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Filing date: **04/27/2016**

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

| | |
|------------------------|--|
| Proceeding | 91196299 |
| Party | Plaintiff Connect Public Relations, Inc. |
| Correspondence Address | KARL R CANNON CLAYTON HOWARTH & CANNON PC PO BOX 1909 SANDY, UT 84091 1909 UNITED STATES kcannon@chcpat.com, ttetzl@chcpat.com, docketclerk@chcpat.com, bdavis@chcpat.com |
| Submission | Response to Board Order/Inquiry |
| Filer's Name | Karl R. Cannon |
| Filer's e-mail | docketclerk@chcpat.com, kcannon@chcpat.com |
| Signature | /Karl R. Cannon/ |
| Date | 04/27/2016 |
| Attachments | Submission of Interrogatories.pdf(758849 bytes) |

1. Petitioner's Interrogatories, Set Two - Connect notes that this set of interrogatories was served by Applicant and Petitioner, DigitalMojo, Inc. ("DigitalMojo"), on Connect in the co-pending, and consolidated, proceeding having case number 91196299.

2. Applicants Interrogatories, Set Two - Connect notes that this set of interrogatories was served by DigitalMojo on Connect in the original, pre-consolidated, opposition proceeding having case number 91196299.

Respectfully submitted this 27th day of April, 2016.

/Karl R. Cannon/

Karl R. Cannon

CLAYTON, HOWARTH & CANNON, P.C.

Attorney for Opposer

Connect Public Relations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing

**APPLICANT'S/PETITIONER'S SUBMISSION IN RESPONSE TO REQUEST FROM
BOARD** to be served, via first class mail, postage prepaid, on this 27th day of April, 2016 to:

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

/Karl R. Cannon/

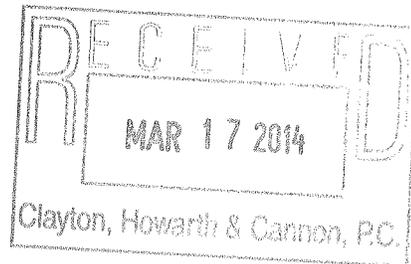
1 Thomas W. Cook, Reg. No. 38,849
2 3030 Bridgeway, Suite 425-430
3 Sausalito, California 94965
4 Telephone: 415-339-8550
5 Email: tom@thomascooklaw.com
6 Attorney for DigitalMojo, Inc.

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

8 Opposition No. 91196299 (Parent))
9)
10 CONNECT PUBLIC RELATIONS, INC.)
11 Opposer,)
12)
13 v.)
14 DIGITALMOJO, INC., Applicant)
15)
16 Cancellation No. 92054395)
17 Cancellation No. 92054427)
18)
19 DIGITALMOJO, INC.,)
20 Petitioner,)
21)
22 v.)
23)
24 CONNECT PUBLIC RELATIONS, INC.)
25 Respondent.)

PETITIONER'S
INTERROGATORIES, SET TWO



PETITIONER'S INTERROGATORIES, SET TWO

Propounding Party: Petitioner, Digitalmojo, Inc.
Responding Party: Respondent, Connect Public Relations, Inc.
Set Number: One

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

1 **DEFINITIONS**

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

1 residential address if the business address is unknown.

2 10. When you are asked to "Identify" a judicial proceeding, arbitration, mediation, or
3 opposition, state, for each such proceeding:

4 a. The full name of the adverse party in such judicial proceeding, arbitration,
5 mediation, or opposition,

6 b. The full name of the action in such judicial proceeding, arbitration,
7 mediation, or opposition.

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

10 d. The date of filing such judicial proceeding, arbitration, mediation, or
11 opposition.

12 11. When you are asked to "Identify" a contract or "exchange, including any contract
13 or exchange which comprises a license to use Respondent's Marks, state, for each
14 such contract or exchange:

15 a. The full names of the parties to such contract or exchange,

16 b. The execution date of such contract or exchange,

17 c. The character of such contract or exchange, including what the contract or
18 exchange is or was meant to accomplish.

