

ESTTA Tracking number: **ESTTA426077**

Filing date: **08/19/2011**

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

Proceeding	91198552
Party	Plaintiff Raising Cane's USA, LLC
Correspondence Address	S LLOYD SMITH BUCHANAN INGERSOLL & ROONEY PC 1737 KING STREET, SUITE 500 ALEXANDRIA, VA 22314 UNITED STATES lloyd.smith@bipc.com
Submission	Other Motions/Papers
Filer's Name	S. Lloyd Smith
Filer's e-mail	lloyd.smith@bipc.com
Signature	/S. Lloyd Smith/
Date	08/19/2011
Attachments	Combined Motion for Summary Judgment & Compel Discovery.pdf (107 pages) (4548734 bytes)

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Registrant.	:	
	:	
Raising Cane's USA, LLC	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91198552
Fifty-Six Hope Road Music Limited	:	
	:	
Applicant.	:	
	:	

**RAISING CANE'S USA, LLC MOTION
FOR SUMMARY JUDGMENT AND MOTION TO COMPEL DISCOVERY**

Opposer/Registrant Raising Cane's USA, LLC ("Raising Cane's") hereby moves for summary judgment pursuant to Fed. R. Civ. P. 56 and TBMP § 528. Further, Pursuant to 37 C.F.R. § 2.120 and Rule 26 of the Federal Rules of Civil Procedures, Raising Cane's USA, LLC, hereby moves the Board for an order compelling discovery responses from Applicant/Petitioner Fifty-Six Hope Road Music Limited ("Fifty-Six Hope").

I. RAISING CANE'S IS ENTITLED TO SUMMARY JUDGMENT ON PRIORITY

A. INTRODUCTION

Raising Cane's has been using the ONE LOVE mark in connection with restaurant services since at least as early as 2001. There is no evidence that Fifty-Six Hope Road Music has ever used the mark in connection with restaurant services, let alone prior to 2001. Fifty-Six Hope's Petition for Cancellation is based solely on its alleged use of the ONE LOVE mark for musical records, musical services, and clothing. Moreover, Fifty-Six Hope has not alleged any use of the mark on restaurant services in response to Raising Canes' interrogatories, and has not produced any evidence of use for restaurant services in response to Raising Canes' document requests.

Therefore, there is no issue of material fact as to Raising Cane's priority rights in the ONE LOVE mark for restaurant services. Moreover, restaurant services are not related to musical services or clothing, the only goods or services on which Fifty-Six Hope has alleged use prior to 2001.

Even viewing the evidence in the light most favorable to Fifty-Six Hope, Fifty-Six Hope can not succeed on the Cancellation or in its defense of the Opposition, and the Board should grant summary judgment to Raising Cane's.

B. SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate and shall be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56; *see also* 37 C.F.R. § 2.116(a) (trademark cancellation proceedings are the appropriate subject of a summary judgment proceeding). The

Federal Circuit has explained that the practice of disposing of *inter partes* cases on summary judgment before the TTAB “is to be encouraged,” as it serves the interest of judicial economy and saves the time and expense of a trial where no genuine issue of material fact remains and more evidence than is already available in connection with the summary judgment motion could not reasonably be expected to change the result. *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 U.S.P.Q. 741, 744 N.2 (Fed. Cir. 1984).

C. ARGUMENT

1. Raising Cane's is the Senior User of the ONE LOVE Mark in Connection With Restaurant Services

Raising Cane's U.S. Registration No. 3,033,511 establishes Raising Cane's priority date at least as early as the March 4, 2004 filing date. Raising Cane's has used the ONE LOVE mark in connection with restaurant services since at least as early as 2001. Notice of Opposition, ¶ 6. Raising Cane's has used the mark continuously and extensively since this date in its 97 locations across 15 states. *Id.* Raising Cane's has used the mark on wall murals, packaging, menus, print advertisements, radio and television advertisements, menu boards, billboards, on displays inside Raising Canes' restaurants, and on its web site and Facebook page, among other uses. *Id.*

In contrast, there is absolutely no evidence that Fifty-Six Hope has ever used the ONE LOVE mark in connection with restaurant services, let alone prior to Raising Canes' November 2001 priority date. Fifty-Six Hope filed an application for the mark ONE LOVE in December of 2007 in connection with "hotel, bar, and restaurant services" in Class 43. The application was based upon Fifty-Six Hope's intent to use the ONE LOVE mark in commerce in connection with these services, and did not contain any allegation of use. This application was refused under Section 2(d) based upon a likelihood of confusion with Raising Cane's mark in U.S. Reg. No.

3,033,511. The application was subsequently abandoned after Fifty-Six Hope failed to file an appeal with the TTAB.

Fifty-Six Hope also did not claim in its Petition for Cancellation that it had ever used the ONE LOVE mark in connection with restaurant services, let alone prior to Raising Canes' first use date. Fifty-Six Hope merely alleged that the song "One Love" was famous, and that it had used the mark for "recordings, clothing, and other merchandise" as well as "music-related services." Petition for Cancellation, ¶ 4-5.

Moreover, in its response to Raising Canes' interrogatory requesting identification of all products and services on which Fifty-Six Hope had used the ONE LOVE mark, Fifty-Six Hope responded as follows:

Fifty-Six Hope Road has used the ONE LOVE mark on or in connection with cloth bibs, infant and toddler one-piece clothing, hats, shirts, sweat shirts, and tank-tops, and has licensed ONE LOVE and the Lone Love song to the Jamaica Board of Tourism. Fifty-Six Hope Road has used ONE LOVE for musical sound recordings. Fifty-Six Hope Road has used the 1LOVE mark and the design mark depicted below ("the 1LOVE Design Mark") in connection with a charitable organization and a website related thereto.

Exhibit C, Fifty-Six Hope Road's Response to Registrant's First Set of Interrogatories, No. 1.

Notably, Fifty-Six Hope did not allege in response to this interrogatory that it has ever used the ONE LOVE mark in connection with restaurant services. Fifty-Six Hope also did not claim that it had ever used the mark in connection with any goods or services that might be considered at least somewhat related to restaurant service, such as food products or bar services.

Fifty-Six Hope did claim in another interrogatory response that it had authorized Universal Studios to use Bob Marley's name and likeness for a restaurant, and that this restaurant uses "One Love" and other Bob Marley song titles on its menus and in unspecified "other

ways."¹ Ex. C, No. 23. However, Fifty-Six Hope did not claim that it had licensed the ONE LOVE mark to this restaurant. Moreover, in response to Raising Canes' request for any license agreements pertaining to the ONE LOVE mark, Fifty-Six Hope did not produce any written agreement licensing the ONE LOVE mark to Universal Studios. Therefore, any use of the ONE LOVE mark by Universal Studios is an unlicensed use which does not inure to the benefit of Fifty-Six Hope, and which Fifty-Six Hope can not use to claim priority.

It is thus clear beyond any genuine issue of material fact that Fifty-Six Hope has not used the ONE LOVE mark in connection with restaurant services, and that Raising Cane's is the senior user of the ONE LOVE mark in connection with these services.

2. Restaurant Services Are Not Related to Musical Recordings or Clothing

It is clear from the allegations in the Petition for Cancellation as well as the responses to Raising Canes' interrogatories that Fifty-Six Hope is relying on its alleged prior use of the ONE LOVE mark in connection with musical recordings as the basis for its Petition for Cancellation as well as its defense to Raising Canes' Notice of Opposition. However, this alleged use is insufficient to grant Fifty-Six Hope any superior rights over Raising Cane's, since musical recordings are not in any way related to restaurant services.

There is absolutely no basis for finding that musical recordings or clothing are related to restaurant services. These types of goods and services are not complementary, are not sold through the same channels of trade, and are not typically offered under the same mark. Therefore, there is no basis for finding these goods and services to be related. *See St. Nicholas Music, Inc. v. Lolly-Jolly, Inc.*, Opp. No. 91155371, slip. op. at 8-9 (TTAB Aug. 24, 2005)

¹ Although Fifty-Six Hope claims that the Universal restaurant currently uses ONE LOVE on its menus, the menu displayed on the restaurant's web site does not appear to contain any use of ONE LOVE. Exhibit K.

(finding that musical goods and services are not closely related enough to candy to cause confusion, even for an identical mark).

Fifty-Six Hope also claims that the song ONE LOVE is "one of Bob Marley's biggest hits and one of the most influential reggae songs of all time." Petition for Cancellation, ¶ 3.

However, the fame of the song is irrelevant - the question is whether consumers associate the word mark ONE LOVE with any of the goods or services allegedly offered by Fifty-Six Hope.

As the Board explained in *St. Nicholas Music*, in which the owner of rights in the song "A Holly Jolly Christmas" sought to stop another company from registering LOLLY JOLLY in connection with candy:

Evidence of opposer's copyright in, and the fame of, the song titled "A Holly Jolly Christmas" is of little probative value in determining likelihood of confusion in this case. Opposer has not established any trademark rights in the title of the song.

