

ESTTA Tracking number: **ESTTA511977**

Filing date: **12/19/2012**

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

Proceeding	91198552
Party	Plaintiff Raising Cane's USA, L.L.C.
Correspondence Address	S LLOYD SMITH BUCHANAN INGERSOLL & ROONEY PC PO BOX 1404 ALEXANDRIA, VA 22314 UNITED STATES lloyd.smith@bipc.com
Submission	Opposition/Response to Motion
Filer's Name	Holly B. Lance
Filer's e-mail	holly.lance@bipc.com, lloyd.smith@bipc.com, florence.goodman@bipc.com
Signature	/s/ / Holly B. Lance /
Date	12/19/2012
Attachments	Registrant's Response to Petitioner's Motion to Compel - final.pdf (19 pages) (1941884 bytes) Registrant's Response to Petitioner's Motion to Compel Exhibits.pdf (70 pages) (21788837 bytes)

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

<p><i>In re Matter of Serial No. 77/549,263 for the mark: ONE LOVE</i></p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC, LIMITED.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91198552</p> <p>OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S OPPOSITION TO APPLICANT/PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS; MOTION TO TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION AND MOTION TO RESET ALL PENDING DEADLINES</p>
<p><i>In re Matter of Registration No. 3,033,511 for the mark: ONE LOVE</i></p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. 92053461</p>

I. INTRODUCTION

Petitioner/Applicant Fifty-Six Hope Road Music Limited's ("Petitioner") Motion to Compel Responses Interrogatories and Requests for Production of Documents, Motion to Test the Sufficiency of Responses to Requests for Admission, and Motion to Reset all Pending Deadlines (collectively, the "Motion to Compel") must be denied because the information it

seeks concerns marks, goods and services not at issue in this case and irrelevant to its outcome, Registrant/Opposer Raising Cane's USA, LLC's ("Registrant") has already provided all information in its possession responsive to Petitioner's discovery requests, and an additional delay of the proceedings will only result in the waste of time and unnecessary resources by both parties.

Notably, the only registered trademark involved in the combined proceeding is Registrant's U.S. Registration No. 3,033,511 – ONE LOVE for "restaurant services." However, many of Petitioner's disputed discovery requests far exceed the narrow scope of Petitioner's rights at issue. For example, Petitioner has propounded numerous requests concerning Bob Marley's song titles and albums other than the song title "One Love", such as "Burnin'" or "Three Little Birds," without any explanation as to how they are relevant to the proceeding. Petitioner has further mischaracterized Registrant's use of its mark ONE LOVE on collateral items such as t-shirts, which is not a separate business and is intended to promote Registrant's restaurant services.

Despite having raised relevance objections to Petitioner's Interrogatories and Document Requests, Registrant is not withholding any information on this basis. For instance, Registrant has produced numerous documents and photographs demonstrating its usage of ONE LOVE on apparel and accessories. Similarly, although Petitioner's disputed Requests for Admission are excessive and irrelevant, Registrant has nevertheless attempted to answer them in good faith. The requests at issue concern matters beyond the knowledge of Registrant, and Petitioner's chief complaint is that it is unsatisfied with the wording of Registrant's "lack of knowledge" certification.

Petitioner's request to reset all pending deadlines must also be denied. Petitioner has

engaged in a consistent pattern of delay during discovery in this case. Petitioner waited nearly two months from the parties' final meet and confer on Petitioner's discovery complaints to file this Motion to Compel. Petitioner should not be rewarded for its delay tactics with a further delay of the proceeding. In addition, no good cause for a stay of discovery exists, as Petitioner has already received all of the information it claims to seek from Registrant through this Motion to Compel.

II. Petitioner's Untimely Motion to Compel Does Not Warrant Further Delay in This Proceeding

Petitioner has repeatedly delayed discovery, and its request to reset all pending deadlines is merely another unwarranted attempt to postpone the resolution of this proceeding. Petitioner's Motion to Compel was filed nearly five months after this round of discovery started. The *entire* discovery period, as set by the Board's July 6, 2012 order, was scheduled to last for approximately six months. Registrant has already agreed to a stipulated 60-day extension of all discovery deadlines, which extended the discovery close date to January 26, 2013. To this end, the only reason the parties are still in discovery is because of Petitioner's failure to meet its deadlines and its threats of further delays if Registrant did not consent to its extension requests. Registrant has granted numerous discovery extensions to Petitioner during the course of discovery, and remains willing to do so for good cause. However, resetting the deadlines at this stage of the proceeding is not warranted.

A. Registrant Has Accommodated Petitioner's Numerous Delays In Responding to Discovery and Requests for Extensions

Registrant has accommodated Petitioner's numerous requests for extensions of its discovery deadlines, which Petitioner claimed it required for reasons such as a paralegal's

medical testing, an attorney's jury duty, and Petitioner's counsel's obligations to other client.

Notable examples include the following:

- On August 13, 2012, Petitioner's counsel insisted that the parties engage in a rolling production of documents, or threatened that it would file a motion to extend the deadlines in the proceeding. On August 14, 2012, Registrant's counsel noted that it would agree to this schedule, but requested a date certain for the end of the production. When Registrant's counsel again inquired about a deadline for production, Petitioner's counsel merely responded that "our paralegal who is coordinating it has been out for some medical testing, which has delayed us somewhat" without providing any anticipated end date. Despite Registrant's follow-up e-mails on September 21, September 27, and October 25, Registrant still has not received any indication from Petitioner of when it intends to complete its document production. *See Registrant's Exhibit 1.*
- On September 28, 2012, Registrant sent Petitioner a letter regarding deficiencies in Petitioner's discovery responses, and requested a response by October 5, 2012. Notably, this is the same amount of time Petitioner allotted Registrant to respond to its letter concerning alleged deficiencies in Registrant's discovery responses. *See Petitioner's Exhibit G.* On October 1, 2012, Petitioner's counsel requested an extension of its deadline to October 8, 2012, to which Registrant's counsel readily consented. On the new due date, Petitioner's counsel stated that it would send its response the following day, without providing any explanation for its deferral. The second extended deadline came and went, without any response or communication from Petitioner's counsel. Only after two further communications from Registrant's counsel inquiring into the status of Petitioner's response did Registrant receive a reply, several hours after the close of business on October 10. Petitioner never provided any explanation for its five-day delay. *See Registrant's Exhibit 2.*
- Petitioner's responses to Registrant's First Set of Requests for Admissions were due October 23, 2012. The day before the responses were due, Petitioner asked for a 10-day extension. In the same correspondence, Petitioner claimed that it needed a 90-day extension of all deadlines because of its involvement in a federal court proceeding, and because Petitioner's counsel was occupied with a trial for another client. Despite its concerns regarding delays, Registrant reluctantly agreed to Petitioner's request for an extension until November 2, 2012. When the November 2, 2012 deadline arrived, Petitioner's counsel noted that Petitioner was engaged in settlement discussions for an unrelated matter, and requested an additional extension until November 6, 2012. Again, in an effort of cooperation, Registrant consented to Petitioner's request. *See Registrant's Exhibit 3.*

Registrant understands that circumstances do not always allow a party to comply with all deadlines all the time, but Petitioner's inability to comply with deadlines, or even its own extensions thereof, is prejudicial to the timely adjudication of this dispute.

B. Petitioner Has Delayed Providing Its Deposition Witnesses Despite Registrant's Numerous Requests

As explained fully in Registrant's Motion to Compel, filed December 17, 2012, Petitioner has avoided providing its witnesses for deposition for over two months, and has failed to suggest an alternative date for depositions. Registrant served its Notice of Deposition for Michael Conley, one of the individuals included in Petitioner's Initial Disclosures, as well as a Notice of Deposition Pursuant to Rule 30(b)(6), on October 4 and October 10, 2012¹, respectively. *See* Registrant's Exhibit 4. The noticed deposition dates were October 24 and 25, 2012. *Id.* On October 11, Petitioner's counsel claimed that the depositions could not be held "for a variety of reasons – including the fact that Jill [Pietrini, one of Petitioner's attorneys] is scheduled for jury duty from October 16 to October 29 (and has already been excused from service once)." *Id.* Despite Registrant's multiple requests on October 23, November 12, November 19, November 26, and December 7 for proposed alternative depositions dates (and even the scheduling of Registrant's depositions), Petitioner's counsel has not provided any indication of when its client's witnesses will be available. *Id.* On December 9, Petitioner's counsel asserted that it would "do [its] best" to provide proposed dates by December 14, 2012, but "[o]f course, this may be mooted by our motion to compel and the Board's likely suspension of the matter." *Id.* This latter assertion boldly contradicted the applicable rules. *See* TBMP § 523.01. Nevertheless, Petitioner has let its own December 14, 2012 deadline pass with no communication to Registrant regarding the delay. Petitioner's dilatory behavior is entirely unreasonable.

¹ Petitioner's counsel's law firm maintains two offices in Los Angeles. Registrant's Notice of Deposition for Michael Conley was sent by first-class mail on October 4, 2012 to the improper Los Angeles address. Petitioner's counsel claimed that it had not received the Notice of Deposition, and Registrant's counsel sent a version by e-mail on October 10, 2012. The Notice of Deposition Pursuant to Rule 30(b)(6) was served October 10, 2012.

C. Petitioner Substantially Delayed Filing this Motion

It is undisputed that the parties' last correspondence concerning the issues raised in Petitioner's motion is dated October 18, 2012. *See* Petitioner's Exhibit M. In the seven weeks between the parties' discussion of the discovery issues raised in the motion and the motion's filing, the parties amicably exchanged further discovery with no noted opposition from either side and scheduled Registrant's depositions. Registrant accommodated Petitioner's delays in responding to its discovery requests, and agreed to a 60-day extension of all deadlines, as discussed in more detail below. There was no warning from Petitioner that it planned to file this motion, and Registrant never received any indication from Petitioner that there were unresolved discovery issues requiring the Board's intervention. In these circumstances, Petitioner's deferral of its Motion to Compel for nearly two months cannot be considered a "reasonable time after the failure to respond to a request for discovery." TBMP § 523.03 It is clear that Petitioner's true motivations lie in taking advantage of the Board's common practice of staying discovery when a motion to compel is filed. Petitioner should not be allowed to "game" the discovery schedule and grant itself a unilateral extension due to its unreasonable delay, and the Board should refuse to grant Petitioner's request for an extension of discovery deadlines.

