Production of Documents and Things, is an
26 activity conducted by firms which engage in "public relations" work for others.

27 RESPONSE: Opposer admits that "garnering effective coverage" may be an activity conducted
28 by firms that engage in public relations and marketing.

1 REQUEST FOR ADMISSION NO. 237

2 237. Admit Opposer undertakes projects for clients after submitting fixed-cost bids, consistent
3 with its statement contained in documents numbered CPR 000673 - CPR 000674.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
5 Opposer's registrations are limited to be only provided "after submitting fixed-cost bids."

6
7 REQUEST FOR ADMISSION NO. 238

8 238. Admit Opposer works on projects for clients after submitting fixed-cost bids, consistent
9 with its statement contained in documents numbered CPR 000673 - CPR 000674.

10 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
11 Opposer's registrations are limited to be only provided "after submitting fixed-cost bids."

12
13 REQUEST FOR ADMISSION NO. 239

14 239. Admit Opposer works for its clients on a project basis, consistent with its fixed-cost bids.

15 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
16 Opposer's registrations are limited to be only provided "with its fixed-cost bids."

17
18 REQUEST FOR ADMISSION NO. 240

19 240. Admit Opposer only works for its clients on a project basis, consistent with its fixed-cost
20 bids.

21 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services in
22 Opposer's registrations are limited to be only provided "with its fixed-cost bids."

23
24 REQUEST FOR ADMISSION NO. 241

25 241. Admit the documents numbered CPR 000693 - CPR 000694 produced by Opposer with
26 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
27 and Things, which documents are attached hereto, are genuine.

28 RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 242

2 242. Admit the product referred to as "media kits" in documents numbered CPR 000693 -
3 CPR 000694, produced by Opposer with Opposer's Responses to Applicants Second Set
4 of Requests for Production of Documents and Things, is an item produced by firms which
5 engage in "public relations" work for others.

6 RESPONSE: Opposer admits that "media kits" may be an item produced by firms that engage in
7 public relations and marketing.

8
9 REQUEST FOR ADMISSION NO. 243

10 243. Admit the product referred to as "press releases" in documents numbered CPR 000693 -
11 CPR 000694, produced by Opposer with Opposer's Responses to Applicants Second Set
12 of Requests for Production of Documents and Things, is an item produced by firms which
13 engage in "public relations" work for others.

14 RESPONSE: Opposer admits that "press releases" may be an item produced by firms that engage
15 in public relations and marketing.

16
17 REQUEST FOR ADMISSION NO. 244

18 244. Admit the product referred to as "product backgrounders" in documents numbered CPR
19 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
20 Second Set of Requests for Production of Documents and Things, is an item produced by
21 firms which engage in "public relations" work for others.

22 RESPONSE: Opposer admits that "product backgrounders" may be an item produced by firms
23 that engage in public relations and marketing.

24
25 REQUEST FOR ADMISSION NO. 245

26 245. Admit the product referred to as "market white papers" in documents numbered CPR
27 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
28 Second Set of Requests for Production of Documents and Things, is an item produced by
firms which engage in "public relations" work for others.

1 RESPONSE: Opposer admits that "market white papers" may be an item produced by firms that
2 engage in public relations and marketing.

3
4 REQUEST FOR ADMISSION NO. 246

5 246. Admit the product referred to as "technology briefs" in documents numbered CPR
6 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
7 Second Set of Requests for Production of Documents and Things, is an item produced by
8 firms which engage in "public relations" work for others.

9 RESPONSE: Opposer admits that "technology briefs" may be an item produced by firms that
10 engage in public relations and marketing.

11
12 REQUEST FOR ADMISSION NO. 247

13 247. Admit the product referred to as "announcement videos" in documents numbered CPR
14 000693 - CPR 000694, produced by Opposer with Opposer's Responses to Applicants
15 Second Set of Requests for Production of Documents and Things, is an item produced by
16 firms which engage in "public relations" work for others.

17 RESPONSE: Opposer admits that "announcement videos" may be an item produced by firms that
18 engage in public relations and marketing.

19
20 REQUEST FOR ADMISSION NO. 248

21 248. Admit the document numbered CPR 000963 produced by Opposer with Opposer's
22 Responses to Applicants Second Set of Requests for Production of Documents and
23 Things, which document is attached hereto, is genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 249

27 249. Admit the phrase "high-tech PR firm," as that phrase is used by Opposer in the document
28 numbered CPR 000963, implies Opposer markets its services to high-tech clients and
potential clients.

1 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
2 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

3
4 REQUEST FOR ADMISSION NO. 250

5 250. Admit the phrase "high-tech PR firm," as that phrase is used by Opposer in the document
6 numbered CPR 000963, implies Opposer markets its services only to high-tech clients
7 and potential clients.

8 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
9 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

10
11 REQUEST FOR ADMISSION NO. 251

12 251. Admit the meaning implied by the phrase "high-tech PR firm," as that phrase is used by
13 Opposer in the document numbered CPR 000963, is true.

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
15 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

16
17 REQUEST FOR ADMISSION NO. 252

18 252. Admit Opposer is a "high-tech PR firm," as that phrase is used by Opposer in the
19 document numbered CPR 000963.