St. Nicholas Music, Inc. v. Lolly-Jolly, Inc., Opp. No. 91155371, slip. op. at 9 n. 9 (TTAB Aug. 24, 2005).²

Finally, even if Fifty-Six Hope could establish that the mark (as opposed to the song title) ONE LOVE is famous for musical recordings or clothing, this would not give Fifty-Six Hope the right to cancel Raising Canes' registration for restaurant services, since even then, the differences between the parties' goods and services are so vast as to prevent any likelihood of confusion. As the Board explained in *7-Eleven, Inc. v. Wechsler*, 83 U.S.P.Q.2d 1715, at 1723-24 (TTAB 2007), in which it denied 7-Eleven's opposition to GULPY for pet accessories based upon the differences in the parties' goods:

Even though we have found that opposer's BIG GULP trademark has a very high degree of public recognition and renown, this factor alone is not sufficient

² The Board did find for the Opposer in *St. Nicholas Music*, but only because the Opposer also owned a registration for the mark HOLLY JOLLY in connection with fruit-based snacks. It is clear from the Board's opinion that the Opposer's alleged rights in the song title would not have been enough to sustain the opposition.

to establish a likelihood of confusion. As stated in past cases, if that were the case, ownership of a famous mark would entitle the owner to a right in gross, and that runs counter to the trademark laws. *Recot Inc. v. M.C. Becton, supra*, 54 USPQ2d at 1898 (“fame alone cannot overwhelm the other *du Pont* factors as a matter of law”); *University of Notre Dame du Lac v. J. C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505, 507 (Fed. Cir. 1983) (“[T]he fame of the [plaintiff’s] name is insufficient in itself to establish likelihood of confusion under §2(d)”).

It is thus clear as a matter of law that Raising Cane’s restaurant services are not in any way related to Fifty-Six Hope’s musical records and clothing. Therefore, Fifty-Six Hope can not prevail under any set of facts, and the Board must grant summary judgment to Raising Cane’s.

D. CONCLUSION

For the reasons set forth above, the Board should grant summary judgment to Raising Cane’s in both the opposition and cancellation proceedings, and refuse registration of Fifty-Six Hope’s Application Serial No. 77/549,263.

II. RAISING CANE’S IS ENTITLED TO AN ORDER COMPELLING DISCOVERY

Raising Cane’s served its First Set of Interrogatories and First Set of Document Requests on Fifty-Six Hope on April 22, 2011. Exhibits A and B. Pursuant to an extension granted by Raising Cane’s, Fifty-Six Hope provided responses and objections to these interrogatories and document requests on June 10, 2011. Exhibits C and D.

Despite Raising Cane’s numerous requests that Fifty-Six Hope produce documents responsive to its requests, and documents and interrogatory responses that Fifty-Six Hope is withholding based on allegations that they are confidential, Fifty-Six Hope has ignored Raising Cane’s several requests and to date is improperly withholding this information. Further, Fifty-

Six Hope has raised several improper objections to Raising Cane's discovery requests as discussed below.

A. Fifty-Six Hope Should Immediately Produce Confidential Discovery It Is Improperly Withholding

In Fifty-Six Hope's responses to Raising Cane's First Set of Document Requests, Fifty-Six Hope explicitly states that it "objects to the document requests to the extent they seek confidential documents, which will not be produced until the Board enters a suitable protective order." See Exhibit D at p.3. Fifty-Six Hope's responses to Raising Cane's First Set of Interrogatories posed a similar general objection stating, "Fifty-Six Hope Road objects to the interrogatories on the grounds they call for confidential information of Fifty-Six Hope Road and its licensees." See Exhibit C at p.3. Fifty-Six Hope then specifically raises this objection in Interrogatory Nos. 2, 4, 9, 11 and 16.

These objections are clearly improper. The Trademark Trial and Appeal Board Manual of Procedure ("TBMP") states:

"parties cannot withhold properly discoverable information on the basis of confidentiality since the terms of the Board's Standard Protective Order automatically apply. In instances where a party has refused to provide such discoverable information on such grounds, the Board, where appropriate, may order the party to provide such information consistent with the terms of the Protective Order."

TBMP § 412.01. *See* 2.116(g) ("The Trademark Trial and Appeal Board's standard protective order is applicable during disclosure, discovery and at trial in all opposition, cancellation, interference and concurrent use registration proceedings, unless the parties, by stipulation approved by the Board, agree to an alternative order, or a motion by a party to use an alternative order is granted by the Board."); *e.g. Amazon Tech., Inc. v. Wax*, 93 U.S.P.Q. 2d 1702, 1706 N.6 (TTAB) 2009.

It is appropriate for the Board to order production of Fifty-Six Hope's confidential documents and complete responses to Raising Cane's interrogatories above. 37 C.F.R. § 2.120(g). In a June 13, 2011 email from Fifty-Six Hope's counsel to counsel for Raising Cane's, Fifty-Six Hope provided counsel for Raising Cane's a proposed Protective Order and indicated it would not produce any documents or interrogatory responses it considered confidential until after the parties' execution and the Board entrance of a suitable protective order. Exhibit E. This position is improper and contrary to TBMP § 412.02.

Nevertheless, Raising Cane's counsel has made several good faith efforts to resolve its dispute with counsel for Fifty Six Hope prior to bringing this motion, but Fifty Six Hope has ignored Raising Cane's requests. See TBMP § 523.02. Raising Cane's agreed to Fifty-Six Hope's proposed Protective Order and returned it fully executed on June 14, 2011. Exhibit F. Raising Cane's further requested production of confidential documents and interrogatory responses without delay on the same date. *Id.* Fifty-Six Hope ignored this request. Raising Cane's subsequently requested immediate production of Fifty-Six Hope's confidential discovery twice more, and these requests were also ignored. Exhibit G.

Finally, on August 1, 2011, Fifty-Six Hope proposed a new protective order with extremely minor substantive changes. Exhibit H. Raising Cane's agreed to execute the new Stipulated Protective Order on August 2, 2011, but made it clear that the new Protective Order should not be used as a pretext for withholding confidential discovery. Exhibit I. Fifty-Six Hope ignored Raising Cane's for two more weeks and finally sent an executed version of the new protective order on August 16, 2011. Exhibit J. Incredibly, Fifty Six Hope advised that they are still gathering documents. *Id.* In sum, Fifty Six Hope has failed to produce any confidential documents or interrogatory responses despite Raising Cane's repeated requests.

In sum, an order requiring Fifty-Six Hope to produce its confidential documents and interrogatory responses is necessary in order to enforce Fifty-Six Hope's compliance with the applicable rules.

B. Raising Cane's Is Entitled To Production of Non-Confidential Documents and Withdrawal of Improper Interrogatory Objections

In addition to the above refusal to produce confidential documents, Fifty-Six Hope has failed to produce any non-confidential documents responsive to Raising Cane's First Set of Document Requests. Fifty-Six Hope has not supplied any reason for failing to do so. Fifty-Six Hope should be required to produce all responsive non-confidential documents immediately.

In addition, Fifty-Six Hope has objected to a number of interrogatories on the basis that Raising Cane's interrogatories and sub-parts exceed the number of interrogatories allowed under 37 C.F.R. §2.120(d). This objection is improper. Fifty-Six Hope propounds this objection in response to Interrogatory Nos. 2, 3, 5, 11, and 25, but Fifty-Six Hope has not made it clear what sub-parts to these interrogatories, if any, it is refusing to respond to. Regardless, this objection is improper as 37 C.F.R. § 2.120(d) provides for a limit of 75 interrogatories. Raising Cane's propounded a mere 27 interrogatories and Fifty-Six Hope does not make a showing that Raising Cane's has exceeded its allowable limit, even counting sub-parts. Thus, Fifty-Six Hope's objection should be stricken as improper and Fifty-Six Hope should be required to respond to these interrogatories in full.

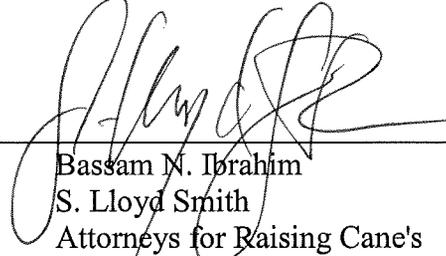
C. Conclusion

As set forth above, Fifty-Six Hope is entitled to an order compelling production of confidential and non-confidential documents responsive to Raising Cane's document requests immediately, and an order compelling complete responses to Raising Cane's interrogatories, including confidential documents.

