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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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Date	04/26/2016
Attachments	2016 04 26 - Submission of Interrogatories - CONNECT.pdf(420740 bytes)

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

Opposition No. 91196299 (Parent))	
)	
CONNECT PUBLIC RELATIONS, INC.)	
Opposer,)	
)	
v.)	
)	
DIGITALMOJO, INC., Applicant)	
)	
)	APPLICANT’S/PETITIONER’S
)	SUBMISSION IN RESPONSE
)	TO REQUEST FROM BOARD
)	
Cancellation No. 92054395)	
Cancellation No. 92054427)	
)	
DIGITALMOJO, INC.,)	
Petitioner,)	
)	
v.)	
)	
CONNECT PUBLIC RELATIONS, INC.)	
Respondent.)	

DigitalMojo, Inc., Applicant and Petitioner in these consolidated cases (“DigitalMojo”) submits the following documents at the Board's request in advance of the parties' April 28, 2016, conference before the Board:

1. Petitioner’s Interrogatories, Set One - DigitalMojo notes this set of interrogatories was served in the co-pending, and consolidated, case number 92054395 (CONNECTPR), and

the same set of questions were served in the co-pending, and consolidated, case number 91196299 (CONNECT PUBLIC RELATIONS).

2. Applicants Interrogatories, Set Two - DigitalMojo notes Interlocutory Attorney Geoffrey McNutt has requested Petitioner's Interrogatories, Sets One and Two, however in a recent computer migration, Petitioner's Interrogatories, Sets Two, are not immediately available. As counsel for Respondent points out, Petitioner's Interrogatories, Sets Two, contain the same interrogatories as the submitted Applicants Interrogatories, Set Two. Again this set of interrogatories was served in the co-pending, and consolidated, case number 92054395 (CONNECTPR), and the same set of questions were served in the co-pending, and consolidated, case number 91196299 (CONNECT PUBLIC RELATIONS).

Date: April 26, 2016



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CERTIFICATE OF ELECTRONIC FILING AND EMAIL DELIVERY

I hereby certify that this document is today being submitted via electronic filing utilizing the ESTTA system, and a copy of this document to Karl Cannon, counsel for Opposer and Respondent, on:

Date: April 26, 2016



Thomas W. Cook

- 1 4. “Respondent” means Connect Public Relations, Inc., Respondent in this
2 cancellation proceeding.
- 3 5. “Respondent’s Marks” means the words “CONNECT PUBLIC RELATIONS”
4 and “CONNECTPR” as these words appear in registrations numbered 2362916,
5 2373504, 2373505, 2383778, 2365074, 2366850, 2383777, and 2713692.
- 6 6. The singular number and masculine gender used herein also means the plural,
7 feminine or neuter as may be appropriate.
- 8 7. These interrogatories call for all information (including information contained in
9 writing) which is best known or reasonably available to you, including all
10 information in possession of your attorneys or investigators or representatives, or
11 others acting on your behalf or under your direction or control.
- 12 8. Unless specified to the contrary, in answering these interrogatories, you are to
13 provide all information, data, and facts known or reasonably available to you
14 through the date you file your response hereto. When an exact date called for by
15 an interrogatory is not known to you, give the most accurate, approximate date of
16 the event or item described, indicating that it is approximate.
- 17 9. When you are asked to “Identify” a person (including a juridical person) or a
18 “user,” state, for each such person:
19 a. The full name of the person,
20 b. All positions and titles (if any), together with relevant dates held by said
21 persons, and
22 c. The present business address of such persons, or the person’s residential
23 address if the business address is unknown.
24
25
26
27
28

1 c. The name of the adverse party with whom Respondent was dealing.

2 d. The date and nature of the demand.

3 **INTERROGATORIES**

4 INTERROGATORY NO. 1

5
6 1. Describe how Respondent selected and adopted Respondent's Marks for its business
7 activities.

8 INTERROGATORY NO. 2

9
10 2. Identify the person who made the decision to adopt Respondent's Marks for
11 Respondent's business.

12 INTERROGATORY NO. 3

13 3. State whether Respondent conducted a trademark search prior to adopting Respondent's
14 Marks for its business activities, and whether Respondent has conducted a trademark
15 search since such adoption.

16 INTERROGATORY NO. 4

17
18 4. State the number of records appearing in Respondent's trademark searches, if any, which
19 refer to trademarks or service marks which contain the word "connect."

20 INTERROGATORY NO. 5

21
22 5. Identify the persons or firms which have conducted trademark searches, if any, for
23 Respondent.