20 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
21 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

22
23 REQUEST FOR ADMISSION NO. 253

24 253. Admit Opposer markets its goods and services to high-tech clients and potential clients.

25 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
26 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

27
28 REQUEST FOR ADMISSION NO. 254

254. Admit Opposer markets its services only to high-tech clients and potential clients.

1 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
2 classes of customers, or channels of trade in Opposer's registrations are limited to "high-tech."

3
4 REQUEST FOR ADMISSION NO. 255

5 255. Admit the to high-tech clients and potential clients to which Opposer directs its own
6 marketing efforts are those in the "connectivity market."

7 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
8 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
9 are limited to "high-tech" or the "connectivity market."

10
11 REQUEST FOR ADMISSION NO. 256

12 256. Admit the to high-tech clients and potential clients to which Opposer directs its own
13 marketing efforts are only those in the "connectivity market."

14 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
15 classes of customers, or channels of trade in Opposer's registrations or Applicant's applications
16 are limited to "high-tech" or the "connectivity market."

17
18 REQUEST FOR ADMISSION NO. 257

19 257. Admit the statement "Connectivity has been our sole focus for 18 years," as that phrase is
20 used by Opposer in the document numbered CPR 000963, implies Opposer markets its
21 services only to clients and potential clients within the "connectivity market."

22 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
23 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
24 are limited to the "connectivity market."

25
26 REQUEST FOR ADMISSION NO. 258

27 258. Admit the statement "Connectivity has been our sole focus for 18 years," as that phrase is
28 used by Opposer in the document numbered CPR 000963, is true.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to "connectivity."

3
4 REQUEST FOR ADMISSION NO. 259

5 259. Admit the document numbered CPR 001016 produced by Opposer with Opposer's
6 Responses to Applicants Second Set of Requests for Production of Documents and
7 Things, which document is attached hereto, is genuine.

8 RESPONSE: Admitted.

9
10 REQUEST FOR ADMISSION NO. 260

11 260. Admit Opposer sponsors "press summits," as that phrase is used in the document
12 numbered CPR 001016 produced by Opposer.

13 RESPONSE: Opposer objects to this request as irrelevant.

14
15 REQUEST FOR ADMISSION NO. 261

16 261. Admit Opposer routinely sponsors "press summits," as that phrase is used in the
17 document numbered CPR 001016 produced by Opposer, in the normal course of its
18 services for its clients.

19 RESPONSE: Opposer objects to this request as irrelevant.

20
21 REQUEST FOR ADMISSION NO. 262

22 262. Admit Opposer's "press summits" involves "face-to-face" interaction between Opposer
23 and journalists.

24 RESPONSE: Opposer objects to this request as irrelevant.

25
26 REQUEST FOR ADMISSION NO. 263

27 263. Admit Opposer's "press summits" involves "face-to-face" interaction between Opposer's
28 clients and journalists.

RESPONSE: Opposer objects to this request as irrelevant.

1 REQUEST FOR ADMISSION NO. 264

2 264. Admit Opposer's "press summits" involves "one-on-one" interaction between Opposer
3 and journalists.

4 RESPONSE: Opposer objects to this request as irrelevant.
5

6 REQUEST FOR ADMISSION NO. 265

7 265. Admit Opposer's "press summits" involves "one-on-one" interaction between Opposer's
8 clients and journalists.

9 RESPONSE: Opposer objects to this request as irrelevant.
10

11 REQUEST FOR ADMISSION NO. 266

12 266. Admit the document numbered CPR 001086 produced by Opposer with Opposer's
13 Responses to Applicants Second Set of Requests for Production of Documents and
14 Things, which document is attached hereto, is genuine.

15 RESPONSE: Admitted.
16

17 REQUEST FOR ADMISSION NO. 267

18 267. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
19 CPR 001086 produced by Opposer, means clients which are in the telecommunications
20 industry.

21 RESPONSE: Opposer objects to this request as irrelevant and vague. Opposer objects to this
22 request as irrelevant as none of the goods or services, classes of customers, or channels of trade
23 in Opposer's registrations or Applicant's application are limited to "connectivity clients."
24

25 REQUEST FOR ADMISSION NO. 268

26 268. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
27 CPR 001086 produced by Opposer, includes clients which are in the telecommunications
28 industry.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to "connectivity clients" or the "telecommunications industry."

3
4 REQUEST FOR ADMISSION NO. 269

5 269. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
6 CPR 001086 produced by Opposer, means clients which supply communications for
7 others.

8 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
9 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
10 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
11 Applicant's application are limited to "connectivity clients."

12
13 REQUEST FOR ADMISSION NO. 270

14 270. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
15 CPR 001086 produced by Opposer, includes clients which supply communications for
16 others.

17 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
18 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
19 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
20 Applicant's application are limited to "connectivity clients."

21
22 REQUEST FOR ADMISSION NO. 271

23 271. Admit the phrase "connectivity clients," as that phrase is used in the document numbered
24 CPR 001086 produced by Opposer, means only clients which supply communications for
25 others.