D. Registrant Has Already Agreed to a 60-Day Extension of Discovery Despite its Concerns About Discovery Delays and Petitioner's Refusal to Hold a Teleconference with the Board to Discuss these Concerns

In correspondence regarding Petitioner's delay in providing alternative dates for depositions, Petitioner's counsel claimed that for an unstated "variety of reasons," including one of Petitioner's attorney's two-week jury duty obligation, Petitioner would "need to extend all deadlines in this matter – most pertinently, the October 28 expert disclosure deadline – by 60 days." *See* Registrant's Exhibit 5. During the time period that Registrant's counsel was discussing this proposed extension with its client, Petitioner's counsel announced that it would

instead need a 90-day extension because “We are representing Fifty-Six Hope Road in a federal court litigation, and the judge in that matter issued an order last week setting the discovery deadline for mid-November and a November 30 deadline for dispositive motions. Also, as pertains to a federal court matter for a separate client, the judge recently set a trial date for December.” *Id.*

Before agreeing to the extension, Registrant attempted to set up a teleconference between the parties with the Interlocutory Attorney to discuss its concerns regarding delays in the proceeding. When Registrant inquired about Petitioner’s availability, Petitioner’s counsel noted that it did not “see exactly how a phone call to the interlocutory attorney is appropriate under these circumstances or will be effective in mitigating delay. It is our position that any concern about delay should be raised by the parties if and when such circumstances arise.” *Id.* The next day, Petitioner’s counsel threatened that if Registrant did not accept Petitioner’s request for an additional 90-day extension of time then it “will be forced to make a motion...which, of course, may result in further delay of this action.” *Id.* In the interest of cooperativeness, Registrant agreed to a 60-day extension. *Id.*

In summary, Petitioner has already received numerous accommodation and extensions, and no further stay is required. These delays have caused undue harm to Registrant, as it has resulted in wasted time and resources in addressing Petitioner’s excuses and neglect. Petitioner’s Motion to Compel is being filed years into the proceeding and after discovery is already substantially complete. The parties have exchanged multiple rounds of written discovery, and depositions have been or are in the process of being scheduled. Additional time is simply not necessary, and Petitioner’s procrastination and abusive delay tactics do not merit an additional extension of time.

E. Petitioner Has Not Demonstrated Good Cause for a Stay and Deadlines for this Proceeding Should Not be Reset

Petitioner provides no support for its requests for a stay and extension of the deadlines for this proceeding. As noted by the Federal Circuit, a court's discretion to grant stay orders "requires the courts to 'weigh competing interests and maintain an even balance.'" *Cherokee Nation of Oklahoma v. U.S.*, 124 F.3d 1413, 1416 (Fed. Cir. 1997) (quoting *Landis v. North American Co.*, 299 U.S. 248, 255 (U.S. 1936)). Further, "the moving party bears the burden of showing good cause and reasonableness." *Holsapple v. Strong Industries, Inc.*, 2012 WL 3946792 at *1 (M.D. Fla. 2012) (citations omitted). Petitioner has not shown any cause for its request to extend this proceeding. Registrant has already consented to Petitioner's request for a 60-day extension of the discovery deadline, and Petitioner has not disclosed any reason why it cannot complete its discovery within this time period. Accordingly, it would be against the interests of justice to grant Petitioner's requests for further postponement of the proceeding.

III. Petitioner's Motion to Compel Further Discovery Must be Denied

While the parties appear to be in disagreement over numerous requests, the vast majority of the parties' disputes can be resolved by making three different determinations:

- (a) Petitioner cannot unilaterally determine that Registrant's use of the mark ONE LOVE on collateral goods is not intended to promote Registrant's core restaurant services.
- (b) Registrant is not required to respond to Requests for Admission concerning documents and third parties that are not within Registrant's control.
- (c) Bob Marley's song titles and albums, other than the song title "One Love," are not relevant to this proceeding.

A. Registrant's Registered ONE LOVE Mark Covers "Restaurant Services," and use of the Mark on Promotional Goods is Not Trademark Use

The common inquiry in Petitioner's First Set of Interrogatories Nos. 1, 3-5 and 11 and Petitioner's First Set of Requests for Production of Documents and Things ("RFPs") Nos. 1, 3, 6, 11-16, 19-20, 27-29, and 41-42, is a request to disclose information or documents relating to all of "Registrant's Goods and Services."

However, Registrant's registration and use of its ONE LOVE mark has always been focused on restaurant services. Its use of the mark on collateral goods such as t-shirts or visors worn primarily by employees but also available to customers is intended to promote Registrant's restaurant services. Registrant has repeatedly asserted that its use of the ONE LOVE mark is incidental to Registrant's restaurant services. *See* Petitioner's Exhibit J, Registrant's Responses to Petitioner's Second Set of Requests for Admission Nos. 90-117.

Petitioner improperly claims that Registrant is withholding relevant information and documents relating to its use of the ONE LOVE mark that Registrant must be compelled to produce. To the contrary, Registrant has always been open about its distribution and sale of promotional goods to consumers, such as koozies, t-shirts, and visors. Further, Registrant has already provided all relevant information and documentation concerning the sale of these items. Oddly, several of Petitioner's inquiries are not even directed to goods offered to the general public, but focus solely on the apparel of Registrant's restaurant employees. *See id.* Request for Admission Nos. 91, 93, 100, 102; TBMP 904.04(b) (nothing that display of trademarks on company uniforms constitutes advertising material).

In order to preserve the record and maintain consistency in its responses, Registrant was necessarily required to state its objection to each of Petitioner's inquiries relating to "each of Registrant's Goods and Services" or forever waive its objections. Registrant's responses to these

interrogatories and requests all include the same objection: “Registrant objects to this interrogatory/request as not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks discovery beyond the goods and services listed in Registrant’s Registration.” Registrant’s objections are well founded based on TBMP § 414(11), which states that “A party need not provide discovery with respect to those of its mark and goods and/or services that are not involved in the proceeding and have no relevance thereto.”

Nevertheless, Registrant has been clear, in its responses to Petitioner’s First Set of Interrogatories and RFPs and in correspondence between counsel, that it is not withholding any information or documents that may be relevant to Petitioner’s requests. *See, e.g.* Petitioner’s Exhibit H (“Raising Cane’s is also not required to provide information regarding its use of the ONE LOVE mark on goods and services beyond those reflected in the ONE LOVE registration....*Nevertheless, we expect that Raising Cane’s document production will provide the information you seek regarding the scope of Raising Cane’s use of the ONE LOVE mark*”) (emphasis added).

Accordingly, Petitioner has nothing substantive to gain by compelling Registrant to supplement Interrogatories Nos. 1, 3-5, and 11, and produce additional documents responsive to Document Requests Nos. 1, 3, 6, 11-16, 19-20, 27-29, and 41-42 because this portion of the motion is moot. There are no additional substantive answers to provide or responsive documents to disclose, and even if there were, Registrant’s relevancy objections are valid.

B. Bob Marley’s Song and Album Titles, Other than “One Love,” are Not Relevant to This Dispute

Petitioner’s Requests for Admission Nos. 67-83 and Interrogatory No. 9 concern Registrant’s knowledge of Bob Marley’s music and the registration of trademarks for his song and album titles. While the scope of discovery is broad, these inquiries are irrelevant to the

current dispute. Petitioner bears the burden of establishing their relevance and has failed to do so. See *Board of Regents of the University of Nebraska v. BASF Corporation*, 2007 WL 4395573 at *1 (D. Nev. Nov. 5, 2007)(“...in the first instance, the requesting party has the burden of showing relevance”); *Moss v. Blue Cross and Blue Shield of Kansas, Inc.*, 241 F.R.D. 683, 688 (D. Kan. 2007)(“When relevancy is not readily apparent, however, the party seeking discovery has the burden of showing the relevancy of the discovery request”).

Requests for Admission Nos. 67-72 request that Registrant admit to the name of Bob Marley’s songs and the titles of his band’s albums. In response to Raising Cane’s relevancy objections, Petitioner claims these requests show “Fifty-Six Hope Road’s rights in Bob Marley’s identity and persona, ownership of Bob Marley’s right of publicity, and use of Bob Marley’s song titles as trademarks [,which] are relevant to its standing to pursue a false suggestion of a connection claim against RC [Registrant] and its practice of making trademark use of Bob Marley’s famous song titles, among other things.” See Petitioner’s Exhibit G. This explanation does not meet Petitioner’s burden of establishing relevance. Petitioner has failed to demonstrate how a request for an admission addressing, for example, whether or not “Bob Marley and the Wailers released an album named *Catch a Fire*” (Request for Admission No. 68) or “[a] song entitled ‘Roots, Rock, Reggae’ was included on Bob Marley & the Wailers’ album named *Rastaman Vibration*” (Request for Admission No. 71) could possibly demonstrate Petitioner’s rights or its use of Bob Marley’s song titles as trademarks. Moreover, whether or not “Bob Marley wrote a song entitled ‘Nice Time’” (Request for Admission No. 72) is wholly irrelevant to a likelihood of confusion issue between Registrant’s ONE LOVE mark and Petitioner’s alleged rights in ONE LOVE, priority of the marks, or even a false suggestion of a connection between Registrant’s ONE LOVE and Bob Marley.

Petitioner's Requests for Admission Nos. 73-83 concern registrations and applications for four different Bob Marley song titles ("Nice Time," "Burnin,'" "Roots Rock Reggae," and "Three Little Birds") and an album name ("Catch a Fire"). Petitioner claims that it "will establish by such practice ["of using certain of Bob Marley's famous album and song titles...as trademark and indicators of source"], the public has come to associate trademark uses of Bob Marley's song titles with Fifty-Six Hope, its predecessors, and Bob Marley." Four song titles, when Bob Marley apparently recorded over 140 different songs, is hardly sufficient to show a "practice" of registering Bob Marley's song titles. Regardless, Petitioner's registrations and applications for other Bob Marley song titles are not for restaurant services, or any related services. In essence, Petitioner is claiming that because it owns an intent-to-use application for THREE LITTLE BIRDS for school supplies, consumers are likely to believe that Registrant's Mark for ONE LOVE for restaurant services originates from Petitioner. *See* Request for Admission No. 78: "Fifty-Six Hope Road is the owner of Application No. 77/754,918 for THREE LITTLE BIRDS." If there is any logic to this argument, this causal relationship is so extreme as to justify almost any discovery from Registrant. It is far too tenuous to support Petitioner's discovery demands. Finally, the CATCH A FIRE applications and registrations, referenced in Requests for Admission Nos. 79-83, are not even in the name of Petitioner.