III. CONCLUSION

For the above stated reasons, Raising Cane's Motion for Summary Judgment and Motion to Compel should be granted

By



Bassam N. Ibrahim
S. Lloyd Smith
Attorneys for Raising Cane's
Buchanan Ingersoll, P.C.
P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620

Date: 19th day of August, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RAISING CANE'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO COMPEL DISCOVERY was served this 19th day of August, 2011 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
MANATT, PHELPS & PHILLIPS, LLC
11355 W. Olympic Boulevard
Los Angeles, CA 90064



Florie Goodman

EXHIBIT

A

DOCKETED

4-22-11

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Fifty-Six Hope ,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Raising Cane's.	:	
	:	
Raising Cane's USA, LLC	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91198552
Fifty-Six Hope Road Music Limited	:	
	:	
Applicant.	:	
	:	

**RAISING CANE'S USA, LLC FIRST SET OF INTERROGATORIES TO FIFTY-SIX
HOPE ROAD MUSIC LIMITED**

Registrant/Opposer Raising Cane's USA, LLC, (“Raising Cane's”), in accordance with Rule 33 and other applicable rules of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, requests that Petitioner/Applicant Fifty-Six Hope Road Music Limited, (“Fifty-Six Hope”) respond to Raising Cane's First Set of Interrogatories (“Interrogatories”) as set forth below. These Interrogatories shall be deemed continuing in nature pursuant to Rule 26(e)(2) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

All requests pertain solely to activities in the United States.

All Interrogatories shall be answered in a format such that it is clear as to which Interrogatory each answer pertains. If Fifty-Six Hope cannot give, either in whole or in part, the specific information called for by an Interrogatory to the extent requested, Fifty-Six Hope must give the best information that it has on the subject.

As used herein and in any subsequent Interrogatories, the following definitions apply:

1. Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
2. Document. The term “document” means every writing or record of any type and description that is or has been in the possession, control or custody of Fifty-Six Hope, of which Fifty-Six Hope has knowledge, including without limitation correspondence, memoranda, tapes, emails and any other electronic documents, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, films, voice recordings, maps, reports, surveys, minutes, statistical complications, trademark appraisals, trademark registrability or availability searches or reports, trademark infringement reports, opinions of counsel, and any other information-containing paper, writing or physical thing; every copy of such writing or record where the original is not in the possession, custody, or control of Fifty-Six Hope ; and every copy of every such writing or record where such copy is not an identical copy of an original or where such copy contains any commentary or notations whatsoever that do not appear on the original. Additionally, the term “document” shall include any document considered privileged by Fifty-Six Hope.
3. Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent know, the person’s full name, present or last known address, and

when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

4. Identify (With Respect to Documents). When referring to documents, to “identify” means to give, to the extent known, (a) the type of document; (b) its general subject matter; (c) the date of the document; (d) the author(s), addressee(s) and recipient(s); and (e) the present location or custodian of the document.

5. Parties. The term “Fifty-Six Hope” shall mean Fifty-Six Hope, and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates.

6. Person. The term “person” is defined as any natural person or any business, legal or governmental entity or association.

7. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting, and vice versa.

8. All/Each. The terms “all” and “each” shall be construed as all and each.

9. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

10. Number. The use of the singular form of any word includes the plural and vice versa.

11. Date. The term “date” means the exact day, month and year if ascertainable or, if not, the best approximation thereof (including chronological relationship to other events).

12. Raising Cane's Mark. The term "Raising Cane's Mark" shall mean Raising Cane's ONE LOVE Mark identified in U.S. Registration No. 3,033,511.

13. Raising Cane's Services. The term "Raising Cane's Services" shall mean the services listed in U.S. Registration No. 3,033,511.

14. Fifty-Six Hope's Marks. The term "Fifty-Six Hope's Marks" shall mean those marks designated and pleaded by Fifty-Six Hope in the Petition for Cancellation, including U.S. Application No. 77/549,263 which is the subject of the opposition, as well as any other marks upon which Fifty-Six Hope intends to rely in this proceeding.

15. Fifty-Six Hope's Goods and Services. The term "Fifty-Six Hope's Goods and Services" refers to the goods claimed in the applications and registrations listed in the Petition for Cancellation, including U.S. Application No. 77/549,263 which is the subject of the opposition, as well as any other goods and/or services upon which Fifty-Six Hope intends to rely in these proceeding.

INTERROGATORY NO. 1:

Identify all products and services on or in connection with which Fifty-Six Hope or any predecessor in interest use or have used: (1) the mark ONE LOVE or (2) any mark that you contend is confusingly similar to Raising Cane's Mark.

INTERROGATORY NO. 2:

For each product or service identified in response to Interrogatory No. 1, state:

- (a) a description thereof;
- (b) the number of units sold each year since the product or service was first sold;
- (c) the dollar amount of sales by product for each year since the product or service was first sold;
- (d) the geographic scope of sales for each product or service;

(e) identify the channels of trade through which the product or service is being and has been sold;

(f) identify the distribution outlets through which the product or service is being and has been sold;

(g) the date on which each product or service was first sold.

INTERROGATORY NO. 3:

State whether Fifty-Six Hope has ever advertised or promoted goods or services bearing Fifty-Six Hope's Marks, and if so, provide a breakdown including:

(a) the form of media promotion or advertisement and its identity;

(b) the inclusive dates and areas of promotion or advertisement;

(c) the total annual advertising, marketing and promotional expenditures; and

(d) the name and address of each and every advertising agency used at any time by

Fifty-Six Hope which did any work with regard to Fifty-Six Hope's Marks.

INTERROGATORY NO. 4:

Identify all agreements relating to Fifty-Six Hope's Marks, including, without limitation, agreements relating to the distribution or licensing of goods or services under Fifty-Six Hope's Marks.

INTERROGATORY NO. 5:

Identify each period of time during which Fifty-Six Hope wholly or partially failed to use any of Fifty-Six Hope's Marks in connection with any of the service or products identified in response to Interrogatory No. 1, and state:

(a) the dates of non-use;

(b) the reasons for non-use;

(c) the reasons for resumed use; if applicable; and

(d) the products in connection with which use of Fifty-Six Hope's Marks were not continuous.

INTERROGATORY NO. 6:

Identify any prior owner of Fifty-Six Hope's Marks through which Fifty-Six Hope claims title and describe in detail the relationship between Fifty-Six Hope and the prior owner as well as the nature of the transfer of rights from the prior owner to Fifty-Six Hope.

INTERROGATORY NO. 7:

For Fifty-Six Hope's company:

(a) State the full complete name of the company and any changes in such name, with the date of each change; and,

(b) State the state and date of incorporation and the present status of the corporation.

INTERROGATORY NO. 8:

Describe in detail the circumstances surrounding and the reasons for the selection of Fifty-Six Hope's Marks.

INTERROGATORY NO. 9:

State whether Fifty-Six Hope has licensed or granted authority to furnish goods or services under Fifty-Six Hope's Marks and if so, identify all such persons to whom Fifty-Six Hope has licensed the Marks and the goods covered by each license and identify all documents evidencing or relating to each such license agreement, including, without limitation, any rules, directions or guidelines intended for licensees or distributors of Fifty-Six Hope covering decoration, layout, signage and background music which may accompany or be part of the display or presentation of Fifty-Six Hope's Goods and Services.

INTERROGATORY NO. 10:

State the date and circumstances under which Fifty-Six Hope first learned of Raising Cane's Mark and identify the person or persons who initially obtained this information.

INTERROGATORY NO. 11:

Identify all instances of actual confusion that have arisen between Raising Cane's Mark and Fifty-Six Hope's Marks. For each such instance state:

- (a) the name, or other means of identification, address, and occupation of the persons who were confused, mistaken or deceived;
- (b) the date and place the instance occurred;
- (c) a description of the circumstance that led to the person being confused, mistaken or deceived;
- (d) the means by which Fifty-Six Hope received notice thereof;
- (e) the name, address and occupation of the person from whom such notice was received;
- (f) whether any record was made of the instance, and if so, the name and address of the person who has custody of the records; and
- (g) the persons at Fifty-Six Hope most knowledgeable about the subject matter in Subparagraphs (a) through (f) hereof.

INTERROGATORY NO. 12:

Identify all third party uses of any trademark, service mark, business name, trade name, or title consisting of or comprising (1) the marks ONE LOVE; or (2) any mark that you contend is confusingly similar to Raising Cane's Mark, as a component of a mark or as an entire mark.

INTERROGATORY NO. 13:

Identify each legal proceeding, other than the current proceeding, involving Fifty-Six Hope's Marks and state the outcome of the proceeding.

INTERROGATORY NO. 14:

State whether Fifty-Six Hope has ever objected to the use of any mark or name comprising or consisting of ONE LOVE by any third party or opposed any U.S. federal or state trademark application or sought to cancel any existing U.S. federal or trademark registration based on any or all Fifty-Six Hope's Marks, and state the outcome of such objections.

INTERROGATORY NO. 15:

Identify all consumer and/or purchaser surveys, studies or market research that Fifty-Six Hope has conducted or has had others conduct on its behalf relating to Fifty-Six Hope's Marks and/or Raising Cane's Mark.

INTERROGATORY NO. 16:

Identify each person employed by or associated with Fifty-Six Hope who has had primary responsibility, from the year 2000 through the present, in connection with Fifty-Six Hope's Goods and Services, for:

- (a) Sales;
- (b) Marketing;
- (c) Advertising;
- (d) Customer relations;
- (e) Manufacturing;
- (f) Service;
- (g) Product or service names and marks;
- (h) Financial records, including sales and profits; and

- (i) New product planning.