26 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply
27 communications for others" is itself vague. Opposer objects to this request as irrelevant as none
28 of the goods or services, classes of customers, or channels of trade in Opposer's registrations or
Applicant's application are limited to "connectivity clients."

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REQUEST FOR ADMISSION NO. 272

272. Admit the phrase “connectivity clients,” as that phrase is used in the document numbered CPR 001086 produced by Opposer, includes only clients which supply communications for others.

RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply communications for others" is itself vague. Opposer objects to this request as irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application are limited to “connectivity clients.”

REQUEST FOR ADMISSION NO. 273

273. Admit the phrase “connectivity clients,” as that phrase is used in the document numbered CPR 001086 produced by Opposer, includes clients which supply communications for consumers.

RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "supply communications for others" is itself vague. Opposer objects to this request as irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application are limited to “connectivity clients.”

REQUEST FOR ADMISSION NO. 274

274. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer with Opposer’s Responses to Applicants Second Set of Requests for Production of Documents and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 275

275. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says Opposer “manages stories” relating to its clients.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 276

276. Admit the statement by Opposer in which its says Opposer “manages stories” relating to its clients, as set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is true.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 277

277. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says Opposer “scans published editorial calendars” for its clients.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 278

278. Admit the statement by Opposer in which its says Opposer “scans published editorial calendars” for its clients, as set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is true.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 279

279. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says Opposer “manage the review process” for its clients.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 280

280. Admit the statement by Opposer in which its says Opposer “manage the review process” for its clients, as set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is true.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 281

2 281. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
3 Opposer "pitch stories" for its clients.

4 RESPONSE: Admitted.

5
6 REQUEST FOR ADMISSION NO. 282

7 282. Admit the statement by Opposer in which its says Opposer "pitch stories" for its clients,
8 as set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is
9 true.

10 RESPONSE: Admitted.

11
12 REQUEST FOR ADMISSION NO. 283

13 283. Admit the documents numbered CPR 001130 - CPR 001145 produced by Opposer, says
14 Opposer's goal for its clients is to obtain press coverage of the following kinds: "product
15 stories" and "case studies" and "Q&A's" [sic] and "company and executive profiles" and
16 by-lined technical articles" and "column ideas" and "managed reviews."

17 RESPONSE: Opposer admits that this is the goal for some of its clients.

18 \

19 REQUEST FOR ADMISSION NO. 284

20 284. Admit the statement by Opposer in which its says Opposer's goal for its clients about
21 "product stories" and "case studies" and "Q&A's" [sic] and "company and executive
22 profiles" and by-lined technical articles" and "column ideas" and "managed reviews," as
23 set forth in documents numbered CPR 001130 - CPR 001145 produced by Opposer, is
24 true.

25 RESPONSE: Opposer admits that this is the goal for some of its clients.

26
27 REQUEST FOR ADMISSION NO. 285

28 285. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer with
Opposer's Responses to Applicants Second Set of Requests for Production of Documents

1 and Things, which documents are attached hereto, are genuine.

2 RESPONSE: Admitted.

3
4 REQUEST FOR ADMISSION NO. 286

5 286. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
6 analysis of "social media."

7 RESPONSE: Opposer objects to this request as irrelevant and vague.

8
9 REQUEST FOR ADMISSION NO. 287

10 287. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
11 analysis which measures "social media."

12 RESPONSE: Opposer objects to this request as irrelevant and vague.

13
14 REQUEST FOR ADMISSION NO. 288

15 288. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
16 analysis of "social media" which may be used as Opposer supplies its goods and services
17 to its clients.

18 RESPONSE: Opposer objects to this request as irrelevant and vague.

19
20 REQUEST FOR ADMISSION NO. 289

21 289. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer is an
22 analysis of "social media" which may be presented to its clients.

23 RESPONSE: Opposer objects to this request as irrelevant and vague.

24
25 REQUEST FOR ADMISSION NO. 290

26 290. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
27 "social media" may be presented to Opposer's social media clients.

28 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
media clients."

1 REQUEST FOR ADMISSION NO. 291

2 291. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
3 "social media" may be particularly useful in providing Opposer's goods and services to
4 its social media clients.

5 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
6 media clients."

7
8 REQUEST FOR ADMISSION NO. 292

9 292. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
10 "social media" was developed to be useful in providing Opposer's goods and services to
11 its social media clients.

12 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
13 media clients."

14
15 REQUEST FOR ADMISSION NO. 293

16 293. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
17 "social media" may be particularly useful in providing Opposer's goods and services to
18 its social media clients.

19 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
20 media clients."

21
22 REQUEST FOR ADMISSION NO. 294

23 294. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
24 "social media" may be particularly useful in providing Opposer's PR services to its social
25 media clients.

26 RESPONSE: Opposer objects to this request as vague as it is unclear to the meaning of "social
27 media clients."

28
REQUEST FOR ADMISSION NO. 295

1 295. Admit the documents numbered CPR 001459 - CPR 001473 produced by Opposer about
2 "social media" does not say Opposer is itself a supplier of "social media" services.

