

# TTAB

Docket No. 29WG-165342

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 <i>for the mark:</i> ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p>Opposer,</p> <p>vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC, LTD.,</p> <p>Applicant.</p>	<p>Opposition No. 91-198552</p> <p><b>APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S RESPONSE TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S MOTION TO EXTEND DISCOVERY 30 DAYS FOR THE LIMITED PURPOSE OF DEPOSING FIFTY-SIX HOPE ROAD MUSIC LIMITED'S WITNESSES ORIGINALLY NOTICED FOR OCTOBER 24 AND 25, 2012</b></p>
<p><i>In re Matter of Registration No. 3,033,511</i> <i>for the mark:</i> ONE LOVE</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. 92-053461</p>

Applicant and Petitioner Fifty-Six Hope Road Music Limited ("Petitioner") hereby responds to Registrant and Opposer Raising Cane's USA, LLC's ("Registrant") motion to extend discovery 30 days for the limited purpose of taking the deposition of Petitioner's 30(b)(6) witness(es) and Michael Conley. Petitioner does not oppose



\*09-09-2013\*

Registrant's motion to extend the discovery deadline.<sup>1</sup> Accordingly, Petitioner will not burden the Board with a line-by-line counterstatement to Registrant's allegations regarding its attempt to schedule the depositions of Petitioner and Mr. Conley.

Petitioner notes, though, the following omissions from Registrant's motion:

- Petitioner served timely objections to Registrant's notices of deposition on July 11, 2013. Copies of these objections are attached hereto as **Exhibits A and B**. Notably, Registrant re-noticed its 30(b)(6) deposition of Petitioner for Miami, Florida after Petitioner expressly informed Registrant in January 2013 that Petitioner was available for deposition in New York, New York. See Registrant's Exhibit 7.
- Although Registrant complains that Petitioner never responded to its February 22, 2013 email requesting a conference with the Board's interlocutory attorney to discuss Petitioner's purported delays in deposition scheduling, Registrant fails to mention that, at that time, this matter was suspended pending adjudication of Petitioner's motion to compel. In its order suspending the matter, the Board expressly advised the parties that they "should not file any paper which is not germane to the motion to compel." (Docket No. 25.) Registrant's proposed phone call contravened this order.

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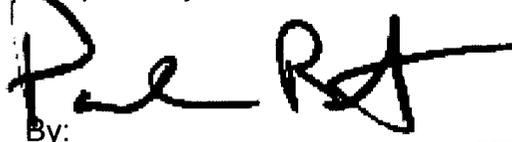
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<sup>1</sup> Registrant's motion is neither titled nor styled as a motion to compel deposition of Petitioner or Mr. Conley. Registrant does not seek relief in the form of an order compelling the deposition of Petitioner or Mr. Conley. Likewise, the Board has never ordered the depositions of Petitioner or Mr. Conley.

Also, Registrant's proposed schedule does not take into account Petitioner's counterclaims or provide trial periods related thereto. The Board must consider those dates and reset all of the proposed dates to address Petitioner's counterclaims. Registrant's proposed schedule is inaccurate on its face and cannot be accepted.

Finally, Registrant filed an application to register 1LV in Classes 16, 25, and 43, Serial No. 85/568,191. The application was refused registration based on a previously registered mark for ONE LOVE and based on Petitioner's prior filed application to register ONE LOVE in Class 25. The refusals were not withdrawn. Nonetheless, the Office published Registrant's application for opposition. Such publication was clearly in error. Petitioner is seeking redress for the erroneous publication of Registrant's application to register 1LV, which is the phonetic equivalent of the challenged mark in this proceeding. If the Office does not correct its error, Petitioner will oppose that application and seek to consolidate the newly filed proceeding with this proceeding in order to streamline discovery and the trial of this case and the new filed application.