INTERROGATORY NO. 17:

Identify the principal competitors in each business in which Fifty-Six Hope uses Fifty-Six Hope's Marks or in which Fifty-Six Hope intends to use Fifty-Six Hope's Marks.

INTERROGATORY NO. 18:

Identify the class(es) of current customers and prospective purchasers for Fifty-Six Hope's Goods and Services.

INTERROGATORY NO. 19:

Identify the channels of trade through which Fifty-Six Hope currently sells or offers for sale Fifty-Six Hope's Goods and Services or through which Fifty-Six Hope intends to sell or offer for sale Fifty-Six Hope's Goods and Services.

INTERROGATORY NO. 20:

Identify all forms and formats in which Fifty-Six Hope's Marks have been depicted on labels, cartons, product containers, packaging, advertising, promotional materials, product descriptions, price sheets, order forms and the like including all stylized letters, logos and designs.

INTERROGATORY NO. 21:

State whether Fifty-Six Hope has employed, or intends to employ, an expert to act on its behalf in this matter, and if so, for each such expert state:

- (a) His or her identity;
- (b) His or her field of specialization and background as an expert; and
- (c) Whether Fifty-Six Hope proposes to call him or her as a witness, and if so, the substance of the proposed testimony.

INTERROGATORY NO. 22

State whether Fifty-Six Hope has conducted, or intends to conduct, any survey with regard to:

- (a) Likelihood of confusion, or
- (b) Public recognition of the Fifty-Six Hope's Marks.

INTERROGATORY NO. 23

Identify and describe the bases, including but not limited to identifying specific facts, for Fifty-Six Hope's allegation in the Petition for Cancellation that Fifty-Six Hope's ONE LOVE Mark is famous.

INTERROGATORY NO. 24

State the basis of Fifty-Six Hope's allegation that Fifty-Six Hope's ONE LOVE Mark has priority over Raising Cane's Mark.

INTERROGATORY NO. 25

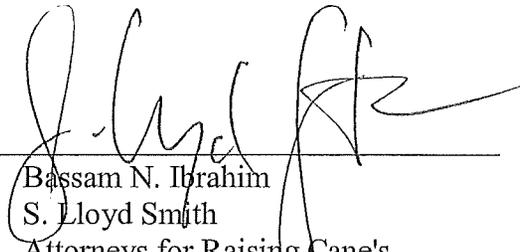
State the factual basis for each affirmative defense in the Answer to the Notice of Opposition.

INTERROGATORY NO. 26

State whether Fifty-Six Hope contends that Raising Cane's Mark is likely to cause confusion and/or dilution of Fifty-Six Hope's MARLEY Marks, and if yes, state the basis for such contentions in detail.

INTERROGATORY NO. 27

Identify each person who participated in formulating Fifty-Six Hope's Answers to these interrogatories, stating specifically the number of each Interrogatory to which such person contributed information.

By 
Bassam N. Ibrahim
S. Lloyd Smith
Attorneys for Raising Cane's
Buchanan Ingersoll, P.C.
P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620

Date: April 22, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RAISING CANE'S FIRST SET OF INTERROGATORIES TO FIFTY-SIX HOPE was served this 22nd day of April, 2011 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
MANATT, PHELPS & PHILLIPS, LLC
11355 W. Olympic Boulevard
Los Angeles, CA 90064



Florie Goodman

EXHIBIT

B

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Petitioner ,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Registrant.	:	
	:	
Raising Cane's USA, LLC	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91198552
Fifty-Six Hope Road Music Limited	:	
	:	
Applicant.	:	

**CANE'S FIRST SET OF DOCUMENT REQUESTS TO FIFTY-SIX HOPE ROAD
MUSIC LIMITED**

Registrant/Opposer Raising Canes's USA, LLC, ("Raising Cane's"), in accordance with Fed. R. Civ. P. 34 and Rule 2.120 of the Trademark Rules of Practice, hereby requests that Petitioner/Applicant Fifty-Six Hope Road Music Limited ("Fifty-Six Hope") respond to Raising Cane's First Set of Document Requests ("Requests") as set forth below. These Document Requests shall be deemed continuing in nature pursuant to Rule 26(e)(2) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

Raising Cane's incorporates by reference the Definitions and Instructions in Raising Cane's First Set of Interrogatories to Fifty-Six Hope.

DOCUMENT REQUEST NO. 1:

All documents and tangible things identified in response to Raising Cane's First Set of Interrogatories to Fifty-Six Hope.

DOCUMENT REQUEST NO. 2:

All documents and tangible things concerning or relating to the origination, development, selection or adoption of Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 3:

All documents and tangible things concerning or relating to the use or future use of Fifty-Six Hope's Marks in connection with any goods or services.

DOCUMENT REQUEST NO. 4:

Any trademark searches, including, but not limited to searches of databases such as LEXIS/NEXIS, DIALOG or TRADEMARKSCAN, reports or investigations related to the selection, adoption, and/or application for registration of Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 5:

All documents concerning the defense or enforcement of rights in Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 6:

Any documents and tangible things concerning Fifty-Six Hope's first use in the United States of Fifty-Six Hope's Marks for each and every type of product or service in connection with which Fifty-Six Hope's Marks have been used in the United States.

DOCUMENT REQUEST NO. 7:

Specimens of all products bearing Fifty-Six Hope's Marks or upon which Fifty-Six Hope intends to use Fifty-Six Hope's Marks in the future.

DOCUMENT REQUEST NO. 8:

All documents concerning any third party adoption or use of any marks or name containing the term ONE LOVE or any mark Fifty-Six Hope contends is similar to Fifty-Six Hope's Marks or Raising Cane's Mark.

DOCUMENT REQUEST NO. 9:

All documents concerning the prosecution history for any federal or state trademark applications for Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 10:

All documents regarding marketing or consumer research, including individual questionnaires, pilot studies focus groups and surveys undertaken concerning Fifty-Six Hope's Marks or Raising Cane's Mark.

DOCUMENT REQUEST NO. 11:

All documents regarding publicity (both solicited and unsolicited) in the United States concerning Fifty-Six Hope's Marks and/or the goods or services offered under Fifty-Six Hope's Marks, including press releases and articles of any kind.

DOCUMENT REQUEST NO. 12:

All documents regarding inquiries from and negotiations with third parties concerning the possibility of a license, franchise, sublicense, sub-franchise, assignment or distribution agreement with sublicense, sub-franchise, assignment or distribution agreement with Fifty-Six Hope concerning Fifty-Six Hope's Marks and/or Fifty-Six Hope's Goods and Services.

DOCUMENT REQUEST NO. 13:

All past and current licenses, franchises, sublicenses, sub-franchises, distributorships and assignments and other agreements, together with related correspondence or other documents concerning Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 14:

All security agreements concerning Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 15:

All documents and tangible things concerning the types of locations in the United States at which Fifty-Six Hope has promoted, advertised and/or sold goods or services under Fifty-Six Hope's Marks or at which Fifty-Six Hope intends to promote, advertise, and/or sell goods or services under Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 16:

All documents and tangible things concerning the manner of marketing (past, current and contemplated) of goods or services bearing Fifty-Six Hope's Marks in the United States.

DOCUMENT REQUEST NO. 17:

All documents and tangible things concerning the channels of trade in which Fifty-Six Hope has offered or may offer goods or services under or using Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 18:

All documents and tangible things which identify the actual or prospective classes of customers and purchasers of goods or services offered under or using Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 19:

Documents sufficient to identify the amount of sales in the United States of goods or services offered under or using Fifty-Six Hope's Marks since their date of first use.

DOCUMENT REQUEST NO. 20:

Documents sufficient to identify the amount of advertising and promotional expenditures for goods or services offered under or using Fifty-Six Hope's Marks in the United States since their date of first use.

DOCUMENT REQUEST NO. 21:

All documents that refer or relate to the significance of Fifty-Six Hope's Marks as used on or in connection with or contemplated to be used on or in connection with goods or services offered for sale by Fifty-Six Hope.

DOCUMENT REQUEST NO. 22:

All documents relating to threatening or pending arbitration, litigation or other adversarial proceedings (including oppositions and cancellations) concerning Fifty-Six Hope's Marks.

DOCUMENT REQUEST NO. 23:

All documents and tangible things concerning Fifty-Six Hope's knowledge of Raising Cane's or Raising Cane's Mark.

DOCUMENT REQUEST NO. 24:

All documents and tangible things evidencing any confusion between Fifty-Six Hope, Fifty-Six Hope's Marks, or Fifty-Six Hope's Goods and Services and Raising Cane's, Raising Cane's Mark, and/or Raising Cane's Services, including inquiries, comments or other communications by or from customers, suppliers, or members of the public, either written or oral, showing any confusion, suspicion, belief or doubt as to a possible relationship between Fifty-Six Hope and Raising Cane's or the origin of their respective products and/or services.

DOCUMENT REQUEST NO. 25:

All communications between Fifty-Six Hope and any third party concerning Raising Cane's or Raising Cane's Mark.