3 RESPONSE: Denied.

4
5 REQUEST FOR ADMISSION NO. 296

6 296. Admit the analysis set forth in documents numbered CPR 001459 - CPR 001473
7 produced by Opposer about "social media" may allow Opposer's clients to better present
8 their brands to those who use "social media" services.

9 RESPONSE: Opposer objects to this request as irrelevant and vague.

10
11 REQUEST FOR ADMISSION NO. 297

12 297. Admit Opposer, in providing the analysis set forth in documents numbered CPR 001459 -
13 CPR 001473 produced by Opposer, does not present Opposer's Marks to those who use
14 "social media" services.

15 RESPONSE: Denied.

16
17 REQUEST FOR ADMISSION NO. 298

18 298. Admit Opposer, in providing any measurement or service referred to in documents
19 numbered CPR 001459 - CPR 001473 produced by Opposer, does not present Opposer's
20 Marks to those who use "social media" services.

21 RESPONSE: Denied.

22
23 REQUEST FOR ADMISSION NO. 299

24 299. Admit Opposer is not itself a supplier of "social media" services.

25 RESPONSE: Denied.

26
27 REQUEST FOR ADMISSION NO. 300

28 300. Admit Opposer is itself a supplier of "social media" services.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 301

301. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer with Opposer's Responses to Applicants Second Set of Requests for Production of Documents and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 302

302. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an analysis of the "technology market."

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer's registrations or Applicant's application are limited to the "technology market."

REQUEST FOR ADMISSION NO. 303

303. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an analysis of the "technology market" which may be used as Opposer supplies its goods and services to its clients.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer's registrations or Applicant's application are limited to the "technology market."

REQUEST FOR ADMISSION NO. 304

304. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer is an analysis of the "technology market" which may be presented to its clients.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services, classes of customers, or channels of trade in Opposer's registrations or Applicant's application are limited to the "technology market."

1 REQUEST FOR ADMISSION NO. 305

2 305. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
3 the "technology market" may be presented to Opposer's social media clients.

4 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
5 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
6 are limited to the "technology market." Opposer further objects to this request as vague as the
7 meaning of the phrase "social media clients" is unclear.

8
9 REQUEST FOR ADMISSION NO. 306

10 306. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
11 the "technology market" may be particularly useful in providing Opposer's goods and
12 services to its "technology" clients.

13 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
14 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
15 are limited to the "technology market." Opposer further objects to this request as vague as the
16 meaning of the phrase "technology clients" is unclear.

17
18 REQUEST FOR ADMISSION NO. 307

19 307. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
20 the "technology market" was developed to be useful in providing Opposer's goods and
21 services to its "technology" clients.

22 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
23 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
24 are limited to the "technology market." Opposer further objects to this request as vague as the
25 meaning of the phrase "technology clients" is unclear.

26
27 REQUEST FOR ADMISSION NO. 308

28 308. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
the "technology market" may be particularly useful in providing Opposer's goods and

1 services to its “technology” clients.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
3 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
4 are limited to the “technology market.” Opposer further objects to this request as vague as the
5 meaning of the phrase “technology clients” is unclear.

6
7 REQUEST FOR ADMISSION NO. 309

8 309. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
9 the “technology market” may be particularly useful in providing Opposer’s PR services to
10 its “technology” clients.

11 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
12 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
13 are limited to the “technology market.” Opposer further objects to this request as vague as the
14 meaning of the phrase “technology clients” is unclear.

15
16 REQUEST FOR ADMISSION NO. 310

17 310. Admit the documents numbered CPR 001830 - CPR 001843 produced by Opposer about
18 the “technology market” does not say Opposer is itself a supplier of “technology”
19 services.

20 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
21 classes of customers, or channels of trade in Opposer’s registrations or Applicant’s application
22 are limited to the “technology market.” Opposer further objects to this request as vague as the
23 meaning of the phrase “technology services” is unclear.

24
25 REQUEST FOR ADMISSION NO. 311

26 311. Admit the analysis set forth in documents numbered CPR 001830 - CPR 001843
27 produced by Opposer about the “technology market” may allow Opposer’s clients to
28 better present their brands to those who use “technology” services.

RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,

1 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
2 are limited to the "technology market." Opposer further objects to this request as vague as the
3 meaning of the phrase "technology services" is unclear.

4
5 REQUEST FOR ADMISSION NO. 312

6 312. Admit Opposer, in providing the analysis set forth in documents numbered CPR 001830 -
7 CPR 001843 produced by Opposer, does not present Opposer's Marks to those who use
8 "technology" services.

9 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
10 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
11 are limited to "technology services." Opposer further objects to this request as vague as the
12 meaning of the phrase "technology services" is unclear.

13 REQUEST FOR ADMISSION NO. 313

14 313. Admit Opposer, in providing any measurement or service referred to in documents
15 numbered CPR 001830 - CPR 001843 produced by Opposer, does not present Opposer's
16 Marks to those who use "technology" services.

17 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
18 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
19 are limited to "technology services." Opposer further objects to this request as vague as the
20 meaning of the phrase "technology services" is unclear.