24 INTERROGATORY NO. 6

25 6. Identify the service Respondent provides to its customers which are most closely related
26 to the International Class 35 services found in Petitioner's registration number 2366850
27 for the mark CONNECTPR, namely:
28

1 *marketing and market research and consulting services; public and media relations*
2 *services and sales promotion services.*

3 INTERROGATORY NO. 7

4
5 7. Describe how Respondent identifies individuals or businesses as being within
6 Respondent's market for the services Respondent has identified in Interrogatory No. 6.

7 INTERROGATORY NO. 8

8 8. State how Respondent describes the market comprising those individuals or businesses
9 who have used Respondent's services that Respondent has identified in Interrogatory No.
10 6.

11
12 INTERROGATORY NO. 9

13 9. Describe each means or method used by Respondent, by which Respondent informs its
14 customers or potential customers that Respondent can supply the services Respondent has
15 identified in Interrogatory No. 6.

16
17 INTERROGATORY NO. 10

18 10. Describe how customers or potential customers became or may become aware of
19 Respondent's ability to supply the services Respondent has identified in Interrogatory No.
20 6.

21
22 INTERROGATORY NO. 11

23 11. State how Respondent's services identified in Interrogatory No. 6 is promoted, marketed,
24 and advertised under Respondent's Marks.

25 INTERROGATORY NO. 12

26 12. Identify all judicial proceedings, arbitrations, meditations, and oppositions about trade or
27 service marks in which Respondent has been involved.
28

1 INTERROGATORY NO. 13

2 13. Identify all licenses to use Respondent's Marks.

3 INTERROGATORY NO. 14

4 14. Identify each person who has contributed to the responses to these PETITIONER'S
5 INTERROGATORIES, SET ONE, and contributed to responses to PETITIONER'S
6 REQUEST FOR REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS,
7 SET ONE served herewith, and contributed to responses to Petitioner'S REQUEST FOR
8 ADMISSIONS, SET ONE served herewith, and state to which responses each such
9 person contributed.
10
11

12 INTERROGATORY NO. 15

13 15. Identify the persons Respondent expects to call as expert witnesses or as fact witnesses in
14 this proceeding, and identify the subject matter about which each such witness is
15 expected to testify.
16

17 INTERROGATORY NO. 16

18 16. Identify each exchange in which Respondent has made any demand or request on any
19 other entity, which entity is or was using the word "connect," or a mark which contains
20 that word, to identify the source of its services, the date of such demands or requests, the
21 entities upon which such demands or requests were made, and the results of such
22 exchanges.
23

24 INTERROGATORY NO. 17

25 17. State the amount of Respondent's advertising expenditures relating to Respondent's
26 Marks for each of the individual years 1996 through 2009.
27

28 ///

1 INTERROGATORY NO. 18

2 18. Identify all documents and physical exhibits which Respondent expects to introduce into
3 evidence in this proceeding.
4

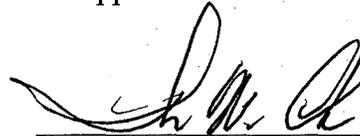
5 INTERROGATORY NO. 19

6 19. Identify all documents and physical exhibits which Respondent expects to introduce into
7 evidence in this proceeding presently in Respondent's possession or control.
8

9 INTERROGATORY NO. 20

10 20. Describe the method by which Respondent intends to provide documents in response to
11 Petitioner's Requests for Documents and Things in this opposition.
12

13 Date: February 10, 2012



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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.)

Opposition No. 91196299

7
8 Opposer,

9 v.

10 DIGITALMOJO, INC., a California corporation)

11 Applicant.)
12

13 **APPLICANT'S INTERROGATORIES, SET TWO**

14 Propounding Party: Applicant, Digitalmojo, Inc.

15 Responding Party: Opposer, Connect Public Relations, Inc.

16 Set Number: Two

17 Pursuant to Fed. R. Civ. P. 33 and 37 C.F.R. §2.120(d), propounding party Applicant
18 requests Opposer answer and verify each of the following written interrogatories separately and
19 under oath within thirty (30) days hereof. TBMP §407.

20 **DEFINITIONS**

- 21 1. "Applicant" means Digitalmojo, Inc., Applicant in this opposition proceeding.
22 2. "Applicant's Mark" means the word "CONNECT" as this word appears in
23 Application Serial No. 77714693.
24 3. "Application" means the application for registration filed by Applicant at the
25 United States Patent and Trademark Office, serial number 77714693, for the mark
26 CONNECT.
27 4. "Opposer" means Connect Public Relations, Inc., Opposer in this opposition
28 proceeding.