DOCUMENT REQUEST NO. 26:

All communications between Fifty-Six Hope and any third party concerning this opposition proceeding.

DOCUMENT REQUEST NO. 27:

All documents supporting the allegations set forth in Fifty-Six Hope's Petition for Cancellation.

DOCUMENT REQUEST NO. 28:

All documents supporting Fifty-Six Hope's contentions that Fifty-Six Hope's ONE LOVE Mark is famous.

DOCUMENT REQUEST NO. 29:

All documents upon which Fifty-Six Hope intends to rely to support or prove Fifty-Six Hope's case in this proceeding.

DOCUMENT REQUEST NO. 30:

All documents that demonstrate that Fifty-Six Hope has priority of use.

DOCUMENT REQUEST NO. 31:

All document that support or prove Fifty-Six Hope's affirmative defenses.

RAISING CANE'S USA, LLC


By _____

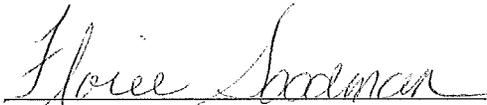
Bassam N. Ibrahim
S. Lloyd Smith
Buchanan Ingersoll & Rooney, P.C.
1737 King Street, Suite 500
Alexandria, Virginia 22314
Phone: (703) 836-6620
Fax: (703)836-2021

Date: April 22, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RAISING CANE'S FIRST SET OF DOCUMENT REQUESTS TO FIFTY-SIX HOPE was served this 22nd day of April, 2011 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
MANATT, PHELPS & PHILLIPS, LLC
11355 W. Olympic Boulevard
Los Angeles, CA 90064


Florie Goodman

EXHIBIT

C

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>FIFTY-SIX HOPE ROAD MUSIC LIMITED'S RESPONSES TO RAISING CANE'S USA, LLC'S FIRST SET OF INTERROGATORIES</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, Petitioner, vs. RAISING CANE'S USA, LLC, Registrant.</p>	<p>Cancellation No. 92-053461</p>

I. PRELIMINARY STATEMENT

Applicant and Petitioner Fifty-Six Hope Road Music Limited ("Fifty-Six Hope Road") provides the following responses and objections to Opposer and Registrant Raising Cane's USA, LLC's ("Registrant") First Set of Interrogatories. These responses are made solely for the purposes of this action. Any information supplied in response to any particular interrogatory is or will be supplied by Fifty-Six Hope Road subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections on any grounds that would require the exclusion of the information or portion thereof if such information were offered into evidence, all of which

objections and grounds are hereby expressly reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by the responses herein. The fact that Fifty-Six Hope Road has supplied, or hereafter supplies, information in response to any particular interrogatory should not be taken as an admission that Fifty-Six Hope Road accepts or admits the existence of any fact set forth or assumed by such interrogatory or that such information constitutes admissible evidence. The fact that Fifty-Six Hope Road has supplied or hereafter supplies information in response to any interrogatory is not intended, and shall not be construed, as a waiver by Fifty-Six Hope Road of any part of any objection to any such interrogatory. The fact that Fifty-Six Hope Road makes a response and/or objection to any interrogatory is not intended, and shall not be construed, as an admission that information responsive to that interrogatory exists.

Fifty-Six Hope Road reserves the right to make any changes in these responses if it appears that omissions or errors have been made therein, or that future or more accurate information is available. Fifty-Six Hope Road has not completed its own investigation and discovery. Therefore, the following responses state Fifty-Six Hope Road's knowledge, information, and belief as of the date of such responses, and Fifty-Six Hope Road expressly reserves the right to rely upon and/or introduce into evidence at trial such additional evidence and documents as Applicant may discover.

II. GENERAL OBJECTIONS

Fifty-Six Hope Road objects to all of the interrogatories on the following grounds and the general objections are incorporated by reference to each response contained herein as though fully restated therein.

1. Fifty-Six Hope Road objects to the definitions of "Fifty-Six Hope's Marks" and "Fifty-Six Hopes Goods and Services" set forth in the Interrogatories on the grounds that they are overbroad, burdensome, unduly oppressive, and requires more information than what is permitted under Fed.R.Civ.P. 33, and invade the right of privacy of Fifty-Six

Hope Road, its licensees, and the customers of Fifty-Six Hope Road's goods and services.

2. Fifty-Six Hope Road objects to the interrogatories on the grounds that they call for confidential information of Fifty-Six Hope Road and its licensees.

Without waiving the objections asserted herein and reserving the rights stated above, Fifty-Six Hope Road provides the following responses:

FIFTY-SIX HOPE ROAD'S RESPONSE TO REGISTRANT'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Identify all products and services on or in connection with which Fifty-Six Hope or any predecessor in interest use or have used: (1) the mark ONE LOVE or (2) any mark that you contend is confusingly similar to Raising Cane's Mark.

RESPONSE TO INTERROGATORY NO. 1:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road has used the ONE LOVE mark on or in connection with cloth bibs, infant and toddler one piece clothing, hats, shirts, sweat shirts, and tank-tops, and has licensed ONE LOVE and the One Love song to the Jamaica Board of Tourism. Fifty-Six Hope Road has used ONE LOVE for musical sound recordings. Fifty-Six Hope Road has used the 1LOVE mark and the design mark depicted below ("the 1LOVE Design Mark") in connection with a charitable organization and a website related thereto.



INTERROGATORY NO. 2:

For each product or service identified in response to Interrogatory No. 1, state:

- (a) a description thereof;
- (b) the number of units sold each year since the product or service was first sold;
- (c) the dollar amount of sales by product for each year since the product or service was first sold;
- (d) the geographic scope of sales for each product or service;
- (e) identify the channels of trade through which the product or service is being and has been sold;
- (f) identify the distribution outlets through which the product or service is being and has been sold;
- (g) the date on which each product or service was first sold.

RESPONSE TO INTERROGATORY NO. 2:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road also objects to this

interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests. Fifty-Six Hope Road will supplement this response upon the Board's entrance of a suitable protective order.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road first sold clothing bearing the ONE LOVE mark at least as early as 1991. Fifty-Six Hope Road sells clothing bearing the ONE LOVE mark throughout the United States. Fifty-Six Hope Road sells clothing bearing the ONE LOVE mark through mass market retailers, specialty retailers, boutiques, and the internet.

Fifty-Six Hope Road uses the 1LOVE and 1LOVE Design Mark for charitable services. Fifty-Six Hope Road offers its charitable services under these marks throughout the United States. Fifty-Six Hope Road offers its charitable services under these marks through the internet and in partnership with the United Nations Environment Programme, charity: water, African Leadership Academy, Playing for Change Foundation, Marley Beverages, Marley Coffee, and The House of Marley.

INTERROGATORY NO. 3:

State whether Fifty-Six Hope has ever advertised or promoted goods or services

bearing Fifty-Six Hope's Marks, and if so, provide a breakdown including:

- (a) the form of media promotion or advertisement and its identity;
- (b) the inclusive dates and areas of promotion or advertisement;
- (c) the total annual advertising, marketing and promotional expenditures; and
- (d) the name and address of each and every advertising agency used at any

time by Fifty-Six Hope which did any work with regard to Fifty-Six Hope's Marks.

RESPONSE TO INTERROGATORY NO. 3:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests. Fifty-Six Hope Road will supplement this response upon the Board's entrance of a suitable protective order.

Subject to the above objections and to the extent Fifty-Six Hope Road

understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road has advertised or promoted services bearing its marks.

INTERROGATORY NO. 4:

Identify all agreements relating to Fifty-Six Hope's Marks, including, without limitation, agreements relating to the distribution or licensing of goods or services under Fifty-Six Hope's Marks.

RESPONSE TO INTERROGATORY NO. 4:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests.

INTERROGATORY NO. 5:

Identify each period of time during which Fifty-Six Hope wholly or partially failed to use any of Fifty-Six Hope's Marks in connection with any of the service or products identified in response to Interrogatory No. 1, and state:

- (a) the dates of non-use;

- (b) the reasons for non-use;
- (c) the reasons for resumed use; if applicable; and
- (d) the products in connection with which use of Fifty-Six Hope's Marks were

not continuous.

RESPONSE TO INTERROGATORY NO. 5:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous and unintelligible. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road has continually used its marks in connection with the services and products identified in its response to Interrogatory No. 1 since their respective dates of first use.

INTERROGATORY NO. 6:

Identify any prior owner of Fifty-Six Hope's Marks through which Fifty-Six Hope claims title and describe in detail the relationship between Fifty-Six Hope and the prior owner as well as the nature of the transfer of rights from the prior owner to Fifty-Six Hope.