21
22 REQUEST FOR ADMISSION NO. 314

23 314. Admit Opposer is not itself a supplier of "technology" services.

24 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
25 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
26 are limited to "technology services." Opposer further objects to this request as vague as the
27 meaning of the phrase "technology services" is unclear.

28
REQUEST FOR ADMISSION NO. 315

1 315. Admit Opposer is itself a supplier of "technology" services.

2 RESPONSE: Opposer objects to this request as irrelevant as none of the goods or services,
3 classes of customers, or channels of trade in Opposer's registrations or Applicant's application
4 are limited to "technology services." Opposer further objects to this request as vague as the
5 meaning of the phrase "technology services" is unclear.

6
7 REQUEST FOR ADMISSION NO. 316

8 316. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer with
9 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
10 and Things, which documents are attached hereto, are genuine.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 317

14 317. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer, was
15 created on or about the time Opposer applied to register its mark CONNECTPR with the
16 U.S. Patent & Trademark Office.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 318

20 318. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer, was
21 created on or about the time Opposer applied to register its mark CONNECT PUBLIC
22 RELATIONS with the U.S. Patent & Trademark Office.

23 RESPONSE: Admitted.

24
25 REQUEST FOR ADMISSION NO. 319

26 319. Admit the documents numbered CPR 001900 - CPR 001927 produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, is about Opposer's business.

RESPONSE: Opposer admits that the documents numbered CPR 001900 - CPR 001927 are

1 about the Opposer's business when the documents were created.

2
3 REQUEST FOR ADMISSION NO. 320

4 320. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
5 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
6 and Things, which documents are attached hereto, are genuine.

7 RESPONSE: Admitted.

8
9 REQUEST FOR ADMISSION NO. 321

10 321. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
11 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
12 and Things, is about Opposer's business.

13 RESPONSE: Opposer admits that the documents numbered CPR 001928 - CPR 001936 are
14 about the Opposer's when the documents were created.

15
16 REQUEST FOR ADMISSION NO. 322

17 322. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
18 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
19 and Things, specifically discusses the markets for Opposer's business.

20 RESPONSE: Denied.

21
22 REQUEST FOR ADMISSION NO. 323

23 323. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
24 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
25 and Things, specifically discusses the tools of Opposer's business.

26 RESPONSE: Opposer objects to this request as irrelevant and vague as it is unclear to the
27 meaning of term "tools."

28
REQUEST FOR ADMISSION NO. 324

1 324. Admit the documents numbered CPR 001928 - CPR 001936 produced by Opposer with
2 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
3 and Things, locates the offices of Opposer.

4 RESPONSE: Admitted.

5
6 REQUEST FOR ADMISSION NO. 325

7 325. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer with
8 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
9 and Things, which documents are attached hereto, are genuine.

10 RESPONSE: Admitted.

11
12 REQUEST FOR ADMISSION NO. 326

13 326. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
14 individuals in the "media" with whom Opposer's has or may discuss its clients.

15 RESPONSE: Admitted.

16
17 REQUEST FOR ADMISSION NO. 327

18 327. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
19 individuals in the "media" with whom Opposer's has or may discuss its clients for the
20 benefit of Opposer's clients.

21 RESPONSE: Admitted.

22
23 REQUEST FOR ADMISSION NO. 328

24 328. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
25 individuals in the "media" with whom Opposer's has or may discuss its clients to gain
26 additional media coverage for Opposer's clients.

27 RESPONSE: Admitted.

28
REQUEST FOR ADMISSION NO. 329

1 329. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
2 Opposer uses discussions with individuals in the "media" as a means to conduct
3 Opposer's business.

4 RESPONSE: Admitted.

5
6 REQUEST FOR ADMISSION NO. 330

7 330. Admit the documents numbered CPR 002050 - CPR 002071 produced by Opposer shows
8 Opposer uses discussions with individuals in the "media" as a primary means to conduct
9 Opposer's business.

10 RESPONSE: Opposer admits that discussions with individuals in the "media" is one means it
11 uses to conduct its business.

12
13 REQUEST FOR ADMISSION NO. 331

14 331. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer with
15 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
16 and Things, which documents are attached hereto, are genuine.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 332

20 332. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
21 individuals who are "analysts" with whom Opposer's has or may discuss its clients.

22 RESPONSE: Admitted.

23
24 REQUEST FOR ADMISSION NO. 333

25 333. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
26 individuals who are "analysts" with whom Opposer's has or may discuss its clients for
27 the benefit of Opposer's clients.

28 RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 334

2 334. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
3 individuals who are "analysts" with whom Opposer's has or may discuss its clients to
4 gain additional favorable coverage for Opposer's clients.

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 335

8 335. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
9 Opposer uses discussions with individuals who are "analysts" as a means to conduct
10 Opposer's business.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 336

14 336. Admit the documents numbered CPR 002072 - CPR 002077 produced by Opposer shows
15 Opposer uses discussions with individuals who are "analysts" as a primary means to
16 conduct Opposer's business.

17 RESPONSE: Opposer admits that it uses discussions with individuals who are "analysts," but
18 denies that it is the primary means to conduct Opposer's business.