Interrogatory No. 9 asks Registrant about its awareness or knowledge of Petitioner's use of ONE LOVE as well as the marks BOB MARLEY, BOB MARLEY AND THE WAILERS, MARLEY RESORT & SPA, MARLEY, HOUSE OF MARLEY, MARLEY COFFEE, CATCH A FIRE, ROOTS ROCK REGGAE, THREE LITTLE BIRDS, NICE TIME, and BURNIN,' and Petitioner's registrations or applications for these marks at the time Registrant selected and/or adopted or filed an application to register Registrant's ONE LOVE Mark, and to provide detail

about what it knew of these marks. Registrant response directly addresses its knowledge of Petitioner's use of "One Love" – "Registrant was generally aware of Bob Marley and his song 'One Love/People Get Ready.'" Registrant was not aware of any claim to trademark rights in the song title 'One Love/People Get Ready.'" However, Registrant objected, and maintains its objection, that this interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Petitioner has not established how Petitioner's MARLEY RESORT & SPA, for example, has any bearing on the elements needed to prove a likelihood of confusion between Registrant's ONE LOVE registration and Petitioner's alleged ONE LOVE mark, or to establish a false suggestion of a connection between the ONE LOVE registration and Bob Marley. Finally, Petitioner has never objected to Registrant's response to this Interrogatory until this Motion to Compel was filed, and the parties have never met and conferred about this interrogatory. *See* Petitioner's Exhibit G.

In view of the above, the Board should hold that Petitioner's marks other than its alleged ONE LOVE mark are not relevant to this dispute, and Petitioner's Motion to Compel with respect to Petitioner's Requests for Admission Nos. 67-83 and Interrogatory No. 9 should be denied.

C. Registrant is not Required to Conduct an Unreasonable Investigation to Respond to Petitioner's Requests for Admission

Petitioner's Requests for Admission Nos. 1, 5, 6, 11-20, 40-42 and 141-142 concern Bob Marley's fame, songs and albums. Registrant is in the restaurant services business, not the music industry. Not surprisingly, Registrant had almost no knowledge of Bob Marley prior to this dispute, and is certainly not familiar with details about his career, the release date of his albums or the names of the songs on those albums. Petitioner's disputed requests depend on such knowledge. *See* Registrant's Motion at pp. 10-11; *e.g.* RFA No. 5: "The Song 'One Love/People

Get Ready’ appeared on Bob Marley & the Wailer’s album entitled *Exodus*”; RFA No. 12: “*Legend* was released prior to Registrant’s selection of Registrant’s Mark”; RFA No. 42: “Bob Marley was popularly known as an activist.” Registrant, a chain of chicken fingers restaurants, has no documents in its possession relating to Bob Marley or his music, and it is not Registrant’s responsibility to conduct third party research to respond to Petitioner’s requests.

As a District Court has recently held: “Requests are ‘limited to persons and documents within the responding party’s control’ as determined by reasonable inquiry, which ‘does not require the responding party to interview or subpoena records from independent third parties in order to admit or deny a request for admission.’” *Haggarty v. Wells Fargo Bank, N.A.*, 2012 WL 4113341, at *4 (N.D. Cal. 2012) (quoting *AmeriPride Services, Inc. v. Valley Indus. Services, Inc.*, 2011 WL 1321873, at *2 (E.D. Cal. 2011)). This is consistent with the Advisory Committee notes for Federal Rule of Civil Procedure 36 which explain that “The revised rule requires only that the answering party make reasonable inquiry and secure such knowledge and information as are *readily obtainable* by him.” Fed.R.Civ.P. 36 advisory committee note, amend. (1970). Accordingly, several other courts have explicitly acknowledged that a reasonable request for admission “is limited to inquiry of documents and persons readily available and within the responding party’s control.” *JZ Buckingham Investments LLC v. United States*, 77 Fed.Cl. 37, 47 (Fed. Cl 2007). *Hanley v. Como Inn, Inc.*, 2003 WL 1989607, at *2 (N.D. Ill. April 28, 2003) (determining that it would not be reasonable to make defendant respond to inquiries regarding documents produced by plaintiffs); *T. Rowe Price Small-Cap Fund, Inc. v. Oppenheimer & Co., Inc.*, 174 F.R.D. 38, 43 (S.D.N.Y. 1997) (“Generally, a ‘reasonable inquiry’ is limited to review and inquiry of those persons and documents that are within the responding party’s control”).

Petitioner also claims that Registrant’s denials based on a lack of knowledge are facially

deficient because Registrant did not specifically assert for each answer that it had conducted a reasonable inquiry. This complaint elevates form over substance, as it has no practical effect on the substantive responses to any of these requests. Moreover, by signing the responses, Registrant's counsel has already attested to the accuracy of the responses, including that reasonable inquiry has been made for all the factual contentions denied based on lack of information. Fed.R.Civ.P. 11. Nevertheless, Registrant is submitting as Exhibit 6 Supplemental Responses to Petitioner's Requests for Admission to include this language for every disputed response.

D. Petitioner's Remaining Claims

Petitioner's remaining claims not addressed above concern Petitioner's First Set of RFP Nos. 40, 45, 58-60, and 63. These requests are addressed in turn below.

- (a) RFP No. 40: All business plans of Registrant and its related entities for Registrant's Mark or Registrant's Goods and Services.

Registrant has supplemented this response to indicate that any documents that may be responsive to this request have already been produced. *See* Registrant's Exhibit 7.

- (b) RFP No. 45: All communications to or from Registrant relating to Fifty-Six Hope Road's ONE LOVE mark, the Bob Marley Marks [BOB MARLEY, BOB MARLEY AND THE WAILERS, MARLEY RESORT & SPA, MARLEY, HOUSE OF MARLEY, and MARLEY COFFEE], the Marley Song Marks [CATCH A FIRE, ROOTS ROCK REGGAE, THREE LITTLE BIRDS, NICE TIME, and BURNIN], Bob Marley, Bob Marley's family, or Bob Marley's song "One Love."

Registrant objected to this request to the extent that it seeks attorney-client privileged documents, and is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Registrant specifically noted in its response that it "will produce documents directly related to Registrant's Mark in response to this request pursuant to Fed.R.Civ.P. 34 to the extent they exist." As discussed above, Petitioner's other marks are not

relevant for this dispute. Regardless, Registrant has not located any non-privileged documents responsive to this request.

- (c) RFP No. 58: All documents relating to traffic, including the number of visitors and number of “hits” to any website operated or owned by Registrant, that displayed or featured or currently displays or features Registrant’s Mark or Registrant’s Goods and Services.

As acknowledged by Petitioner in its Brief in Support of its Motions, Registrant has provided representative samples from its website showing its online use of the ONE LOVE mark and the promotion of its goods and services. Petitioner’s claim that it needs to know traffic information for its websites to evaluate and assess “the market reach and impact of Registrant’s website” does not establish that this information is discoverable pursuant to Federal Rule 26. Registrant is not in the business of providing online services – it is a restaurant chain. Consumers cannot order online, make reservations online, or enjoy Registrant’s chicken fingers through its computer. Registrant’s website is informational, and Registrant primarily interacts with its consumers at its restaurants. Information on traffic and “hits” to its website, particularly without any context, has no bearing on the “fame of Registrant’s ONE LOVE mark,” nor has Registrant relied on its “fame” in this lawsuit. Registrant primarily advertises its restaurant services through radio, television and print ads. Registrant has already provided Petitioner numerous documents regarding the promotion of its services, including web pages, hundreds of advertisements and invoices from advertising agencies.

- (d) RFP No. 59: All historic and current web pages for any website operated or owned by Registrant that discuss this dispute or this proceeding.

RFP No. 60: All documents relating to traffic, including the number of visitors and number of “hits” to any website operated or owned by Registrant that discusses this dispute or this proceeding.

Registrant maintains its objections to these requests on the basis of relevancy. These

requests are not directed to any particular information relevant to a claim of likelihood of confusion, priority, or a false suggestion of a connection. Nevertheless, Registrant is supplementing its response to indicate that no such documents exist. *See* Registrant's Exhibit 7.

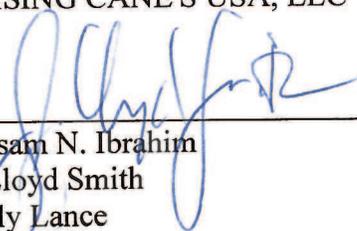
- (e) RFP No. 63: All artwork or other designs or stylizations used or intended to be used with Registrant's Mark for any goods or services

This request is almost an exact duplicate of Petitioner's RFP No. 19: "All artwork or other designs or stylizations used or to be used with Registrant's Mark or with the term 'One Love' for any goods and/or services." Accordingly, its objection to this request is the same, namely, that "[a] party need not provide discovery with respect to those of its mark and goods and/or services that are not involved in the proceeding and have no relevance thereto." TBMP § 414(11). As Registrant has already provided all responsive documents for RFP No. 19, it has necessarily also provided responsive documents to this narrower request as well.

IV. CONCLUSION

For the above stated reasons, Petitioner's motion to compel should be denied and the deadlines should not be reset in this proceeding.

RAISING CANE'S USA, LLC

By 

Bassam N. Ibrahim

S. Lloyd Smith

Holly Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

(703) 836-6620

Attorneys for Opposer/Registrant

Dated: December 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S OPPOSITION TO APPLICANT/PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS; MOTION TO TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION AND MOTION TO RESET ALL PENDING DEADLINES was served this 19th day of December, 2012 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPHERD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067



Connie Fuentes

Exhibit 1

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, August 14, 2012 10:58 AM
To: Goodman, Florence J.
Subject: FW: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, August 13, 2012 9:25 PM
To: Smith, S. Lloyd
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Lloyd:

The Board's Order of July 6, 2012 holds that Fifty-Six Hope Road has thirty days from the mailing date of the order to produce any discovery withheld pending entry of the amended protective order. The parties agreed to extend this deadline by ten days. It is taking us longer to compile and review documents for production than we anticipated. We are willing and able to begin a rolling a production of documents on August 16, 2012, and will work in good faith to get you the balance of documents in an efficient manner. If this is not acceptable, we will file a motion to extend the deadline set forth in the July 6, 2012 order.

Thanks.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Thursday, July 19, 2012 1:51 PM
To: Paul Bost
Cc: Jill Pietrini; Ibrahim, Bassam
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Paul –

We will agree to the 10 day extension but disagree that our due date is July 31, 2012. The Board's usual practice is to allow for the full 30 days to respond to discovery after suspension for summary judgment. That makes our due date August 6. Please confirm that with the ten day extension we are in agreement that both parties now have an August 16, 2012 deadline.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, July 18, 2012 4:52 PM
To: Smith, S. Lloyd

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, August 14, 2012 2:47 PM
To: Lance, Holly B.
Subject: FW: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

From: Smith, S. Lloyd
Sent: Tuesday, August 14, 2012 2:46 PM
To: 'Paul Bost'
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Paul –

We are agreeable to a rolling production provided that you can give us some assurances that production will not drag out indefinitely. When do you expect to finish your production?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, August 13, 2012 9:25 PM
To: Smith, S. Lloyd
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Lloyd:

The Board's Order of July 6, 2012 holds that Fifty-Six Hope Road has thirty days from the mailing date of the order to produce any discovery withheld pending entry of the amended protective order. The parties agreed to extend this deadline by ten days. It is taking us longer to compile and review documents for production than we anticipated. We are willing and able to begin a rolling a production of documents on August 16, 2012, and will work in good faith to get you the balance of documents in an efficient manner. If this is not acceptable, we will file a motion to extend the deadline set forth in the July 6, 2012 order.