RESPONSE TO INTERROGATORY NO. 6:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Bob Marley died in 1981, intestate, as a domiciliary and legal resident of Jamaica. Initially, Bob Marley's estate and all of its assets, including all of Marley's intellectual property rights and rights to Bob Marley's name and likeness ("the Marley Rights"), succeeded to Rita Marley, Bob Marley's wife, and nine of his eleven children (collectively, "the Marley Beneficiaries") and were administered by Mutual Security Merchant Bank and Trust Co. Ltd. ("the Bank"). The Marley Rights were subsequently purchased by Island Logic, Inc., a New York corporation, in 1988. The circumstances of the sale were disputed by certain of the Marley children before the Jamaican Court of Appeals, such that the Bank was made to re-advertise the Marley Rights for sale, resulting in Island Logic, Inc.'s assignment of the Marley Rights to Island Logic Ltd., a Bahamas company in December 1989. In December 1989, the Bank assigned all name, likeness, and biographical rights to Island Logic Ltd. The sale and subsequent assignment were confirmed by the Supreme Court of Jamaica in December 1991.

In 1990, the Marley Rights were gifted from Island Logic Ltd. to Stichting Bob Marley ("Stichting"), a Netherlands charitable foundation. During the time it owned the Marley Rights, Stichting licensed to Bob Marley Music, Inc., a California corporation, the rights to Bob Marley's name and likeness. Bob Marley Music entered several licenses

for the use of the Marley Intellectual Property, beginning at least as early as 1986. Stichting thereafter reconveyed the Marley Rights to Island Logic Ltd. in 1994, who, in 1995, conveyed the Marley Rights to Fifty-Six Hope Road. Fifty-Six Hope Road has owned the Marley Rights, including all rights to Bob Marley's name, image, and likeness, since 1995, and has since licensed those rights through its affiliated entities, Hope Road Merchandising LLC and The Robert Marley Foundation, Ltd.

INTERROGATORY NO. 7:

For Fifty-Six Hope's company:

(a) State the full complete name of the company and any changes in such name, with the date of each change; and,

(b) State the state and date of incorporation and the present status of the corporation.

RESPONSE TO INTERROGATORY NO. 7:

Fifty-Six Hope Road's full complete name is Fifty-Six Hope Road Music Limited. Fifty-Six Hope Road is an International Business Company in Bahamas. Fifty-Six Hope Road was constituted as an International Business Company in 1995.

INTERROGATORY NO. 8:

Describe in detail the circumstances surrounding and the reasons for the selection of Fifty-Six Hope's Marks.

RESPONSE TO INTERROGATORY NO. 8:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous and overbroad. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road's Marks are derived from the identity, persona and musical legacy of Bob Marley. BOB MARLEY and other marks using the terms BOB MARLEY or MARLEY are derived from Bob Marley's name. BOB MARLEY & THE WAILERS is the name of Bob Marley's band. ONE LOVE, CATCH A FIRE, ROOTS ROCK REGGAE, THREE LITTLE BIRDS, NICE TIME, and BURNIN' are derived from names of Bob Marley's famous songs.

INTERROGATORY NO. 9:

State whether Fifty-Six Hope has licensed or granted authority to furnish goods or services under Fifty-Six Hope's Marks and if so, identify all such persons to whom Fifty-Six Hope has licensed the Marks and the goods covered by each license and identify all documents evidencing or relating to each such license agreement, including, without limitation, any rules, directions or guidelines intended for licensees or distributors of Fifty-Six Hope covering decoration, layout, signage and background music which may accompany or be part of the display or presentation of Fifty-Six Hope's Goods and Services.

RESPONSE TO INTERROGATORY NO. 9:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous and duplicative of other interrogatories herein. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive and beyond what is discoverable under the Trademark Rules of Practice. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects

to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests.

INTERROGATORY NO. 10:

State the date and circumstances under which Fifty-Six Hope first learned of Raising Cane's Mark and identify the person or persons who initially obtained this information.

RESPONSE TO INTERROGATORY NO. 10:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road first learned of Registrant's alleged rights in the ONE LOVE mark when it was cited by the PTO in an office action dated March 24, 2008 as a bar to Fifty-Six Hope Road's application to register ONE LOVE in Class 43, Ser. No. 77/344,663.

INTERROGATORY NO. 11:

Identify all instances of actual confusion that have arisen between Raising

Cane's Mark and Fifty-Six Hope's Marks. For each such instance state:

(a) the name, or other means of identification, address, and occupation of the persons who were confused, mistaken or deceived;

(b) the date and place the instance occurred;

(c) a description of the circumstance that led to the person being confused, mistaken

(d) the means by which Fifty-Six Hope received notice thereof;

(e) the name, address and occupation of the person from whom such notice was received;

(f) whether any record was made of the instance, and if so, the name and address of the person who has custody of the records; and

(g) the persons at Fifty-Six Hope most knowledgeable about the subject matter in Subparagraphs (a) through (f) hereof.

RESPONSE TO INTERROGATORY NO. 11:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product

doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road is currently unaware of any instances of actual confusion aside from that mentioned in response to Interrogatory No. 10. Discovery is continuing.

INTERROGATORY NO. 12:

Identify all third party uses of any trademark, service mark, business name, trade name, or title consisting of or comprising (1) the marks ONE LOVE; or (2) any mark that you contend is confusingly similar to Raising Cane's Mark, as a component of a mark or as an entire mark.

RESPONSE TO INTERROGATORY NO. 12:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it is irrelevant to the parties' claims and defenses, is an improper contention interrogatory, and seeks a legal conclusion. Fifty-Six Hope Road also objects to this interrogatory to the extent the information sought is equally available to Registrant. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

INTERROGATORY NO. 13:

Identify each legal proceeding, other than the current proceeding, involving Fifty-Six Hope's Marks and state the outcome of the proceeding.

RESPONSE TO INTERROGATORY NO. 13:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent the information sought is equally available to Registrant. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is irrelevant to the parties' claims and defenses. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road's Marks have been the subject of following legal proceedings:

- Fifty-Six Hope Road Music Limited v. Marley's Sliders, LLC, TTAB, 91-199257
- Fifty-Six Hope Road Music Limited v. One Love, LLC, TTAB, 92-053814
- Fifty-Six Hope Road Music Limited v. Fred E. Goldstein, TTAB, 92-053816
- Fifty-Six Hope Road Music Limited v. The Marly Group, TTAB, 92-052462
- Fifty-Six Hope Road Music Limited v. The Agency Group USA Limited, TTAB, 92-051997
- Fifty-Six Hope Road Music Limited v. Bamboula 8, LLC, TTAB, 91-191431
- Fifty-Six Hope Road Music Limited v. Three Little Birds Music, LLC, TTAB, 91-191071
- Fifty-Six Hope Road Music Limited v. Cynthia Wong, TTAB, 91-190112

- Fifty-Six Hope Road Music Limited v. MMB Marley's LLC, TTAB, 92-050736
- Fifty-Six Hope Road Music Limited v. Fred E. Goldstein, TTAB, 91-187516
- Fifty-Six Hope Road Music Limited v. Jaques Pradieu, TTAB, 91187549
- Fifty-Six Hope Road Music Limited v. Cedella Marley Booker, TTAB, 91-186104
- Bob's Store Corp. v Fifty-Six Hope Road Music Limited , TTAB, 91-176155
- Big Boy Restaurants International, LLC v. Fifty-Six Hope Road Music Limited, TTAB, 91-174367
- Fifty-Six Hope Road Music Limited, et al. v. A.V.E.L.A., Inc., et al, United States District Court of Nevada, Case No. 2:08-cv-00105-PMP-GWF.

INTERROGATORY NO. 14:

State whether Fifty-Six Hope has ever objected to the use of any mark or name comprising or consisting of ONE LOVE by any third party or opposed any U.S. federal or state trademark application or sought to cancel any existing U.S. federal or trademark registration based on any or all Fifty-Six Hope's Marks, and state the outcome of such objections.

RESPONSE TO INTERROGATORY NO. 14:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent the information sought is equally available to

Registrant. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to cease and desist letters produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road has filed the following notices of opposition and petitions to cancel regarding ONE LOVE or marks similar thereto:

- Fifty-Six Hope Road Music Limited v. Fred E. Goldstein, TTAB, 92-053816
- Fifty-Six Hope Road Music Limited v. The Agency Group USA Limited, TTAB, 92-051997
- Fifty-Six Hope Road Music Limited v. Fred E. Goldstein, TTAB, 91-187516

INTERROGATORY NO. 15:

Identify all consumer and/or purchaser surveys, studies or market research that Fifty-Six Hope has conducted or has had others conduct on its behalf relating to Fifty-Six Hope's Marks and/or Raising Cane's Mark.

RESPONSE TO INTERROGATORY NO. 15:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague

and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine and seeks premature expert discovery

INTERROGATORY NO. 16:

Identify each person employed by or associated with Fifty-Six Hope who has had primary responsibility, from the year 2000 through the present, in connection with Fifty-Six Hope's Goods and Services, for:

- (a) Sales;
- (b) Marketing;
- (c) Advertising;
- (d) Customer relations;
- (e) Manufacturing;
- (f) Service;
- (g) Product or service names and marks;
- (h) Financial records, including sales and profits; and
- (i) New product planning.