Respectfully submitted,



Dated: September 9, 2013

By: \_\_\_\_\_  
Jill M. Pietrini  
Paul A. Bost  
SHEPPARD MULLIN RICHTER &  
HAMPTON, LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067  
Attorney for Registrant/Petitioner  
*Fifty-Six Hope Road Music Limited*

# EXHIBIT A

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 for the mark: ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p>Opposer,</p> <p>vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC, LTD.,</p> <p>Applicant.</p>	<p>Opposition No. 91-198552</p> <p><b>APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S OBJECTIONS TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S RE-NOTICE OF DEPOSITION OF FIFTY-SIX HOPE ROAD MUSIC LIMITED</b></p>
<p>In re Matter of Registration No. 3,033,511 for the mark: ONE LOVE</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. 92-053461</p>

Applicant and Petitioner Fifty-Six Hope Road Music Limited ("Petitioner") hereby objects to Opposer and Registrant Raising Cane's USA, LLC ("Raising Cane's") Re-Notice of Deposition of Petitioner Pursuant to Rule 30(b)(6).

**I. INTRODUCTION**

These objections are made solely for the purposes of this action. No incidental or implied admissions are intended by the objections herein. The fact that Petitioner has agreed to provide testimony in any particular subject matter or category identified in the deposition notice request should not be taken as an admission that Petitioner

accepts or admits the existence of any fact set forth or assumed by such specified subject matter or category. Moreover, the fact that Petitioner has agreed to provide testimony in any particular subject matter or category identified in the deposition notice is not intended, and shall not be construed as, a waiver by Petitioner of any part of any objection to any such request or any part of any General Objection.

## **II. GENERAL OBJECTIONS**

1. Petitioner objects to the deposition notice, and the topics for examination contained therein, to the extent it seeks information that is confidential, and any such information, if any, that is provided shall be pursuant to the protective order entered in this matter.

2. Petitioner objects to the deposition notice, and the topics for examination contained therein, to the extent it seeks the disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine.

3. Petitioner objects to the deposition notice, and the topics for examination contained therein, to the extent it seeks information outside of the knowledge of Petitioner.

4. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that it incorporates definitions included in Raising Cane's First Set of Interrogatories, which Petitioner objected to in its responses thereto. Said objections are incorporated herein.

5. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that Raising Cane's unilaterally selected the date for the deposition without consideration of Petitioner's and its designees' availability. Petitioner is not available for deposition on the date and time noticed. Petitioner is

amenable to rescheduling the deposition for a date and time that is mutually available to it, its designees, Raising Cane's, and the parties' respective counsels.

6. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that it is unrestricted as to time and, thus, unduly burdensome, oppressive, and overbroad.

7. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that Raising Cane's unilaterally selected the location for the deposition without consideration of Petitioner's and its designees' whereabouts and convenience. Petitioner is amenable to rescheduling the deposition at a location(s) near where Petitioner's designees reside.

8. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that Raising Cane's has not completed its document production or furnished completed responses to Petitioner's interrogatories.

### **III. SPECIFIC OBJECTIONS TO TOPICS FOR DEPOSITION**

#### **TOPIC FOR DEPOSITION NO. 1:**

Petitioner's or its licensees [sic] use of Petitioner's alleged ONE LOVE mark.

#### **OBJECTIONS TO TOPIC FOR DEPOSITION NO. 1:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

#### **TOPIC FOR DEPOSITION NO. 2:**

Petitioner's or its licenses [sic] use of Petitioner's alleged ONE LOVE mark in connection with "restaurant services."

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 2:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 3:**

Petitioner's pending trademark applications for ONE LOVE in the United States Patent and Trademark Office.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 3:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 4:**

The goods and services marketed and/or sold under Petitioner's alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 4:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

**TOPIC FOR DEPOSITION NO. 5:**

Promotion and marketing of Petitioner's goods and services under the alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 5:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

**TOPIC FOR DEPOSITION NO. 6:**

Sales of Petitioner's goods and services under the alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 6:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

**TOPIC FOR DEPOSITION NO. 7:**

Distribution of Petitioner's goods and services under the alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 7:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 8:**

Targeted or actual purchasers of Petitioner's goods and services.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 8:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time.

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous.

**TOPIC FOR DEPOSITION NO. 9:**

Petitioner's first use of the alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 9:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner object to this topic for deposition on the grounds that it is overbroad, unduly burdensome, and oppressive.