Thanks.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Thursday, July 19, 2012 1:51 PM
To: Paul Bost
Cc: Jill Pietrini; Ibrahim, Bassam
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Thursday, August 16, 2012 11:04 AM
To: Goodman, Florence J.
Subject: FW: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, August 15, 2012 7:49 PM
To: Smith, S. Lloyd
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Thanks for the prompt reply, Lloyd.

I can assure you that production will not drag out indefinitely, as we trust yours won't either. I cannot give a firm date as to when our production will be concluded and would be hesitant to give both parties obligations under FRCP 26 to supplement their production if they determine that their prior production is deficient in any manner.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Tuesday, August 14, 2012 11:46 AM
To: Paul Bost
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Paul –

We are agreeable to a rolling production provided that you can give us some assurances that production will not drag out indefinitely. When do you expect to finish your production?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, August 13, 2012 9:25 PM
To: Smith, S. Lloyd
Cc: Jill Pietrini; Ibrahim, Bassam; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Ltd., 91198552 - Deadlines

Lloyd:

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Wednesday, September 19, 2012 9:34 PM
To: Smith, S. Lloyd; Lance, Holly B.
Cc: Beth Anderson; Monica Danner; Jill Pietrini
Subject: Raising Cane's v. 56 Hope Road - Follow-Up

Lloyd and Holly:

I'm working on getting more information as to when we will be completing our document production. Our paralegal who is coordinating it has been out for some medical testing, which has delayed us somewhat.

Will you provide me with Raising Cane's final position by Friday as to the open discovery issues we discussed on our call last week?

Thanks.

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, September 21, 2012 3:52 PM
To: Paul Bost; Lance, Holly B.
Cc: Beth Anderson; Monica Danner; Jill Pietrini; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Follow-Up
Attachments: ALX1_GENERAL-#2984518-v1-
Registrant_s_Supplemental_Response_to_Petitioner_s_Requests_for_Admissions.DOC

Paul-

We understand that your document production has been delayed, but we need a date certain by which we will have your documents. We need to finish our document review so that we can conduct depositions, and determine if we have any dispute over your discovery responses and meet and confer as necessary.

Supplemental Responses to your Requests for Admissions 7,36-42, and 56-58 are attached. Further to our discussion last week, we will not be supplementing any other RFA responses.

We will send you Supplemental responses to interrogatories Nos. 25,26,30-34, and 42 today or early next week.

Are you going to send us revised document requests for the disputed requests so we can determine whether there is still a dispute?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, September 19, 2012 9:34 PM
To: Smith, S. Lloyd; Lance, Holly B.
Cc: Beth Anderson; Monica Danner; Jill Pietrini
Subject: Raising Cane's v. 56 Hope Road - Follow-Up

Lloyd and Holly:

I'm working on getting more information as to when we will be completing our document production. Our paralegal who is coordinating it has been out for some medical testing, which has delayed us somewhat.

Will you provide me with Raising Cane's final position by Friday as to the open discovery issues we discussed on our call last week?

Thanks.

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Thursday, September 27, 2012 2:18 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Raising Cane's v. 56 Hope Road (1032733-000131)

Paul –

A few issues are address below:

1. When will we receive 56 Hope's remaining document production? We are concerned that discovery closes in 2 months and we will need time to address any discovery disputes and conduct depositions.
2. Please advise whether you have received any documents from Balzout in response to your subpoena and when we will receive them.
3. We expect to receive documents from Universal by the end of next week. We will forward them when we receive them.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Thursday, October 25, 2012 1:34 PM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

We are waiting for our client and will get back to you soon.

We received a production from Universal today with a cover letter that indicates they sent a copy to you. If not, please advise and we will send you a copy of the documents.

Please advise if you have received any response to your subpoena to Balzout as we have not seen anything.

Also, please advise if you are planning on producing any more documents from Fifty Six Hope responsive to our requests.

Regards,

Lloyd

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Wednesday, October 24, 2012 4:27 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Pursuant to my email below, please let us know if you will stipulate to the extension. We will be forced to make a motion if we do not hear from you, which, of course, may result in further delay of this action.

In other news, we have not received any documents from Universal yet but will follow up with you once we do.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Paul Bost
Sent: Tuesday, October 23, 2012 9:28 AM
To: 'Smith, S. Lloyd'
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Thursday, October 25, 2012 4:58 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Please let us know by 10 a.m. PDT tomorrow if your client will agree to the extension. Otherwise, we will need to file a motion. I remind you that this will be the first extension of deadlines sought in this matter, either unilaterally or by stipulation.

We received the Universal production but, to my knowledge, have not received the privileged documents. We will get you the privilege log once they come in.

We have not received any Balzout documents. When we do, we will forward them to you if you do not receive copies directly.

We are continuing our rolling production of documents.

Best,

Paul

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Thursday, October 25, 2012 10:34 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

We are waiting for our client and will get back to you soon.

We received a production from Universal today with a cover letter that indicates they sent a copy to you. If not, please advise and we will send you a copy of the documents.

Please advise if you have received any response to your subpoena to Balzout as we have not seen anything.

Also, please advise if you are planning on producing any more documents from Fifty Six Hope responsive to our requests.

Regards,

Exhibit 2

Lance, Holly B.

From: Jackson, Michelle
Sent: Friday, September 28, 2012 1:56 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Smith, S. Lloyd; Lance, Holly B.
Subject: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078
Attachments: [Untitled].pdf
ProfileOnSend: 1

At the request of Holly Lance, attached please find correspondence related to the above-identified matter.

Should you have difficulty in opening the attached, please do not hesitate to contact us.

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Holly Lance

Associate

703-838-6530 Holly's Direct

703-836-2021 fax

holly.lance@bipc.com

1737 King Street, Suite 500

Alexandria, VA 22314-2727

Sent by: Michelle A. Jackson on behalf of Holly Lance

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein. If you would like such advice, please contact us.

Above email is for intended recipient only and may be confidential and protected by attorney/client privilege.

If you are not the intended recipient, please advise the sender immediate

S. Lloyd Smith
703 838 6514
lloyd.smith@bipc.com

Holly B. Lance
703 838 6526
holly.lance@bipc.com

P.O. Box 1404
Alexandria, VA 22313-1404

1737 King Street, Suite 500
Alexandria, VA 22314-2727

T 703 836 6620
F 703 836 2021

www.buchananingersoll.com

September 28, 2012

VIA ELECTRONIC MAIL AND REGULAR MAIL

Paul A. Bost, Esq.
Sheppard, Mullin, Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

Re: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited
Our Reference: 1032733-000078

Dear Paul:

This letter concerns the deficiencies in Fifty-Six Hope Road Music Limited's ("Fifty-Six Hope") responses to Raising Cane's USA, LLC's ("Raising Cane's") First Set of Interrogatories. Further to our telephone call two weeks ago, we understand that Fifty-Six Hope is in the process of producing additional documents responsive to Raising Cane's First Set of Document Requests; accordingly, we do not address Fifty-Six Hope's deficiencies to Raising Cane's document requests in this correspondence. However, we reiterate that you must promptly inform us when you will producing these documents.

We request that Fifty-Six Hope address the following deficiencies prior to **October 5, 2012** in the hope that the parties can come to an amicable solution:

Interrogatory No. 1

Fifty-Six Hope has failed to provide a complete answer to this interrogatory. In its Amended Petition for Cancellation, Fifty-Six Hope claims that it uses the ONE LOVE mark on twenty-five unique goods and services. Fifty-Six Hope's response only addresses clothing, licensing services, musical sound recordings, and charitable services. Fifty-Six Hope must supplement its interrogatory response to identify all goods and services with which Fifty-Six Hope Road alleges use of the ONE LOVE mark.

Interrogatory No. 2

Fifty-Six Hope has failed to provide a complete answer to this interrogatory. Fifty-Six Hope's response directs Raising Cane's to the documents produced by Fifty-Six Hope in response to Raising Cane's First Set of Document Requests. However, Fifty-Six Hope has failed to provide any Bates ranges that identify the documents from which the interrogatory answer may be obtained. In accordance with Fed. R. Civ. P. 33(d)(1), Fifty-Six Hope must specify the records in sufficient detail so that Raising Cane's may locate and identify the responsive documents. In addition, Fifty-Six Hope's response indicates that it will supplement its response upon the Board's entry of protective order. The parties entered into a Stipulated Protective Order, effective August 19, 2011 and formally acknowledged and approved by the Board July 6, 2012. Fifty-Six Hope is required to produce any discovery which it has been withholding.

Interrogatory No. 3

Fifty-Six Hope responded to this interrogatory by directing Raising Cane's to the documents produced in response to Raising Cane's First Set of Document Requests. Again, Fifty-Six Hope has failed to provide any Bates ranges that identify the documents from which the interrogatory answer may be obtained. In accordance with Fed. R. Civ. P. 33(d)(1), Fifty-Six Hope must specify the records in sufficient detail so that Raising Cane's may locate and identify the responsive documents. Fifty-Six Hope also stated that it would supplement its response upon the Board's entry of protective order. As noted above, the parties entered into a Stipulated Protective Order, effective August 19, 2011 and formally acknowledged and approved by the Board July 6, 2012. Fifty-Six Hope must supplement its response to produce any documents that it has been withholding.

Interrogatory No. 4

Fifty-Six Hope has failed to identify at least one agreement that is specifically responsive to this interrogatory. As part of Fifty-Six Hope's Opposition to Raising Cane's Motion for Summary Judgment, Fifty-Six Hope specifically referred to a letter agreement between Universal City Development Partners and Fifty-Six Hope. As this agreement concerns Fifty-Six Hope's alleged use of the ONE LOVE mark for restaurant services, it is clearly a relevant document for this proceeding, and should be identified in Fifty-Six Hope's response to this interrogatory. In addition, for the agreements that Fifty-Six Hope chose to produce, it has failed to provide any Bates ranges that identify the documents from which the interrogatory answer may be obtained. In accordance with Fed. R. Civ. P. 33(d)(1), Fifty-Six Hope must specify the records in sufficient detail so that Raising Cane's may locate and identify the responsive documents.