RESPONSE TO INTERROGATORY NO. 16:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous, particularly the term "associated with." Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road objects to this interrogatory on the grounds that it

is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road does not have any employees; its business is operated through its principals, licensees, and House of Marley, LLC. The persons responsible in the last five years for these categories are:

- a) Sales: Michael Conley, Zion Rootswear, LLC
- (b) Marketing: Michael Conley, Zion Rootswear, LLC
- (c) Advertising: Michael Conley, Zion Rootswear, LLC
- (d) Customer relations: There is no person with primary responsibility for this category.
- (e) Manufacturing: There is no person with primary responsibility for this category, as Fifty-Six Hope Road does not manufacture products.
- (f) Service: This category is unintelligible, overbroad, vague and ambiguous.
- (g) Product or service names and marks: One Love, which is the mark at issue, was selected by Bob Marley, now deceased.
- (h) Financial records, including sales and profits: Michael Mitnick, CPA
- (i) New product planning: Michael Conley, Zion Rootswear, LLC; Courtney White, House of Marley, LLC.

INTERROGATORY NO. 17:

Identify the principal competitors in each business in which Fifty-Six Hope uses Fifty-Six Hope's Marks or in which Fifty-Six Hope intends to use Fifty-Six Hope's Marks.

RESPONSE TO INTERROGATORY NO. 17:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous, specifically, the term "business." Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it is irrelevant to the parties' claims and defenses, and beyond the discovery permitted under the Trademark Rules of Practice. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information outside of its personal knowledge.

INTERROGATORY NO. 18:

Identify the class(es) of current customers and prospective purchasers for Fifty-Six Hope's Goods and Services.

RESPONSE TO INTERROGATORY NO. 18:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous, specifically, the term "class(es)." Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information outside of its personal

knowledge. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information regarding the consumers and purchasers of Fifty-Six Hope Road's goods and services under its registered marks which are presumed to be offered to all consumers and purchasers identified in their respective registrations.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road's goods and services are purchased and used by consumers of all demographics.

INTERROGATORY NO. 19:

Identify the channels of trade through which Fifty-Six Hope currently sells or offers for sale Fifty-Six Hope's Goods and Services or through which Fifty-Six Hope intends to sell or offer for sale Fifty-Six Hope's Goods and Services.

RESPONSE TO INTERROGATORY NO. 19:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks confidential information of Fifty-Six Hope Road and its licensees. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information regarding the channels of trade through which Fifty-Six Hope Road sells or offers for sale goods and services under its registered marks which are presumed to be offered in all typical channels of trade identified in their respective registrations.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road's

licensees offer clothing bearing the ONE LOVE mark in mass retailers, specialty shops, boutiques, and mid-tier retailers, and over the internet. Fifty-Six Hope Road promotes charitable services under the 1LOVE and 1LOVE & Design marks over the internet. Fifty-Six Hope Road offers musical sound recordings in mass retailers, specialty music retailers, and internet and digital retailers.

INTERROGATORY NO. 20:

Identify all forms and formats in which Fifty-Six Hope's Marks have been depicted on labels, cartons, product containers, packaging, advertising, promotional materials, product descriptions, price sheets, order forms and the like including all stylized letters, logos and designs.

RESPONSE TO INTERROGATORY NO. 20:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Fifty-Six Hope Road claims rights in its marks in standard character format and, thus, is not limited to using

its marks in any particular form or format.

INTERROGATORY NO. 21:

State whether Fifty-Six Hope has employed, or intends to employ, an expert to act on its behalf in this matter, and if so, for each such expert state:

- (a) His or her identity;
- (b) His or her field of specialization and background as an expert; and
- (c) Whether Fifty-Six Hope proposes to call him or her as a witness, and if so,

the substance of the proposed testimony.

RESPONSE TO INTERROGATORY NO. 21:

Fifty-Six Hope Road objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is premature of the expert disclosure deadline set by the Board.

INTERROGATORY NO. 22:

State whether Fifty-Six Hope has conducted, or intends to conduct, any survey with regard to:

- (a) Likelihood of confusion, or
- (b) Public recognition of the Fifty-Six Hope's Marks.

RESPONSE TO INTERROGATORY NO. 22:

Fifty-Six Hope Road objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is premature of the expert disclosure deadline set by the Board.

INTERROGATORY NO. 23:

Identify and describe the bases, including but not limited to identifying specific facts, for Fifty-Six Hope's allegation in the Petition for Cancellation that Fifty-Six Hope's ONE LOVE Mark is famous.

RESPONSE TO INTERROGATORY NO. 23:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road objects to this interrogatory as an improper contention interrogatory. Fifty-Six Hope Road also objects to this interrogatory to the extent the answer to this interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing Fifty-Six Hope Road's business records, and the burden of deriving or ascertaining the answer will be substantially the same for either party. Pursuant to FRCP 33(d), Fifty-Six Hope Road directs Registrant to the documents produced by Fifty-Six Hope Road in response to Registrant's First Set Of Document Requests.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Bob Marley wrote the song "One Love" and first recorded it in 1965. It was popularized by Bob Marley based on its inclusion on Bob Marley & the Wailers' 1977 album *Exodus*. It has since been included on numerous compilations featuring the works of Bob Marley, including the compilation album *Legend*, which has sold more than 13.5 million albums in the United States. "One Love" has also been licensed from Fifty-Six Hope Road by the Jamaica Tourist Board as the official theme song of Jamaican tourism. An authorized cover version of the song continues to be featured on the Jamaica Tourist Board's website

<visitjamaica.com> . Fifty-Six Hope Road has parlayed the fame of Bob Marley's "One Love" song into a brand of the same name. Fifty-Six Hope Road has offered clothing bearing the ONE LOVE mark since at least as early as 1991. Fifty-Six Hope Road also offers charitable services under the 1LOVE and 1LOVE & Design marks. Bob Marley was inducted into the Grammy Hall of Fame in 2007. The British Broadcasting Company recognized One Love as the song and *Exodus* as the album of the millennium in 2009. Fifty-Six Hope Road has licensed Universal Studios the right to use Bob Marley's name and likeness for a restaurant, which restaurant opened in 1999 and uses One Love and other Bob Marley song titles on menus and in other ways in its restaurant. One Love is also a famous song based on its record sales, publicity, licensing requests, awards and recognitions.

INTERROGATORY NO. 24:

State the basis of Fifty-Six Hope's allegation that Fifty-Six Hope's ONE LOVE Mark has priority over Raising Cane's Mark.

RESPONSE TO INTERROGATORY NO. 24:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Bob Marley first used One Love for a song title in 1965, and that song title has acquired secondary meaning. In 1999, Universal Studios opened its Bob Marley licensed themed restaurant, at which its uses One Love on menus and in other ways related to its restaurant. Fifty-Six Hope Road first used the ONE LOVE mark on clothing in interstate commerce at least as

early as 1991.

INTERROGATORY NO. 25:

State the factual basis for each affirmative defense in the Answer to the Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 25:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is compound and contains numerous subparts and causes the number of interrogatories propounded by Registrant to exceed the number allowed under 37 C.F.R. § 2.120(d). Fifty-Six Hope Road objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: See response to Interrogatory No. 24. Further, Fifty-Six Hope Road is of information and belief that Registrant has waived any rights it had to protest Fifty-Six Hope Road's use or registration of the ONE LOVE mark. Fifty-Six Hope Road is of information and belief that Registrant has acquiesced to Fifty-Six Hope Road's use or registration of the ONE LOVE mark. Discovery is ongoing.

INTERROGATORY NO. 26:

State whether Fifty-Six Hope contends that Raising Cane's Mark is likely to cause confusion and/or dilution of Fifty-Six Hope's MARLEY Marks, and if yes, state the basis for such contentions in detail.

RESPONSE TO INTERROGATORY NO. 26:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague

and ambiguous. Fifty-Six Hope Road also objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road objects to this interrogatory as an improper contention interrogatory.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Registrant's Mark falsely suggests a connection or association with Bob Marley and, by extension, Fifty-Six Hope Road's ONE LOVE trademark. Fifty-Six Hope Road contends that Registrant's Mark is likely to dilute its ONE LOVE trademark. The mark ONE LOVE is famous and is associated with Bob Marley. See responses to Interrogatories Nos. 1, 2, 3, 9, 10, 13, 14, 20, 23 and 24.

INTERROGATORY NO. 27:

Identify each person who participated in formulating Fifty-Six Hope's Answers to these interrogatories, stating specifically the number of each Interrogatory to which such person contributed information.

RESPONSE TO INTERROGATORY NO. 27:

Fifty-Six Hope Road objects to this interrogatory on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive. Fifty-Six Hope Road also objects to this interrogatory to the extent the interrogatory seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands the interrogatory, Fifty-Six Hope Road responds: Doreen Crujeiras

provided information previously, which was used to formulate Fifty-Six Hope Road's answers to these interrogatories.