19 d. Which of Respondent's Marks have been licensed, if any.

20 12. When you are asked to "Identify" a promotional activity or "Medium," state, for
21 each such activity or Medium:

22 a. A name of or for the promotional activity or Medium.

23 b. The circulation of such promotional activity or Medium.

24 c. The businesses of the persons or entities which are intended to be reached
25 by such promotional activity or Medium.

26 d. Whether such promotional activity or Medium is directed to businesses, or
27 non-businesses.
28

1 **INTERROGATORIES**

2
3 INTERROGATORY NO. 50

4 50. State which services, among those Opposer discusses in the documents numbered CPR
5 000388 - CPR 000393 produced by Opposer with Opposer's Responses to Applicant's
6 Second Set of Requests for Production of Documents and Things, Opposer offers to
7 Consumers.

8 INTERROGATORY NO. 51

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

10 INTERROGATORY NO. 52

11 52. State which of Opposer's goods or services it offers or supplies to consumers.

12 INTERROGATORY NO. 53

13 53. State which services Opposer intends to offer or supply under the mark CONNECT
14 MARKETING other than those identified in its pending application for registration of
15 CONNECT MARKETING, serial number 85061227.

16 INTERROGATORY NO. 54

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

20 INTERROGATORY NO. 55

21 55. State which services Opposer has ever offered or supplied under the mark CONNECT
22 PUBLIC RELATIONS, other than those identified in its pending application for
23 registration of CONNECT MARKETING, serial number 85061227.

24 INTERROGATORY NO. 56

25 56. State whether Opposer works for its clients on a project basis, after submitting to them
26 fixed-cost bids, and whether Opposer uses such a process with clients never, seldom,
27 usually, or always.

28 ///

1 INTERROGATORY NO. 57

2 57. State what industries Opposer refers to, when it uses the phrase “this specific market-
3 place,” as that phrase is used in the document numbered CPR 000643 produced by
4 Opposer.

5 INTERROGATORY NO. 58

6 58. Identify each of Opposer’s clients, and state describe each such client’s industry.

7 INTERROGATORY NO. 59

8 59. Describe how Opposer services it clients, as “the largest connectivity-specific PR firm in
9 the world,” which Opposer claims in the document numbered CPR 000643 produced by
10 Opposer.

11 INTERROGATORY NO. 60

12 60. Describe how Opposer serves “this specific market-place,” as that phrase is used in the
13 document numbered CPR 000643 produced by Opposer.

14 INTERROGATORY NO. 61

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

17 INTERROGATORY NO. 62

18 62. State how Opposer’s services are different from those identified in its pending application
19 for registration of CONNECT MARKETING, serial number 85061227.

20 INTERROGATORY NO. 63

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

24 INTERROGATORY NO. 64

25 64. State how Opposer’s services are different from the business of “public relations”
26 services, rendered to others.

27 INTERROGATORY NO. 65

28 65. List Opposer’s clients which are not “connectivity” clients.

1 INTERROGATORY NO. 66

2 66. List Opposer's clients which are not "technology" clients.

3 INTERROGATORY NO. 67

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

7 INTERROGATORY NO. 68

8 68. State the annual volume of advertising under and/or in connection with Opposer's Marks
9 in connection with the goods and services set forth in Opposer's registrations for each
10 year since such advertising commenced.

11 INTERROGATORY NO. 69

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

13 INTERROGATORY NO. 70

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

17 INTERROGATORY NO. 71

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

21 INTERROGATORY NO. 72

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

25
26 Date: March 13, 2014



Thomas W. Cook, Reg. No. 38,849
Attorney for Petitioner

1 **PROOF OF SERVICE**

2 I hereby declare:

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

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

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

9 **PETITIONER'S INTERROGATORIES, SET TWO**

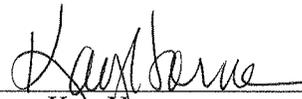
10 by placing it in a sealed envelope and depositing it in the United States mail, first class postage
11 fully prepaid, addressed to the following:
12

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

20
21 March 13, 2014



Kay Horne

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.

28 ///

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


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