19
20 REQUEST FOR ADMISSION NO. 337

21 337. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer with
22 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
23 and Things, which documents are attached hereto, are genuine.

24 RESPONSE: Admitted.

25
26 REQUEST FOR ADMISSION NO. 338

27 338. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
28 individuals in the "social media" with whom Opposer's has or may discuss its clients.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 339

2 339. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
3 individuals in the "social media" with whom Opposer's has or may discuss its clients for
4 the benefit of Opposer's clients.

5 RESPONSE: Admitted.

6
7 REQUEST FOR ADMISSION NO. 340

8 340. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
9 individuals in the "social media" with whom Opposer's has or may discuss its clients to
10 gain additional media coverage for Opposer's clients.

11 RESPONSE: Admitted.

12
13 REQUEST FOR ADMISSION NO. 341

14 341. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
15 Opposer uses discussions with individuals in the "social media" as a means to conduct
16 Opposer's business.

17 RESPONSE: Admitted.

18
19 REQUEST FOR ADMISSION NO. 342

20 342. Admit the documents numbered CPR 002078 - CPR 002097 produced by Opposer shows
21 Opposer uses discussions with individuals in the "social media" as a primary means to
22 conduct Opposer's business.

23 RESPONSE: Opposer admits that it may use discussions with individuals in the "social media"
24 but denies that it is the primary means to conduct Opposer's business.

25
26 REQUEST FOR ADMISSION NO. 343

27 343. Admit the document numbered CPR 002197 produced by Opposer with Opposer's
28 Responses to Applicants Second Set of Requests for Production of Documents and
Things, which document is attached hereto, is genuine.

1 RESPONSE: Admitted.

2

3 REQUEST FOR ADMISSION NO. 344

4 344. Admit the document numbered CPR 002197 produced by Opposer sets forth a statement
5 about Opposer made by Opposer.

6 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
7 identified.

8

9 REQUEST FOR ADMISSION NO. 345

10 345. Admit the document numbered CPR 002197 produced by Opposer sets for a statement
11 about Opposer, and that statement is true.

12 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
13 identified.

14

15 REQUEST FOR ADMISSION NO. 346

16 346. Admit the document numbered CPR 002197 produced by Opposer sets for a statement
17 about Opposer, and that statement is at least in part false.

18 RESPONSE: Opposer objects to this request as vague since the statement is not specifically
19 identified.

20

21 REQUEST FOR ADMISSION NO. 347

22 347. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer with
23 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
24 and Things, which documents are attached hereto, are genuine.

25 RESPONSE: Admitted.

26

27 REQUEST FOR ADMISSION NO. 348

28 348. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
describes Opposer's business in a general way.

1 RESPONSE: Opposer admits that the documents describe some aspects of Opposer's business in
2 a general way.

3
4 REQUEST FOR ADMISSION NO. 349

5 349. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
6 describes Opposer's entire business in a general way.

7 RESPONSE: Denied.

8
9 REQUEST FOR ADMISSION NO. 350

10 350. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
11 describes in a general way the industries served by Opposer.

12 RESPONSE: Denied.

13
14 REQUEST FOR ADMISSION NO. 351

15 351. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
16 describes in a general way the industries to which Opposer markets its services.

17 RESPONSE: Denied.

18
19 REQUEST FOR ADMISSION NO. 352

20 352. Admit the documents numbered CPR 002270 - CPR 002296 produced by Opposer
21 describes in a general way the industries to which Opposer presents its Opposer's Marks
22 when Opposer markets its services.

23 RESPONSE: Denied.

24
25 REQUEST FOR ADMISSION NO. 353

26 353. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer with
27 Opposer's Responses to Applicants Second Set of Requests for Production of Documents
28 and Things, which documents are attached hereto, are genuine.

RESPONSE: Admitted.

1 REQUEST FOR ADMISSION NO. 354

2 354. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
3 describes Opposer's business in a general way.

4 RESPONSE: Opposer admits that the documents describe some aspects of Opposer's business in
5 a general way.

6
7 REQUEST FOR ADMISSION NO. 355

8 355. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
9 describes some of the things Opposer does as it conducts its business.

10 RESPONSE: Admitted.

11

12 REQUEST FOR ADMISSION NO. 356

13 356. Admit the documents numbered CPR 002593 - CPR 002601 produced by Opposer
14 describes Opposer's some of the things Opposer does for its clients.

15 RESPONSE: Admitted.

16

17 REQUEST FOR ADMISSION NO. 357

18 357. Admit Opposer provides no services to clients which operate in the field of manufacture
19 and sale of railroad boxcars.

20 RESPONSE: Opposer objects to this request as irrelevant.

21

22 REQUEST FOR ADMISSION NO. 358

23 358. Admit Opposer provides no services to clients which operate in the field of manufacture
24 and sale of bicycles.

25 RESPONSE: Opposer objects to this request as irrelevant.

26

27 REQUEST FOR ADMISSION NO. 359

28 359. Admit Opposer provides no services to clients which operate in the field of manufacture
and sale of basketballs.