Interrogatory No. 9

Fifty-Six Hope responds to this interrogatory by directing Raising Cane's to the documents produced in response to Raising Cane's First Set of Document Requests. However, Fifty-Six Hope has failed to provide any Bates ranges that identify the documents from which the interrogatory answer may be obtained. In accordance with Fed. R. Civ. P. 33(d)(1), Fifty-Six Hope must specify the records in sufficient detail so that Raising Cane's may locate and identify the responsive documents.

Interrogatory No. 10

Fifty-Six Hope has failed to provide a complete answer to this interrogatory. The interrogatory specifies that Fifty-Six Hope must "identify the person or persons who initially obtained this information [regarding Raising Cane's Mark]." Fifty-Six Hope did not provide this information, nor does it explain why this information would be confidential or privileged. Pursuant to Fed. R. Civ. P. 33(b)(4), objections may not be asserted generally, but must be asserted with specificity.

Interrogatory No. 12

Fifty-Six Hope responds to this interrogatory by merely listing a litany of objections. Pursuant to Fed. R. Civ. P. 33(b)(4), objections may not be asserted generally, but must be asserted with specificity. Fifty-Six Hope's knowledge of third-party use of the mark ONE LOVE or any other mark that Fifty-Six Hope contends is confusingly similar to Raising Cane's Mark is essential to this proceeding. This information indicates Fifty-Six Hope's understanding of the scope of protection for its alleged ONE LOVE mark, as well as the extent of Fifty-Six Hope's policing of its alleged mark to exclude others from use. *In re E.I. du Pont de Nemours & Co.*, 177 USPQ 563 (CCPA 1973) specifically lists "the number and nature of similar marks in use on similar goods" and "the extent to which applicant has a right to exclude others from use of its mark on the goods" as two of the factors a court should consider in a likelihood of confusion analysis. In addition, TBMP 414(9) explains that information concerning a party's awareness of third-party use of the same or similar marks is discoverable. Accordingly, Fifty-Six Hope must respond to this interrogatory.

Interrogatory No. 13

Fifty-Six Hope has failed to provide a complete answer to this interrogatory. The interrogatory specifies that Fifty-Six Hope must "state the outcome of [each legal] proceeding." While Fifty-Six Hope identified several legal proceedings it has been involved in, it failed to state the outcome of these proceedings. This information is discoverable pursuant to TBMP 414(10).

Interrogatory No. 15

Fifty-Six Hope objects to this interrogatory on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and oppressive, and privileged. Pursuant to Fed. R. Civ. P. 33(b)(4), objections may not be asserted generally, but must be asserted with specificity. Notably, Raising Cane's has already produced the results of studies and market research relating to its ONE LOVE Mark, and it is unclear why Fifty-Six Hope refuses to disclose the same. Please produce them or confirm that you will not.

Interrogatory No. 17

Fifty-Six Hope responds to this interrogatory by merely listing a litany of objections. By claiming a likelihood of confusion based on the similarity of the parties' goods and services, Fifty-Six Hope is essentially claiming that Raising Cane's is a competitor. How Fifty-Six Hope identifies its competitors is relevant to how Fifty-Six Hope perceives the scope of protection for its alleged ONE LOVE mark. It is Raising Cane's understanding that Fifty-Six Hope uses the ONE LOVE mark through several different businesses, e.g. Zion Rootswear and Bob Marley Coffee. Fifty-Six Hope must provide competitor information for each of its businesses.

Interrogatory No. 19

Fifty-Six Hope has failed to provide a complete answer to this interrogatory. In its Amended Petition for Cancellation, Fifty-Six Hope claims that it uses the ONE LOVE mark on twenty-five unique goods and services. Fifty-Six Hope's response only addresses clothing, charitable services, and musical sound recordings. Fifty-Six Hope must supplement its interrogatory response to identify all goods and services with which Fifty-Six Hope Road alleges use of the ONE LOVE mark.

Interrogatory No. 21

Fifty-Six Hope objects to this interrogatory on the grounds that it is privileged and premature of the expert disclosure deadline. Pursuant to Fed. R. Civ. P. 33(b)(4), Fifty-Six Hope's privilege objection may not be asserted generally, but must be asserted with specificity. In regard to the timing objection, Raising Cane's interrogatory is not asking for expert reports, but only whether Fifty-Six Hope intends to use experts, and if so, identifying information. As the petitioner, Fifty-Six Hope bears the burden of proof in the cancellation proceeding, and Raising Cane's will need sufficient time to arrange for a rebuttal expert report, if applicable.

Interrogatory No. 22

Fifty-Six Hope objects to this interrogatory on the grounds that it is privileged and premature of the expert disclosure deadline. Pursuant to Fed. R. Civ. P. 33(b)(4), Fifty-Six Hope's privilege objection may not be asserted generally, but must be asserted with specificity.

Paul A. Bost, Esq.
September 28, 2012
Page - 5 -

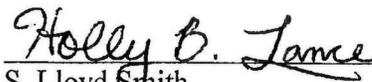
In addition, please explain the connection between this interrogatory and the expert disclosure deadline.

Interrogatory No. 25

Fifty-Six Hope merely reiterates its affirmative defenses in its response, rather than providing the factual basis for its claims. Fifty-Six Hope must set forth the grounds on which its defenses are based. As previously noted by Fifty-Six Hope, affirmative defenses are subject to Fed. R. Civ. P. 11(b). Fifty-Six Hope's failure to state facts supporting its affirmative defenses will be properly construed by Raising Cane's as a violation of Fed. R. Civ. P. 11(b), and a waiver of any such affirmative defense. Fifty-Six Hope must supplement its interrogatory response to state the factual basis for its seven affirmative defenses.

Please provide a specific response as to how you will address each these deficiencies no later than **October 5, 2012**. If we cannot resolve these issues by this date, Raising Cane's will have no choice but to file a motion to compel.

Regards,



S. Lloyd Smith

Holly B. Lance

BUCHANAN INGERSOLL & ROONEY PC

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021

Attorneys for Registrant/Opposer

SLS/HBL

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Monday, October 01, 2012 1:46 PM
To: Jackson, Michelle
Cc: Smith, S. Lloyd; Lance, Holly B.; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Hi, Lloyd and Holly:

Can we have until Monday, October 8 to respond to your letter? Thanks.

Paul Bost

Los Angeles | x12249
SheppardMullin

From: Jackson, Michelle [<mailto:michelle.jackson@bipc.com>]
Sent: Friday, September 28, 2012 10:56 AM
To: Paul Bost
Cc: Smith, S. Lloyd; Lance, Holly B.
Subject: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

At the request of Holly Lance, attached please find correspondence related to the above-identified matter. Should you have difficulty in opening the attached, please do not hesitate to contact us.

Buchanan Ingersoll & Rooney PC

Attorneys & Government Relations Professionals

Holly Lance

Associate
703-838-6530 Holly's Direct
703-836-2021 fax
holly.lance@bipc.com
1737 King Street, Suite 500
Alexandria, VA 22314-2727

Sent by: Michelle A. Jackson on behalf of Holly Lance

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein. If you would like such advice, please contact us. Above email is for intended recipient only and may be confidential and protected by attorney/client privilege. If you are not the intended recipient, please advise the sender immediately

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein. If you would like such advice, please contact us.

Above email is for intended recipient only and may be confidential and protected by attorney/client privilege.

If you are not the intended recipient, please advise the sender immediately.

Unauthorized use or distribution is prohibited and may be unlawful.

Lance, Holly B.

From: Lance, Holly B.
Sent: Tuesday, October 02, 2012 10:35 AM
To: Paul Bost; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Good morning Paul,

Monday, October 8 would be fine with us. We look forward to receiving your response.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 01, 2012 1:46 PM
To: Jackson, Michelle
Cc: Smith, S. Lloyd; Lance, Holly B.; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Hi, Lloyd and Holly:

Can we have until Monday, October 8 to respond to your letter? Thanks.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Jackson, Michelle [<mailto:michelle.jackson@bipc.com>]
Sent: Friday, September 28, 2012 10:56 AM
To: Paul Bost
Cc: Smith, S. Lloyd; Lance, Holly B.
Subject: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

At the request of Holly Lance, attached please find correspondence related to the above-identified matter. Should you have difficulty in opening the attached, please do not hesitate to contact us.

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Monday, October 08, 2012 1:08 PM
To: Lance, Holly B.; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Holly:

We'll have the letter to you by tomorrow. Sorry for the slight delay.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Lance, Holly B. [<mailto:holly.lance@bipc.com>]
Sent: Tuesday, October 02, 2012 7:35 AM
To: Paul Bost; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Good morning Paul,

Monday, October 8 would be fine with us. We look forward to receiving your response.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 01, 2012 1:46 PM
To: Jackson, Michelle
Cc: Smith, S. Lloyd; Lance, Holly B.; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Hi, Lloyd and Holly:

Can we have until Monday, October 8 to respond to your letter? Thanks.

Lance, Holly B.

From: Lance, Holly B.
Sent: Monday, October 08, 2012 3:17 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Beth Anderson; Jackson, Michelle
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Paul,

We are concerned that further delay in obtaining your overdue document production and complete responses to our written discovery requests will make it difficult to resolve discovery disputes and conduct depositions before the end of discovery. We look forward to receiving your letter as soon as possible.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 08, 2012 1:08 PM
To: Lance, Holly B.; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Holly:

We'll have the letter to you by tomorrow. Sorry for the slight delay.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Lance, Holly B. [<mailto:holly.lance@bipc.com>]
Sent: Tuesday, October 02, 2012 7:35 AM
To: Paul Bost; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Good morning Paul,

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Wednesday, October 10, 2012 9:45 AM
To: Lance, Holly B.; Paul Bost
Cc: Beth Anderson; Jackson, Michelle
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Paul –

We still have not received your response. We have been more than reasonable on extensions. Please advise us right away whether we will have a response from you today on these issues.

Regards,

Lloyd

From: Lance, Holly B.
Sent: Monday, October 08, 2012 3:17 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Beth Anderson; Jackson, Michelle
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Paul,

We are concerned that further delay in obtaining your overdue document production and complete responses to our written discovery requests will make it difficult to resolve discovery disputes and conduct depositions before the end of discovery. We look forward to receiving your letter as soon as possible.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 08, 2012 1:08 PM
To: Lance, Holly B.; Jackson, Michelle
Cc: Smith, S. Lloyd; Beth Anderson
Subject: RE: Raising Cane's USA, LLC v. Fifty-Six Hope Road Music Limited; Our Ref.: 1032733-000078

Holly:

We'll have the letter to you by tomorrow. Sorry for the slight delay.