**TOPIC FOR DEPOSITION NO. 10:**

Market research concerning Petitioner's alleged ONE LOVE mark or Registrant's Mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 10:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 11:**

Goods and services for which Petitioner intends to use the alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 11:**

Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome. Petitioner objects to this topic for deposition on

the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition to the extent it seeks confidential business information of Petitioner or its licensees. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 12:**

Actual confusion that Petitioner is aware of between Petitioner's alleged ONE LOVE mark and Registrant's Mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 12:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous.

**TOPIC FOR DEPOSITION NO. 13:**

Third-party use of the mark or phrase "one love."

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 13:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Petitioner agrees to designate a witness capable of testifying to Petitioner's policing of unauthorized third party uses of the ONE LOVE mark.

**TOPIC FOR DEPOSITION NO. 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.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 14:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 15:**

All agreement [sic] concerning Petitioner's alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 15:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Petitioner objects to this topic for deposition to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Petitioner objects to this topic for deposition to the extent it seeks confidential business information of Petitioner or its licensees.

**TOPIC FOR DEPOSITION NO. 16:**

Any other enforcement actions or proceedings involving Petitioner's alleged ONE LOVE mark.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 16:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome, particularly because it is unlimited in time. Petitioner objects to this topic for deposition on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Petitioner objects to this topic for deposition to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 17:**

The basis of all factual assertions in Petitioner's Amended Petition for Cancellation.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 17:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome. Petitioner objects to this topic for deposition to the extent it seeks confidential business information of Petitioner or its licensees. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine.

**TOPIC FOR DEPOSITION NO. 18:**

The basis of all factual assertions in Petitioner's Answer to the Notice of Opposition.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 18:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. Petitioner objects to this topic for deposition to the extent it seeks confidential business information of Petitioner or its licensees.

**TOPIC FOR DEPOSITION NO. 19:**

Petitioner's knowledge of Registrant's Mark, and the services offered by Registrant.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 19:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome.

**TOPIC FOR DEPOSITION NO. 20:**

Petitioner's corporate structure, document retention policy, and compliance with discovery in this case.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 20:**

Petitioner objects to this topic for deposition on the grounds that it is vague and ambiguous. Petitioner objects to this topic for deposition on the grounds that it is overbroad, oppressive, and unduly burdensome. Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. Petitioner objects to this topic for deposition on the

grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and, on that basis, Petitioner refuses to designate a witness to testify to this topic.

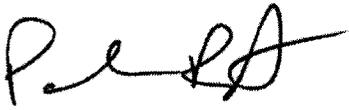
**TOPIC FOR DEPOSITION NO. 21:**

Communications with Petitioner concerning Registrant or Registrant's use of ONE LOVE.

**OBJECTIONS TO TOPIC FOR DEPOSITION NO. 21:**

Petitioner objects to this topic for deposition to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. Petitioner objects to this topic for deposition on the grounds that it is vague, ambiguous, and incomprehensible, and, on that basis, Petitioner refuses to designate a witness to testify to this topic.

Dated: July 11, 2013

By: 

Jill M. Pietrini  
Paul A. Bost  
Sheppard Mullin Richter & Hampton, LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067

Attorney for Registrant/Petitioner  
*Fifty-Six Hope Road Music Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that these **APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S OBJECTIONS TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S RE-NOTICE OF DEPOSITION OF MICHAEL CONLEY** are being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to: S. Lloyd Smith, Esq., BUCHANAN INGERSOLL & ROONEY, PC, P.O. Box 1404, Alexandria, VA 22313-1404, with a courtesy copy via electronic mail to [lloyd.smith@bipc.com](mailto:lloyd.smith@bipc.com), on this 11th Day of July, 2013.

  
Lynne Thompson

SMRH:409307434.2

# EXHIBIT B

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,  Opposer,  vs.  FIFTY-SIX HOPE ROAD MUSIC, LTD.,  Applicant.</p>	<p>Opposition No. 91-198552</p> <p><b>APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S OBJECTIONS TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S RE-NOTICE OF DEPOSITION OF MICHAEL CONLEY</b></p>
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Applicant and Petitioner Fifty-Six Hope Road Music Limited ("Petitioner") hereby objects to Opposer and Registrant Raising Cane's USA, LLC ("Raising Cane's") Re-Notice of Deposition of Michael Conley. These objections are made solely for the purposes of this action. No incidental or implied admissions are intended by the objections herein.