1 RESPONSE: Opposer objects to this request as irrelevant.

2

3 REQUEST FOR ADMISSION NO. 360

4 360. Admit Opposer provides no services to clients which operate in the field of manufacture
5 and sale of oil products.

6 RESPONSE: Opposer objects to this request as irrelevant.

7

8 REQUEST FOR ADMISSION NO. 361

9 361. Admit Opposer provides no services to clients which operate in the field of utilities and
10 utility hook-ups.

11 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
12 provide are not at issue.

13

14 REQUEST FOR ADMISSION NO. 362

15 362. Admit Opposer provides no services to clients which operate in the field of comparative
16 marketing and advertising services.

17 RESPONSE: Opposer objects to this request as vague as the meaning of the phrase "operate in
18 the field of comparative marketing and advertising services" is unclear. Opposer objects to this
19 request as irrelevant as the goods and services it does not provide are not at issue.

20

21 REQUEST FOR ADMISSION NO. 363

22 363. Admit Opposer provides no audio recordings featuring music.

23 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
24 provide are not at issue.

25

26 REQUEST FOR ADMISSION NO. 364

27 364. Admit Opposer provides no prerecorded music on CD, DVD and other media.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

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REQUEST FOR ADMISSION NO. 365

365. Admit Opposer provides no business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental.

RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not provide are not at issue.

REQUEST FOR ADMISSION NO. 366

366. Admit Opposer provides no comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services.

RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not provide are not at issue.

REQUEST FOR ADMISSION NO. 367

367. Admit Opposer provides no operation of telephone call centers for others.

RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not provide are not at issue.

REQUEST FOR ADMISSION NO. 368

368. Admit Opposer provides no marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers.

RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not provide are not at issue.

REQUEST FOR ADMISSION NO. 369

1 369. Admit Opposer provides no online directory information service featuring information
2 regarding, and in the nature of, classifieds.

3 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
4 provide are not at issue.

5
6 REQUEST FOR ADMISSION NO. 370

7 370. Admit Opposer provides no advertising and information distribution services, namely,
8 providing classified advertising space via the global computer network.

9 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
10 provide are not at issue.

11
12 REQUEST FOR ADMISSION NO. 371

13 371. Admit Opposer provides no promoting the goods and services of others over the Internet.

14 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
15 provide are not at issue.

16
17 REQUEST FOR ADMISSION NO. 372

18 372. Admit Opposer provides no online computer databases and on-line searchable databases
19 featuring classified listings and want ads.

20 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
21 provide are not at issue.

22
23 REQUEST FOR ADMISSION NO. 373

24 373. Admit Opposer provides no online business networking services.

25 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
26 provide are not at issue.

27
28 REQUEST FOR ADMISSION NO. 374

374. Admit Opposer provides no telephone directory information via global communications

1 networks.

2 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
3 provide are not at issue.

4

5 REQUEST FOR ADMISSION NO. 375

6 375. Admit Opposer provides no online interactive website obtaining users comments
7 concerning business organizations, service providers, and other resources.

8 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
9 provide are not at issue.

10

11 REQUEST FOR ADMISSION NO. 376

12 376. Admit Opposer provides no information, namely, compilations, rankings, ratings,
13 reviews, referrals and recommendations relating to business organizations, service
14 providers, and other resources using a global computer network.

15 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
16 provide are not at issue.

17

18 REQUEST FOR ADMISSION NO. 377

19 377. Admit Opposer provides no telephone directory information via global communications
20 networks.

21 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
22 provide are not at issue.

23

24 REQUEST FOR ADMISSION NO. 378

25 378. Admit Opposer provides no arranging for others the initiation and termination of
26 telecommunication services and utility services in the nature of water, gas and electricity
27 and consultation rendered in connection therewith.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

1

2 REQUEST FOR ADMISSION NO. 379

3 379. Admit Opposer provides no online chat rooms for registered users for transmission of
4 messages concerning classifieds, virtual community and social networking.

5 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
6 provide are not at issue.

7

8 REQUEST FOR ADMISSION NO. 380

9 380. Admit Opposer provides no on-line chat rooms and electronic bulletin boards for
10 transmission of messages among users in the field of general interest.

11 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
12 provide are not at issue.

13

14 REQUEST FOR ADMISSION NO. 381

15 381. Admit Opposer provides no email and instant messaging services.

16 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
17 provide are not at issue.

18

19 REQUEST FOR ADMISSION NO. 382

20 382. Admit Opposer provides no computer services, namely, creating an on-line community
21 for registered users to participate in discussions, get feedback from their peers, form
22 virtual communities, and engage in social networking.

23 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
24 provide are not at issue.

25

26 REQUEST FOR ADMISSION NO. 383

27 383. Admit Opposer provides no computer software development.

28 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
provide are not at issue.

1 REQUEST FOR ADMISSION NO. 384

2 384. Admit Opposer provides no application service provider (ASP) services featuring
3 software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or
4 otherwise providing electronic media or information over the Internet or other
5 communications network.

6 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
7 provide are not at issue.