Lance, Holly B.

From: Goodman, Florence J.
Sent: Wednesday, October 10, 2012 2:10 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Lance, Holly B.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing; Goodman, Florence J.
Subject: RE: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078
Attachments: RC's Responses to 56 Hope's First Set of Interrogatories.pdf.pdf; RC's Supplemental Responses to 56 Hope's First Set of Requests for Admis....pdf; RC's Second Set of Interrogatories.pdf.pdf

Paul,

Attached are documents sent to your Hope Street office.

Further, we wish to remind you that we have not yet received your reply to our letter of September 28, 2012 which was due to us yesterday after a one day extension was given. Please advise when we will receive your response.

Regards,

Florie Goodman

Florie Goodman
IP Legal Assistant to S. Lloyd Smith
Buchanan Ingersoll & Rooney P.C.
1737 King Street
Suite 500
Alexandria, VA 22314

Phone: (703)838-6575
Fax: (703)836-2021

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Wednesday, October 10, 2012 1:50 PM
To: Goodman, Florence J.
Cc: Smith, S. Lloyd; Lance, Holly B.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: RE: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Florence:

That is the incorrect address. Please send all correspondence to our office on the Avenue of the Stars, consistent with our contact information on file with the TTAB in this matter. That address is as follows:

1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Wednesday, October 10, 2012 9:43 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. Fifty-Six Hope Road
Attachments: Raising Cane's USA, LLC - Ltr. of 10.10.12 to S. Lloyd Smith, Esq. with enclosure.pdf

Lloyd:

Please see my attached correspondence.

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Exhibit 3

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Monday, October 22, 2012 12:29 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

I'm following up on our request for Raising Cane's stipulation to an extension of all deadlines in this matter. We originally requested 60 days. However, we need to amend our request to a 90 day extension. We are representing Fifty-Six Hope Road in a federal court litigation, and the judge in that matter issued an order last week setting the discovery deadline for mid-November and a November 30 deadline for dispositive motions. Also, as pertains to a federal court matter for a separate client, the judge recently set a trial date for December. You had mentioned in a phone call that your client was likely amenable to an extension but wanted the parties to meet telephonically with the Interlocutory Attorney. Can you let us know (a) if your client will stipulate to a 90 day extension of all deadlines and (b) what the purpose of the phone call with the Interlocutory Attorney is? If the purpose is to ask the Interlocutory Attorney to adjudicate any potential motions to compel expediently, we wonder if such a call prior to the filing of any such motion may be counterproductive.

Also, Fifty-Six Hope Road's responses to, among other discovery request, Raising Cane's First Set of RFAs are due tomorrow. Please let me know if you will extend our deadline to serve responses by ten days, i.e. November 2, 2012.

Best,

Paul

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, October 23, 2012 9:37 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

We agree to extend your deadline to serve responses to Raising Cane's First Set of RFAs until November 2, 2012 as you have requested.

We will have to get back to you on the 90 day extension. The purpose of the call to the Interlocutory Attorney is to advise him that we will agree to an extension to accommodate you but that Raising Cane's is extremely concerned about further delay.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 22, 2012 12:29 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

I'm following up on our request for Raising Cane's stipulation to an extension of all deadlines in this matter. We originally requested 60 days. However, we need to amend our request to a 90 day extension. We are representing Fifty-Six Hope Road in a federal court litigation, and the judge in that matter issued an order last week setting the discovery deadline for mid-November and a November 30 deadline for dispositive motions. Also, as pertains to a federal court matter for a separate client, the judge recently set a trial date for December. You had mentioned in a phone call that your client was likely amenable to an extension but wanted the parties to meet telephonically with the Interlocutory Attorney. Can you let us know (a) if your client will stipulate to a 90 day extension of all deadlines and (b) what the purpose of the phone call with the Interlocutory Attorney is? If the purpose is to ask the Interlocutory Attorney to adjudicate any potential motions to compel expediently, we wonder if such a call prior to the filing of any such motion may be counterproductive.

Also, Fifty-Six Hope Road's responses to, among other discovery request, Raising Cane's First Set of RFAs are due tomorrow. Please let me know if you will extend our deadline to serve responses by ten days, i.e. November 2, 2012.

Best,

Paul

Paul Bost

310.228.2249 | direct

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Friday, November 02, 2012 1:23 PM
To: Smith, S. Lloyd
Cc: Beth Anderson; Lance, Holly B.
Subject: Raising Cane's v. 56 Hope Road - RFA Responses

Lloyd:

Our RFA responses are due today. However, our client has been engaged in intense settlement efforts in another matter and has still not had a chance to review our responses and will have a difficult time completing their review by today. Can we have until Tuesday of next week?

Thanks.

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, November 02, 2012 4:40 PM
To: Paul Bost
Cc: Beth Anderson; Lance, Holly B.; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - RFA Responses

Paul –

We consent. We assume you will reciprocate if necessary.

- Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Friday, November 02, 2012 1:23 PM
To: Smith, S. Lloyd
Cc: Beth Anderson; Lance, Holly B.
Subject: Raising Cane's v. 56 Hope Road - RFA Responses

Lloyd:

Our RFA responses are due today. However, our client has been engaged in intense settlement efforts in another matter and has still not had a chance to review our responses and will have a difficult time completing their review by today. Can we have until Tuesday of next week?

Thanks.

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Exhibit 4

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Wednesday, October 10, 2012 9:52 AM
To: Lance, Holly B.; Paul Bost
Cc: Beth Anderson; Jackson, Michelle
Subject: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Paul –

Further to our deposition notice served last week, please advise as to whether Mr. Conley will appear on October 24 as noticed, or whether you will propose an alternate date and location.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Wednesday, October 10, 2012 1:26 PM
To: Smith, S. Lloyd; Lance, Holly B.
Cc: Beth Anderson; Jackson, Michelle; Jill Pietrini
Subject: RE: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Lloyd:

We don't have a record of Raising Cane's Conley deposition notice. Did you serve a copy on us? If so, how? Please email me a copy of the deposition notice and any proof of service. Thanks.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Wednesday, October 10, 2012 6:52 AM
To: Lance, Holly B.; Paul Bost
Cc: Beth Anderson; Jackson, Michelle
Subject: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Paul –

Further to our deposition notice served last week, please advise as to whether Mr. Conley will appear on October 24 as noticed, or whether you will propose an alternate date and location.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein. If you would like such advice, please contact us.

Above email is for intended recipient only and may be confidential and protected by attorney/client privilege.

If you are not the intended recipient, please advise the sender immediately.

Lance, Holly B.

From: Goodman, Florence J.
Sent: Wednesday, October 10, 2012 1:45 PM
To: PBost@sheppardmullin.com
Cc: Smith, S. Lloyd; Lance, Holly B.; Goodman, Florence J.
Subject: FW: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078
Attachments: Conley Notice of Deposition.pdf.pdf

Paul,

Attached is the Conley Notice of Deposition. It was sent via first class mail on October 4, 2012.

Regards,

Florie Goodman

Florie Goodman
IP Legal Assistant to S. Lloyd Smith
Buchanan Ingersoll & Rooney P.C.
1737 King Street
Suite 500
Alexandria, VA 22314

Phone: (703)838-6575

Fax: (703)836-2021

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, October 10, 2012 1:26 PM
To: Smith, S. Lloyd; Lance, Holly B.
Cc: Beth Anderson; Jackson, Michelle; Jill Pietrini
Subject: RE: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Lloyd:

We don't have a record of Raising Cane's Conley deposition notice. Did you serve a copy on us? If so, how? Please email me a copy of the deposition notice and any proof of service. Thanks.

Paul Bost

Los Angeles | x12249

SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Wednesday, October 10, 2012 6:52 AM
To: Lance, Holly B.; Paul Bost
Cc: Beth Anderson; Jackson, Michelle
Subject: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Paul –

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

<p><i>In re Matter of Serial No. 77/549,263</i></p> <p><i>for the mark: ONE LOVE</i></p> <p>RAISING CANE'S USA, LLC,</p> <p>Opposer,</p> <p>vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p>Applicant.</p>	<p>Opposition No. 91198552</p>
<p><i>In re Matter of Registration No. 3,033,511</i></p> <p><i>for the mark: ONE LOVE</i></p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p>Petitioner,</p> <p>vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p>Registrant.</p>	<p>Cancellation No. 92053461</p>

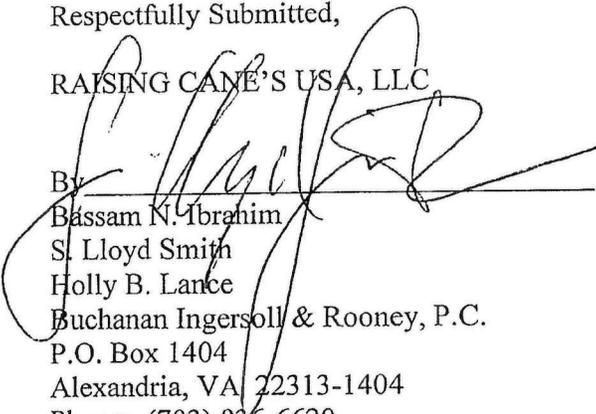
NOTICE OF DEPOSITION OF MICHAEL CONLEY

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, Registrant/Opposer Raising Cane's USA, LLC shall take the oral deposition of Michael Conley at the offices of Zion Rootswear LLC, 465 Tresca Road, Jacksonville, FL 32225, commencing at 9:00 a.m. on October 24, 2012.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition will be recorded by audio, video, and/or stenographic means.

Respectfully Submitted,

RAISING CANE'S USA, LLC

By: 

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021

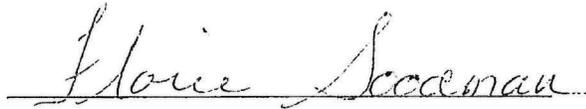
Attorneys for Registrant/Opposer

Date: October 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF DEPOSITION OF
MICHAEL CONLEY was served this 4th day of October 2012 by first-class mail, postage
prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
333 South Hope Street
Forty-Third Floor
Los Angeles, CA 90071

A handwritten signature in cursive script, reading "Florie Goodman", written over a horizontal line.

Florie Goodman

Lance, Holly B.

From: Lance, Holly B.
Sent: Wednesday, October 10, 2012 4:28 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078
Attachments: Raising Cane's Notice of Deposition Pursuant to Rule 30(b)(6).pdf

Paul,

Attached is Raising Cane's USA, LLC's Notice of Deposition of Fifty-Six Hope Road Music Limited pursuant to Rule 30(b)(6).

We look forward to receiving prompt confirmation that the date and location in the attached Notice is acceptable, or proposals for alternative dates and locations.