- 1 5. “Opposer’s Marks” means the words “CONNECT PUBLIC RELATIONS” and
2 “CONNECTPR” as these words appear in registrations numbered 2362916,
3 2373504, 2373505, 2383778, 2365074, 2366850, 2383777, and 2713692.
4 6. The singular number and masculine gender used herein also means the plural,
5 feminine or neuter as may be appropriate.
6 7. These interrogatories call for all information (including information contained in
7 writing) which is best known or reasonably available to you, including all
8 information in possession of your attorneys or investigators or representatives, or
9 others acting on your behalf or under your direction or control.
10 8. Unless specified to the contrary, in answering these interrogatories, you are to
11 provide all information, data, and facts known or reasonably available to you
12 through the date you file your response hereto. When an exact date called for by
13 an interrogatory is not known to you, give the most accurate, approximate date of
14 the event or item described, indicating that it is approximate.
15 9. When you are asked to “Identify” a person (including a juridical person) or a
16 “user,” state, for each such person:
17 a. The full name of the person,
18 b. All positions and titles (if any), together with relevant dates held by said
19 persons, and
20 c. The present business address of such persons, or the person’s residential
21 address if the business address is unknown.
22 10. When you are asked to “Identify” a judicial proceeding, arbitration, mediation, or
23 opposition, state, for each such proceeding:
24 a. The full name of the adverse party in such judicial proceeding, arbitration,
25 mediation, or opposition,
26 b. The full name of the action in such judicial proceeding, arbitration,
27 mediation, or opposition.
28

1 c. The full name of the court, arbitration panel, mediation panel, or other
2 deciding body, and

3 d. The date of filing such judicial proceeding, arbitration, mediation, or
4 opposition.

5 11. When you are asked to "Identify" a contract, including any contract which
6 comprises a license to use Opposer's Marks, state, for each such contract:

7 a. The full names of the parties to such contract,

8 b. The execution date of such contract,

9 c. The character of such contract, including what the contract is or was meant
10 to accomplish.

11 d. Which of Opposer's Marks have been licensed, if any.

12 12. When you are asked to "Identify" an infringement, state, for each such
13 infringement:

14 a. Whether Opposer has made a demand on any other entity based on a claim
15 of infringement of one of Opposer's Marks.

16 b. Whether another entity has made a demand on Opposer, or its licensee if
17 any, based on a claim of infringement by one of Opposer's Marks.

18 c. The name of the adverse party with whom Opposer was dealing.

19 d. The date and nature of the demand.
20

21 INTERROGATORIES

22 INTERROGATORY NO. 1

23 1. State the earliest date on which Opposer will rely in this proceeding to establish any
24 rights in Opposer's Marks vis-a-vis Applicant, and state in detail the basis for Opposer's
25 claim of rights in Opposer's Marks as of that date.

26 INTERROGATORY NO. 2

27 2. Identify each product and/or service with which Opposer's Marks has been used, and with
28 respect to each such product and/or service identify:

- 1 (a) the period of time during which Opposer's Marks have been used with said
2 product and/or service (i.e., the date of Opposer's first sale of the product bearing
3 Opposer's Marks to the date of Opposer's last sale);
- 4 (b) if the use was by a person other than Opposer, identify that person, and state in
5 detail the basis upon which Opposer claims such use inures, or will inure, to its
6 benefit;
- 7 (c) the sales, on an annual basis, in terms of dollar volume and units, of such product
8 and/or service from the date of first use of Opposer's Marks in connection with
9 such product and/or service, through the present;
- 10 (d) each price charged and/or to be charged by and/or paid to Opposer for such
11 products and/or service; and
- 12 (e) each state in which such product and/or service has been sold under or in
13 connection with Opposer's Marks.

14 INTERROGATORY NO. 3

- 15 3. Identify each survey, search or other investigation conducted and/or obtained with respect
16 to any of Opposer's Marks, Applicant's Mark, or the term "connect" as used as a
17 trademark or part of a trademark.

18 INTERROGATORY NO. 4

- 19 4. State the annual volume of advertising under and/or in connection with Opposer's Marks
20 in connection with the goods and services set forth in Opposer's registrations for each
21 year since such advertising commenced.

22 INTERROGATORY NO. 5

- 23 5. Identify each medium in which Opposer's Marks have been or is intended to be used.