8
9 REQUEST FOR ADMISSION NO. 385

10 385. Admit Opposer provides no temporary use of non-downloadable software applications for
11 classifieds, virtual community, social networking, photo sharing, video sharing, and
12 transmission of photographic images.

13 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
14 provide are not at issue.

15
16 REQUEST FOR ADMISSION NO. 386

17 386. Admit Opposer provides no computer services, namely, hosting online web facilities for
18 others for organizing and conducting online meetings, gatherings, and interactive
19 discussions.

20 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
21 provide are not at issue.

22
23 REQUEST FOR ADMISSION NO. 387

24 387. Admit Opposer provides no computer services in the nature of customized web pages
25 featuring user-defined information, personal profiles and information.

26 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
27 provide are not at issue.

28
REQUEST FOR ADMISSION NO. 388

1 388. Admit Opposer provides no on-line social networking services; internet based dating,
2 introduction and social networking services.

3 RESPONSE: Opposer objects to this request as irrelevant as the goods and services it does not
4 provide are not at issue.

5
6 REQUEST FOR ADMISSION NO. 389

7 389. Admit Applicant's Mark is not confusingly similar to Opposer's Marks.

8 RESPONSE: Denied.

9
10 REQUEST FOR ADMISSION NO. 390

11 390. Admit services provided to businesses may be unrelated to services provided to
12 Consumers.

13 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
14 answered.

15
16 REQUEST FOR ADMISSION NO. 391

17 391. Admit services provided to businesses may be unrelated to services provided to
18 Consumers, even when provided under the same mark.

19 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
20 answered.

21
22 REQUEST FOR ADMISSION NO. 392

23 392. Admit marks used to provide services to businesses may not be confusingly similar to
24 marks used to provide services to Consumers, if the services so provided to businesses
25 are unrelated to the services so provided to Consumers.

26 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
27 answered.

28
REQUEST FOR ADMISSION NO. 393

1 393. Admit a mark used to provide services to businesses may be identical to a mark used to
2 provide services to Consumers if the services so provided to businesses are unrelated to
3 the services so provided to Consumers.

4 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
5 answered.

6
7 REQUEST FOR ADMISSION NO. 394

8 394. Admit Opposer's Mark CONNECTPR, when used to provide services to businesses, may
9 be confusingly similar to Applicant's Mark CONNECT, when used to provide services to
10 Consumers if the services so provided to businesses are unrelated to the services so
11 provided to Consumers.

12 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
13 answered.

14
15 REQUEST FOR ADMISSION NO. 395

16 395. Admit the word "connect," as a commonly used English word, describes an ingredient,
17 quality, characteristic, function, feature, purpose, or use of many of Applicant's identified
18 services.

19 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
20 answered.

21
22 REQUEST FOR ADMISSION NO. 396

23 396. Admit businesses which supply services to Consumers present their marks to Consumers
24 to make sales.

25 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
26 answered.

27
28 REQUEST FOR ADMISSION NO. 397

397. Admit businesses which supply services to businesses present their marks to such

1 businesses to make sales.

2 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
3 answered.

4
5 REQUEST FOR ADMISSION NO. 398

6 398. Admit businesses and Consumers may be separate markets.

7 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
8 answered.

9
10 REQUEST FOR ADMISSION NO. 399

11 399. Admit a mark used by a businesses which supplies services only to other businesses may
12 not be presented to the same market as a mark used by a business which supplies services
13 only to Consumers.

14 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
15 answered.

16
17 REQUEST FOR ADMISSION NO. 400

18 400. Admit a mark used by a businesses which presents its mark only to other businesses may
19 not be confusingly similar to a mark used by a business which supplies services only to
20 Consumers.

21 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
22 answered.

23
24 REQUEST FOR ADMISSION NO. 401

25 401. Admit Opposer supplies its services only to other businesses.

26 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
27 answered.

28
REQUEST FOR ADMISSION NO. 402

1 402. Admit Opposer provides some services to Consumers.

2 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
3 answered.

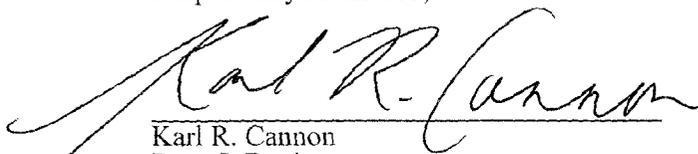
4
5 REQUEST FOR ADMISSION NO. 403

6 403. Admit Opposer's Marks are generic.

7 RESPONSE: Opposer objects to this request to the extent that it has been previously asked and
8 answered.

9
10 DATED this 5 day of December, 2011.

11
12 Respectfully submitted,

13 
14

15 Karl R. Cannon
Brett J. Davis

16 **CLAYTON, HOWARTH & CANNON, P.C.**
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18 Sandy, Utah 84091-1909
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20 Connect Public Relations, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF REQUESTS FOR ADMISSIONS** to be served, via first class mail, postage prepaid, on this 5 day of December, 2011, to:

Thomas W. Cook, Esq.
Thomas Cook Intellectual Property Attorneys
3030 Bridgeway, Suite 425-430
Sausalito, California 94965-2810