In addition, the outstanding discovery issues must be resolved as expeditiously as possible so that we have adequate time to prepare before the depositions.

We appreciate your cooperation. Please confirm receipt of this message.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

designated as being competent to testify on behalf of Petitioner with respect to the matters set forth in the attached Exhibit A.

The deposition will be by oral examination before a Notary Public or other officer authorized by law to administer oaths. The testimony will be recorded by audio, video, and/or stenographic means.

The deposition shall begin on October 25, 2012, at the offices of Buchanan Ingersoll & Rooney PC, 100 S.E. Second Street, Suite 3500, Miami, Florida 33131, commencing at 10:00 a.m., or on such other date or at such other location as the parties may agree or the Board may order. You are invited to attend.

Respectfully submitted,

RAISING CANE'S USA, LLC

By: Holly B. Lance

Bassam N. Ibrahim
S. Lloyd Smith
Holly B. Lance
Buchanan Ingersoll & Rooney PC
P.O. Box 1404
Alexandria, VA 22313-1404
Phone: (703) 836-6620
Fax: (703) 836-2021
Attorneys for Registrant/Opposer

Date: October 10, 2012

EXHIBIT A

The Definitions in Opposer/Registrant's First Set of Interrogatories are incorporated herein.

TOPICS FOR DEPOSITION

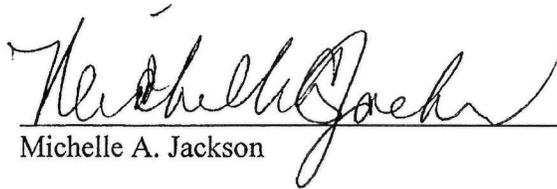
1. Petitioner's or its licensees use of Petitioner's alleged ONE LOVE mark.
2. Petitioner's or its licenses use of Petitioner's alleged ONE LOVE mark in connection with "restaurant services."
3. Petitioner's pending trademark applications for ONE LOVE in the United States Patent and Trademark Office.
4. The goods and services marketed and/or sold under Petitioner's alleged ONE LOVE mark.
5. Promotion and marketing of Petitioner's goods and services under the alleged ONE LOVE mark.
6. Sales of Petitioner's goods and services under the alleged ONE LOVE mark.
7. Distribution of Petitioner's goods and services under the alleged ONE LOVE mark.
8. Targeted or actual purchasers of Petitioner's goods and services.
9. Petitioner's first use of the alleged ONE LOVE mark.
10. Market research concerning Petitioner's alleged ONE LOVE mark or Registrant's Mark.
11. Goods and services for which Petitioner intends to use the alleged ONE LOVE mark.
12. Actual confusion that Petitioner is aware of between Petitioner's alleged ONE LOVE mark and Registrant's Mark.
13. Third-party use of the mark or phrase "one love."
14. All research, report, studies, investigations, surveys, searches and opinions concerning any mark comprised of or containing "one love," including but not limited to Petitioner's alleged ONE LOVE mark.
15. All agreement concerning Petitioner's alleged ONE LOVE mark.
16. Any other enforcement actions or proceedings involving Petitioner's alleged ONE LOVE mark.

17. The basis of all factual assertions in Petitioner's Amended Petition for Cancellation.
18. The basis of all factual assertions in Petitioner's Answer to the Notice of Opposition.
19. Petitioner's knowledge of Registrant's Mark, and the services offered by Registrant.
20. Petitioner's corporate structure, document retention policy, and compliance with discovery in this case.
21. Communications with Petitioner concerning Registrant or Registrant's use of ONE LOVE.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER/REGISTRANT'S NOTICE OF DEPOSITION OF PETITIONER/APPLICANT PURSUANT TO RULE 30(b)(6) was served this 10th day of October, 2012, by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067


Michelle A. Jackson

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Thursday, October 11, 2012 5:46 PM
To: Lance, Holly B.
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: RE: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Holly:

We are reviewing the 30(b)(6) and Conley deposition notices and will respond in due course. We note, though, that for a variety of reasons – including the fact that Jill is scheduled for jury duty from October 16 to October 29 (and has already been excused from service once) – we will be unable to go forward with the depositions as scheduled. For the same reasons, we need to extend all deadlines in this matter – most pertinently, the October 28 expert disclosure deadline – by 60 days. Please let us know if you will consent to such an extension.

You should have received our correspondences of yesterday by email. I look forward to your response to our letter regarding Raising Cane's discovery responses by October 17, 2012.

Also, we have not received responses to our Second Set of Requests for Admission. If they were served on our downtown LA office instead of the address on file, please email me a courtesy copy of them.

Paul Bost

Los Angeles | x12249

SheppardMullin

From: Lance, Holly B. [<mailto:holly.lance@bipc.com>]
Sent: Wednesday, October 10, 2012 1:28 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Paul,

Attached is Raising Cane's USA, LLC's Notice of Deposition of Fifty-Six Hope Road Music Limited pursuant to Rule 30(b)(6).

We look forward to receiving prompt confirmation that the date and location in the attached Notice is acceptable, or proposals for alternative dates and locations.

In addition, the outstanding discovery issues must be resolved as expeditiously as possible so that we have adequate time to prepare before the depositions.

We appreciate your cooperation. Please confirm receipt of this message.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, October 23, 2012 9:25 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Depositions of Mike Conley and 56 Hope Road

Paul –

This confirms that we will defer Mike Conley and Fifty Six Hope's 30(b)(6) depositions until a mutually agreeable date. We look forward to receiving alternative proposed dates from you soon.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 22, 2012 9:27 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Depositions of Mike Conley and 56 Hope Road

Lloyd:

Pursuant to the parties' prior correspondence, please confirm that Raising Cane's depositions of Mike Conley and 56 Hope Road are not proceeding this week but are continued until the parties come to a mutually agreeable deposition schedule.

Best,

Paul

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 19, 2012 10:09 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Todd Graves will be available for his deposition on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice. Raising Cane's 30(b)(6) witness or witnesses will be made available on the Jan. 24, 2013 at the same location. Please confirm these dates as soon as possible because Mr. Graves is very busy and we need to set his schedule.

As stated below, we look forward to receiving dates for Mr. Conley and 56 Hope's 30(b)(6) witness right away so that we can set the schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 26, 2012 9:32 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We look forward to hearing from you as soon as possible so that we can finalize these deposition dates Mr. Graves and Raising Cane's 30(b)(6) witness or witnesses and also set the dates for 56 Hope's witnesses.

- Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 19, 2012 10:09 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Todd Graves will be available for his deposition on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice. Raising Cane's 30(b)(6) witness or witnesses will be made available on the Jan. 24, 2013 at the same location. Please confirm these dates as soon as possible because Mr. Graves is very busy and we need to set his schedule.

As stated below, we look forward to receiving dates for Mr. Conley and 56 Hope's 30(b)(6) witness right away so that we can set the schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, December 07, 2012 2:34 PM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Please let us know whether you will take our additional 30b6 witness on Jan. 24 or the morning of Jan. 25.

Also, please give us proposed dates for Fifty Six Hope's witnesses, as we have asked you many times. The several week delay in providing us proposed dates is unreasonable.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, November 30, 2012 1:11 PM
To: 'Paul Bost'
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Thank you for confirming Todd Grave's deposition date. We will see you on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice.

Raising Cane's 30(b)(6) witness will only be available until about noon on Jan. 25 - can you limit the deposition accordingly, or would you prefer to take the deposition Jan. 24?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Thursday, November 29, 2012 1:13 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

The suggested date for Mr. Graves' deposition will work. Is Raising Cane's available for the 30(b)(6) deposition on January 25, 2013, instead of January 24, 2013?

We're still inquiring into dates for deposition of Mr. Conley and Fifty-Six Hope Road 30(b)(6) witness.

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Sunday, December 09, 2012 7:53 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

We will take the deposition on January 24.

I will do my best to get you dates for 56 Hope Road's witnesses by the close of this week. Of course, this may be mooted by our motion to compel and the Board's likely suspension of the matter.

Best,

Paul

Paul Bost

Los Angeles | x12249

SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Friday, December 07, 2012 11:34 AM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Please let us know whether you will take our additional 30b6 witness on Jan. 24 or the morning of Jan. 25.

Also, please give us proposed dates for Fifty Six Hope's witnesses, as we have asked you many times. The several week delay in providing us proposed dates is unreasonable.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, November 30, 2012 1:11 PM
To: 'Paul Bost'
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Exhibit 5

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Thursday, October 11, 2012 5:46 PM
To: Lance, Holly B.
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: RE: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Holly:

We are reviewing the 30(b)(6) and Conley deposition notices and will respond in due course. We note, though, that for a variety of reasons – including the fact that Jill is scheduled for jury duty from October 16 to October 29 (and has already been excused from service once) – we will be unable to go forward with the depositions as scheduled. For the same reasons, we need to extend all deadlines in this matter – most pertinently, the October 28 expert disclosure deadline – by 60 days. Please let us know if you will consent to such an extension.

You should have received our correspondences of yesterday by email. I look forward to your response to our letter regarding Raising Cane's discovery responses by October 17, 2012.

Also, we have not received responses to our Second Set of Requests for Admission. If they were served on our downtown LA office instead of the address on file, please email me a courtesy copy of them.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Lance, Holly B. [<mailto:holly.lance@bipc.com>]
Sent: Wednesday, October 10, 2012 1:28 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Paul,

Attached is Raising Cane's USA, LLC's Notice of Deposition of Fifty-Six Hope Road Music Limited pursuant to Rule 30(b)(6).

We look forward to receiving prompt confirmation that the date and location in the attached Notice is acceptable, or proposals for alternative dates and locations.

In addition, the outstanding discovery issues must be resolved as expeditiously as possible so that we have adequate time to prepare before the depositions.

We appreciate your cooperation. Please confirm receipt of this message.

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Monday, October 22, 2012 12:29 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

I'm following up on our request for Raising Cane's stipulation to an extension of all deadlines in this matter. We originally requested 60 days. However, we need to amend our request to a 90 day extension. We are representing Fifty-Six Hope Road in a federal court litigation, and the judge in that matter issued an order last week setting the discovery deadline for mid-November and a November 30 deadline for dispositive motions. Also, as pertains to a federal court matter for a separate client, the judge recently set a trial date for December. You had mentioned in a phone call that your client was likely amenable to an extension but wanted the parties to meet telephonically with the Interlocutory Attorney. Can you let us know (a) if your client will stipulate to a 90 day extension of all deadlines and (b) what the purpose of the phone call with the Interlocutory Attorney is? If the purpose is to ask the Interlocutory Attorney to adjudicate any potential motions to compel expediently, we wonder if such a call prior to the filing of any such motion may be counterproductive.