I. **OBJECTIONS**

1. Petitioner objects to the deposition notice to the extent it seeks information that is confidential, and any such information, if any, that is provided shall be pursuant to the protective order entered in this matter.

2. Petitioner objects to the deposition notice to the extent it seeks the disclosure of information protected by the attorney-client privilege and/or the attorney work product doctrine.

3. Petitioner objects to the deposition notice on the grounds that Raising Cane's unilaterally selected the date for the deposition without consideration of Petitioner's or Mr. Conley's availability. Petitioner is not available to attend the deposition of Mr. Conley on the date and time noticed. Petitioner is amenable to rescheduling the deposition for a date and time that is mutually available to it, Raising Cane's, Mr. Conley, and the parties' respective counsels.

4. Petitioner objects to the deposition notice on the grounds that Raising Cane's has not completed its document production or furnished completed responses to Petitioner's interrogatories.

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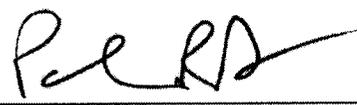
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5. Petitioner objects to the deposition notice, and the topics for examination contained therein, on the grounds that Raising Cane's unilaterally selected the location for the deposition without consideration of Petitioner's and Mr. Conley's whereabouts and convenience. Petitioner is amenable to rescheduling the deposition at a location near where Mr. Conley resides.

Dated: July 11, 2013

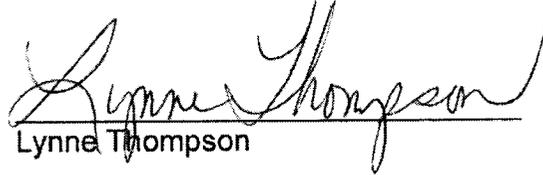
By: 

Jill M. Pietrini  
Paul A. Bost  
Sheppard Mullin Richter & Hampton, LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067

Attorney for Registrant/Petitioner  
*Fifty-Six Hope Road Music Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that these **APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S OBJECTIONS TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S RE-NOTICE OF DEPOSITION OF MICHAEL CONLEY** are being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to: S. Lloyd Smith, Esq., BUCHANAN INGERSOLL & ROONEY, PC, P.O. Box 1404, Alexandria, VA 22313-1404, with a courtesy copy via electronic mail to lloyd.smith@bipc.com, on this 11th Day of July, 2013.

  
Lynne Thompson

SMRH.409463997.1

**CERTIFICATE OF FILING**

I hereby certify that **APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S RESPONSE TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S MOTION TO EXTEND DISCOVERY 30 DAYS FOR THE LIMITED PURPOSE OF DEPOSING FIFTY-SIX HOPE ROAD MUSIC LIMITED'S WITNESSES ORIGINALLY NOTICED FOR OCTOBER 24 AND 25, 2012** is being transmitted via express mail to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board, P. O. Box 1451, Alexandria, VA 22313-1451, on this 9<sup>th</sup> day of September, 2013.

  
Lynne Thompson

**CERTIFICATE OF SERVICE**

I hereby certify that **APPLICANT AND PETITIONER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S RESPONSE TO OPPOSER AND REGISTRANT RAISING CANE'S USA, LLC'S MOTION TO EXTEND DISCOVERY 30 DAYS FOR THE LIMITED PURPOSE OF DEPOSING FIFTY-SIX HOPE ROAD MUSIC LIMITED'S WITNESSES ORIGINALLY NOTICED FOR OCTOBER 24 AND 25, 2012** is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to: S. Lloyd Smith, Esq., BUCHANAN INGERSOLL & ROONEY, PC, P.O. Box 1404, Alexandria, VA 22313-1404, with a courtesy copy via electronic mail to lloyd.smith@bipc.com, on this 9<sup>th</sup> day of September, 2013.

  
Lynne Thompson

SMRH:410038890.1