24 INTERROGATORY NO. 6

- 25 6. Identify all promotional activities undertaken by Opposer in which the mark CONNECT,
26 or any variation thereof, has been used in connection with the goods and services set forth
27 in Opposer's registrations for each year since such promotion commenced.

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1 INTERROGATORY NO. 7

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

5 INTERROGATORY NO. 8

6 8. Provide a general description of the type of customers to whom Opposer does or intends
7 to advertise, promote, and/or sell Opposer's products and/or services in connection with
8 Opposer's Marks.

9 INTERROGATORY NO. 9

10 9. Identify each assignment, license, consent, grant, or transfer of rights which concerns,
11 refers or relates to Opposer's Marks and/or any rights in connection with such marks.

12 INTERROGATORY NO. 10

13 10. Identify each person who participated in the selection, creation, and/or decision to adopt
14 and/or to use Opposer's Marks.

15 INTERROGATORY NO. 11

16 11. Identify all persons responsible, or who will be responsible, for advertising Opposer's
17 Marks, and/or the goods/services sold or are intended to be sold under Opposer's Marks.

18 INTERROGATORY NO. 12

19 12. Identify the circumstances under which (including, but not limited to, the date) Opposer
20 first became aware of Applicant, and Applicant's Mark.

21 INTERROGATORY NO. 13

22 13. Prior to the institution of the instant proceeding, did Opposer ever consider Applicant
23 and/or Applicant's Mark with respect to and/or in connection with Opposer's Marks
24 and/or the products sold or to be sold under Opposer's Marks or otherwise in connection
25 with Opposer's business? If the response to this interrogatory is other than an
26 unqualified negative, state the date of such consideration, the action considered, and
27 identify each person involved in, and communication related to, such consideration.

28 ///

1 INTERROGATORY NO. 14

2 14. State how Opposer may be aware of any instance of confusion or mistake regarding it and
3 Applicant, their respective goods, services, or businesses, and/or Applicant's Mark and
4 Opposer's Marks.

5 INTERROGATORY NO. 15

6 15. Identify each and every trademark or service mark of which Opposer is aware and which
7 Opposer contends is relevant to any of the claims and/or defenses in this proceeding,
8 including for each such mark, the dates of usage(s) of such mark, the goods/services sold
9 in connection with the mark, the identity of the party so using the mark, where (name and
10 address) these goods/services can be found in the marketplace, the identity of each
11 individual having knowledge of such use, and whether that knowledge is personal
12 knowledge or information and belief.

13 INTERROGATORY NO. 16

14 16. Identify each objection, complaint, lawsuit, opposition, cancellation and other *inter partes*
15 proceeding involving and/or with respect to, and/or in which Opposer asserted any rights
16 in, Opposer's Marks.

17 INTERROGATORY NO. 17

18 17. State in detail each fact and all information (including, but not limited to, each witness
19 with personal knowledge of same) which evidences or supports Opposer's claims in the
20 Notice of Opposition.

21 INTERROGATORY NO. 18

22 18. Identify each person who furnished any information on which any part of an answer to
23 these interrogatories is based, indicating the parts based on information so furnished by
24 such person, and whether such information is within the personal knowledge of such
25 person, and if not within such personal knowledge, identify the source of the information
26 so furnished.

27 ///

28 ///

1 INTERROGATORY NO. 19

2 19. Identify each expert witness who has been consulted and/or who may be called by
3 Opposer to testify in this proceeding.

4 INTERROGATORY NO. 20

5 20. Identify each person whom Opposer has consulted with respect to the Notice of
6 Opposition herein and/or with respect to the possibility of testifying herein, and for each,
7 summarize the information such person has regarding the Opposer's claims and/or this
8 Opposition.

9 INTERROGATORY NO. 21

10 21. Identify each product or service Opposer intends to provide under Opposer's Marks in the
11 future, which products or services Opposer does not presently provide.

12 INTERROGATORY NO. 22

13 22. Identify each product or service Opposer intends to provide under the mark CONNECT
14 in the future, which products or services Opposer does not presently provide under such
15 mark.

16
17 Date: February 24, 2011


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Attorney for Applicant
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Telephone: 415-339-8550

1
2
3 **PROOF OF SERVICE**

4 I hereby declare:

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

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

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

10 **APPLICANT'S INTERROGATORIES, SET TWO**

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

13 Clayton, Howarth & Cannon, P.C.
14 P. O. Box 1909
15 Sandy UT 84091-1909

16 Attention: Karl R. Cannon

17 I declare under penalty of perjury that the foregoing is true and correct. Executed at
18 Sausalito, California.

19 February 24, 2011

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Kay Horne