Also, Fifty-Six Hope Road's responses to, among other discovery request, Raising Cane's First Set of RFAs are due tomorrow. Please let me know if you will extend our deadline to serve responses by ten days, i.e. November 2, 2012.

Best,

Paul

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, October 23, 2012 9:37 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

We agree to extend your deadline to serve responses to Raising Cane's First Set of RFAs until November 2, 2012 as you have requested.

We will have to get back to you on the 90 day extension. The purpose of the call to the Interlocutory Attorney is to advise him that we will agree to an extension to accommodate you but that Raising Cane's is extremely concerned about further delay.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 22, 2012 12:29 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

I'm following up on our request for Raising Cane's stipulation to an extension of all deadlines in this matter. We originally requested 60 days. However, we need to amend our request to a 90 day extension. We are representing Fifty-Six Hope Road in a federal court litigation, and the judge in that matter issued an order last week setting the discovery deadline for mid-November and a November 30 deadline for dispositive motions. Also, as pertains to a federal court matter for a separate client, the judge recently set a trial date for December. You had mentioned in a phone call that your client was likely amenable to an extension but wanted the parties to meet telephonically with the Interlocutory Attorney. Can you let us know (a) if your client will stipulate to a 90 day extension of all deadlines and (b) what the purpose of the phone call with the Interlocutory Attorney is? If the purpose is to ask the Interlocutory Attorney to adjudicate any potential motions to compel expediently, we wonder if such a call prior to the filing of any such motion may be counterproductive.

Also, Fifty-Six Hope Road's responses to, among other discovery request, Raising Cane's First Set of RFAs are due tomorrow. Please let me know if you will extend our deadline to serve responses by ten days, i.e. November 2, 2012.

Best,

Paul

Paul Bost

310.228.2249 | direct

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Tuesday, October 23, 2012 12:28 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Thanks.

Although we acknowledge Raising Cane's concern regarding further delay of this matter, we don't see exactly how a phone call to the interlocutory attorney is appropriate under these circumstances or will be effective in mitigating delay. It is our position that any concern about delay should be raised by the parties if and when such circumstances arise. Also, the major cause of delay in this matter is undoubtedly Raising Cane's motion for summary judgment, which delayed this matter for nearly 11 months.

Please confirm that you will stipulate to the 90 day extension of all deadlines.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Tuesday, October 23, 2012 6:37 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

We agree to extend your deadline to serve responses to Raising Cane's First Set of RFAs until November 2, 2012 as you have requested.

We will have to get back to you on the 90 day extension. The purpose of the call to the Interlocutory Attorney is to advise him that we will agree to an extension to accommodate you but that Raising Cane's is extremely concerned about further delay.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 22, 2012 12:29 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Wednesday, October 24, 2012 4:27 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Pursuant to my email below, please let us know if you will stipulate to the extension. We will be forced to make a motion if we do not hear from you, which, of course, may result in further delay of this action.

In other news, we have not received any documents from Universal yet but will follow up with you once we do.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Paul Bost
Sent: Tuesday, October 23, 2012 9:28 AM
To: 'Smith, S. Lloyd'
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Thanks.

Although we acknowledge Raising Cane's concern regarding further delay of this matter, we don't see exactly how a phone call to the interlocutory attorney is appropriate under these circumstances or will be effective in mitigating delay. It is our position that any concern about delay should be raised by the parties if and when such circumstances arise. Also, the major cause of delay in this matter is undoubtedly Raising Cane's motion for summary judgment, which delayed this matter for nearly 11 months.

Please confirm that you will stipulate to the 90 day extension of all deadlines.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Tuesday, October 23, 2012 6:37 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, October 26, 2012 9:38 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

Raising Cane's wants to accommodate Fifty Six Hope and will agree to a 60 day extension.

However, as previously advised, Raising Cane's is concerned about unnecessarily delaying this case and does not agree to a 90 day extension.

Regards,

Lloyd

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Thursday, October 25, 2012 4:58 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Please let us know by 10 a.m. PDT tomorrow if your client will agree to the extension. Otherwise, we will need to file a motion. I remind you that this will be the first extension of deadlines sought in this matter, either unilaterally or by stipulation.

We received the Universal production but, to my knowledge, have not received the privileged documents. We will get you the privilege log once they come in.

We have not received any Balzout documents. When we do, we will forward them to you if you do not receive copies directly.

We are continuing our rolling production of documents.

Best,

Paul

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Thursday, October 25, 2012 10:34 AM

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Friday, October 26, 2012 12:07 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Thanks for the timely response, Lloyd. We'll file the stipulated extension.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Friday, October 26, 2012 6:38 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Paul –

Raising Cane's wants to accommodate Fifty Six Hope and will agree to a 60 day extension.

However, as previously advised, Raising Cane's is concerned about unnecessarily delaying this case and does not agree to a 90 day extension.

Regards,

Lloyd

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Thursday, October 25, 2012 4:58 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Extension of Deadlines

Lloyd:

Please let us know by 10 a.m. PDT tomorrow if your client will agree to the extension. Otherwise, we will need to file a motion. I remind you that this will be the first extension of deadlines sought in this matter, either unilaterally or by stipulation.

We received the Universal production but, to my knowledge, have not received the privileged documents. We will get you the privilege log once they come in.

We have not received any Balzout documents. When we do, we will forward them to you if you do not receive copies directly.

Exhibit 6

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

<p>In re Matter of Serial No. 77/549,263</p> <p><i>for the mark:</i> ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91198552</p> <p>OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S SECOND SET OF SUPPLEMENTAL RESPONSES TO APPLICANT/PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S REQUESTS FOR ADMISSION</p>
<p><i>In re Matter of Registration No. 3,033,511</i></p> <p><i>for the mark:</i> ONE LOVE</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. 92053461</p>

In accordance with the Federal Rules of Civil Procedure, and 37 C.F.R. § 2.120, Raising Cane's USA, LLC ("Registrant"), by and through its attorneys, hereby supplements its responses to Fifty-Six Hope Road Music Limited's ("Petitioner") Requests for Admission as follows:

GENERAL OBJECTIONS

Registrant incorporates the general objections in Registrant's Responses to Petitioner's First Set of Interrogatories herein.

RESPONSES TO INDIVIDUAL REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

"One Love" is the name of a song written by Bob Marley.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 5:

The song "One Love/People Get Ready" appeared on Bob Marley & the Wailer's album entitled *Exodus*.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 6:

The song "One Love/People Get Ready" appeared on Bob Marley & the Wailer's collection entitled *Legend*.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 11:

Exodus was released prior to Registrant's selection of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 12:

Legend was released prior to Registrant's selection of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 13:

Exodus was released prior to Registrant's first use of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 14:

Legend was released prior to Registrant's first use of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 15:

Exodus was released prior to Registrant's filing of its application to register Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 16:

Legend was released prior to Registrant's filing of its application to register Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 17:

Bob Marley is famous.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 18:

Bob Marley became famous prior to Registrant's selection of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 19:

Bob Marley became famous prior to Registrant's first use of Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 20:

Bob Marley became famous prior to Registrant's filing of its application to register Registrant's Mark.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 40:

Bob Marley is popularly known as a musician.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 40:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 41:

Bob Marley is popularly known as a songwriter.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 42:

Bob Marley is popularly known as an activist.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 141:

Attached hereto as Exhibit D is a true and correct copy of a printout from the House of Blues' website displaying information related to a Willie Nelson concert presented by Raising Cane's.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 141:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

REQUEST FOR ADMISSION NO. 142:

Attached hereto as Exhibit D is a true and correct copy of a printout from the House of Blues' website displaying information related to a Willie Nelson concert sponsored by Raising Cane's.

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO. 142:

Registrant has no actual knowledge thereof, and could not obtain this information through reasonable inquiry. Therefore, Registrant denies the same based on lack of knowledge.

RAISING CANE'S USA, LLC

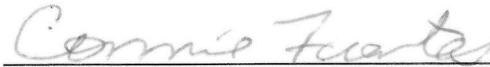
By Holly B. Lance
Bassam N. Ibrahim
S. Lloyd Smith
Holly B. Lance
Buchanan Ingersoll & Rooney, P.C.
P.O. Box 1404
Alexandria, VA 22313-1404
Phone: (703) 836-6620
Fax: (703) 836-2021
Attorneys for Registrant/Opposer

Date: December 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RAISING CANE'S SUPPLEMENTAL RESPONSES TO PETITIONER/APPLICANT'S REQUESTS FOR ADMISSION was served this 19th day of December, 2012 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067



Connie Fuentes

Exhibit 7

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

<p>In re Matter of Serial No. 77/549,263</p> <p><i>for the mark:</i> ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91198552</p> <p>OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S SUPPLEMENTAL RESPONSES TO APPLICANT/PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS</p>
<p><i>In re Matter of Registration No. 3,033,511</i></p> <p><i>for the mark:</i> ONE LOVE</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. 92053461</p>

In accordance with the Federal Rules of Civil Procedure, and 37 C.F.R. § 2.120, Raising Cane's USA, LLC ("Registrant"), by and through its attorneys, hereby supplements its responses to Fifty-Six Hope Road Music Limited's ("Petitioner") Requests for Production of Documents and Things as follows:

GENERAL OBJECTIONS

Registrant incorporates the general objections in Registrant's Responses to Petitioner's First Set of Interrogatories herein.

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 40:

All business plans of Registrant and its related entities for Registrant's Mark or Registrant's Goods and Services.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Registrant objects to this request as not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks discovery beyond the business plans for Registrant's Registration and the services identified therein. Notwithstanding this objection, Registrant has already produced all potentially relevant documents responsive to this request.

REQUEST FOR PRODUCTION NO. 59

All historic and current web pages for any website operated or owned by Registrant that discuss this dispute or this proceeding.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 59

Registrant objects to this request as not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks discovery beyond Registrant's Mark or the services listed in Registrant's Registration. Subject to this objection, no such documents exist.

REQUEST FOR PRODUCTION NO. 60

All documents relating to traffic, including the number of visitors and number of "hits" to any website operated or owned by Registrant that discuss this dispute or this proceeding.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 60

Registrant objects to this request as not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, no such documents exist.

RAISING CANE'S USA, LLC

By Holly Jones

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021

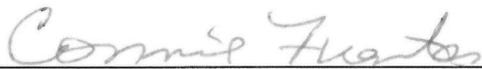
Attorneys for Registrant/Opposer

Date: December 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RAISING CANE'S SUPPLEMENTAL RESPONSES TO PETITIONER/APPLICANT'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS was served this 19th day of December, 2012 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067



Connie Fuentes