Dated: June 10, 2011

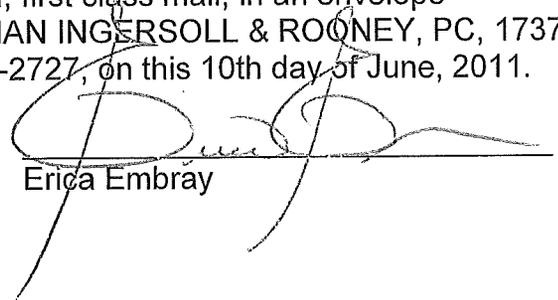
By:  _____

Jill M. Pietrini
Paul A. Bost
MANATT, PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, California 90064
(310) 312-4000

Attorney for Applicant/Petitioner
Fifty-Six Hope Road Music Limited

CERTIFICATE OF SERVICE

I hereby certify that these Fifty-Six Hope Road Music Limited's Responses to Raising Cane's USA, LLC's First Set of Interrogatories 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, 1737 King Street, Suite 500, Alexandria, VA 22314-2727, on this 10th day of June, 2011.



Erica Embrey

300255050.1

300255050.3

EXHIBIT

D

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>FIFTY-SIX HOPE ROAD MUSIC LIMITED'S RESPONSE TO RAISING CANE'S USA, LLC'S FIRST SET OF DOCUMENT REQUESTS</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, Petitioner, vs. RAISING CANE'S USA, LLC, Registrant.</p>	<p>Cancellation No. 92-053461</p>

I. PRELIMINARY STATEMENT

Pursuant to Fed.R.Civ.P. 34, Applicant and Petitioner Fifty-Six Hope Road Music Limited ("Fifty-Six Hope Road") responds to Opposer and Registrant Raising Cane's USA, LLC's ("Registrant") First Set of Document Requests as follows:

These responses are made solely for the purposes of this action. Any document supplied in response to any particular request is or will be supplied by Fifty-Six Hope Road subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections on any grounds that would require the

exclusion of the document or portion thereof if such document were offered into evidence, all of which objections and grounds are hereby expressly reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by the responses herein. The fact that Fifty-Six Hope Road has supplied or agreed to supply, or hereafter supplies or agrees to supply, a document in response to any particular request should not be taken as an admission that Fifty-Six Hope Road accepts or admits the existence of any fact set forth or assumed by such request or said document or that such document constitutes admissible evidence. The fact that Fifty-Six Hope Road has supplied or agreed to supply, or hereafter supplies or agrees to supply, a document in response to any request is not intended, and shall not be construed as a waiver by Fifty-Six Hope Road of any part of any objection to any such request or any part of any general objection. The fact that Fifty-Six Hope Road makes a response and/or objection to any request is not intended, and shall not be construed as an admission that documents responsive to that request exist or are in Fifty-Six Hope Road's possession, custody, or control.

Fifty-Six Hope Road reserves the right to make changes to these responses if it appears that omissions or errors have been made herein, or that future or more accurate information is available. Fifty-Six Hope Road has not completed its own investigation and discovery. Therefore, the following responses state Fifty-Six Hope Road's knowledge, information, and belief as of the date of such responses, and Fifty-Six Hope Road expressly reserves the right to rely upon and/or introduce into evidence at trial such additional documents as Fifty-Six Hope Road may discover.

II. GENERAL OBJECTIONS

Fifty-Six Hope Road asserts the following general objections to the document requests.

1. Fifty-Six Hope Road objects to the definitions of "Fifty-Six Hope's Marks" and "Fifty-Six Hopes Goods and Services" set forth in the document requests on the

grounds that they are overbroad, burdensome, unduly oppressive, and require more information than what is permitted under Fed.R.Civ.P. 33, and invade the right of privacy of Fifty-Six Hope Road, its licensees, and the customers of Fifty-Six Hope Road's goods and services.

2. Fifty-Six Hope Road also objects to the document requests to the extent they seek confidential documents, which will not be produced until the Board enters a suitable protective order.

Without waiving the objections asserted herein and reserving the rights stated above, Fifty-Six Hope Road supplies those responses appearing below:

FIFTY-SIX HOPE ROAD'S RESPONSES TO REGISTRANT'S FIRST SET OF DOCUMENT REQUESTS

REQUEST NO. 1:

All documents and tangible things identified in response to Raising Cane's first set of Interrogatories to Fifty-Six Hope.

RESPONSE TO REQUEST NO. 1:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents to the extent it is not producing these documents in response to other Requests after a suitable protective order is entered by the Board.

REQUEST NO. 2:

All documents and tangible things concerning or relating to the origination,

development, selection or adoption of Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 2:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Bob Marley selected ONE LOVE in 1965 or earlier and there are no documents known to Fifty-Six Hope Road relating to his selection of that name.

REQUEST NO. 3:

All documents and tangible things concerning or relating to the use or future use of Fifty Six Hope's Marks in connection with any goods or services.

RESPONSE TO REQUEST NO. 3:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive, and seeks documents not relevant to the claims or defenses in this case. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents sufficient to evidence its use of its ONE LOVE mark in commerce.

REQUEST NO. 4:

Any trademark searches, including, but not limited to searches of databases such as LEXIS/NEXIS, DIALOG or TRADEMARKSCAN, reports or investigations related to the selection, adoption, and/or application for registration of Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 4:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: No unprivileged documents responsive to this Request are known to exist as relates to the ONE LOVE mark. See also Response to Document Request No. 2.

REQUEST NO. 5:

All documents concerning the defense or enforcement of rights in Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 5:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and

ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce copies of cease and desist letters and pleadings from legal proceedings relating to the mark ONE LOVE.

REQUEST NO. 6:

Any documents and tangible things concerning Fifty-Six Hope's first use in the United States of Fifty-Six Hope's Marks for each and every type of product or service in connection with which Fifty-Six Hope's Marks have been used in the United States.

RESPONSE TO REQUEST NO. 6:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged

documents sufficient to identify its first use of its marks in interstate commerce to the extent such documents exist and are in Fifty-Six Hope Road's possession.

REQUEST NO. 7:

Specimens of all products bearing Fifty-Six Hope's Marks or upon which Fifty-Six Hope intends to use Fifty-Six Hope's Marks in the future.

RESPONSE TO REQUEST NO. 7:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative responsive, non-privileged documents relating to the use of its ONE LOVE mark.

REQUEST NO. 8:

All documents concerning any third party adoption or use of any marks or name containing the term ONE LOVE or any mark Fifty-Six Hope contends is similar to Fifty-Six Hope's Marks or Raising Cane's Mark.

RESPONSE TO REQUEST NO. 8:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is

overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine, and seeks documents relating to a legal conclusion. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents equally available to Registrant. Fifty-Six Hope Road also objects to this Request to the extent it calls for it to determine what third party marks are similar to Raising Cane's Mark.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce copies of cease and desist letters and pleadings from legal proceedings regarding unauthorized use of the ONE LOVE mark.

REQUEST NO. 9:

All documents concerning the prosecution history for any federal or state trademark applications for Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 9:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents

equally available to Registrant.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce its non-privileged file histories relating to its ONE LOVE mark.

REQUEST NO. 10:

All documents regarding marketing or consumer research, including individual questionnaires, pilot studies focus groups and surveys undertaken concerning Fifty-Six Hope's Marks or Raising Cane's Mark.

RESPONSE TO REQUEST NO. 10:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees, and seeks premature expert discovery.

REQUEST NO. 11:

All documents regarding publicity (both solicited and unsolicited) in the United States concerning Fifty-Six Hope's Marks and/or the goods or services offered under Fifty-Six Hope's Marks, including press releases and articles of any kind.

RESPONSE TO REQUEST NO. 11:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is

overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents equally available to Registrant.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative examples of publicity.

REQUEST NO. 12:

All documents regarding inquiries from and negotiations with third parties concerning the possibility of a license, franchise, sublicense, sub-franchise, assignment or distribution agreement with sublicense, sub-franchise, assignment or distribution agreement with Fifty-Six Hope concerning Fifty-Six Hope's Marks and/or Fifty-Six Hope's Goods and Services.

RESPONSE TO REQUEST NO. 12:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive, and seeks documents that are not relevant to the claims or defenses in this case. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of license agreements concerning its marks after the Board's entry of suitable protective order.

REQUEST NO. 13:

All past and current licenses, franchises, sublicenses, sub-franchises, distributorships and assignments and other agreements, together with related correspondence or other documents concerning Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 13:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive, and seeks documents not relevant to the claims or defenses in this case. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of license agreements concerning its marks after the Board's entry of suitable protective order.

REQUEST NO. 14:

All security agreements concerning Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 14:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also object to this Request on the grounds that it is irrelevant to the claims or defenses in this case.

REQUEST NO. 15:

All documents and tangible things concerning the types of locations in the United States at which Fifty-Six Hope has promoted, advertised and/or sold goods or services under Fifty-Six Hope's Marks or at which Fifty-Six Hope intends to promote, advertise, and/or sell goods or services under Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 15:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks information regarding Fifty-Six Hope Road's federally registered marks, which, by operation of law, are protected throughout the United States.

Subject to the above objections and to the extent Fifty-Six Hope Road

understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 16:

All documents and tangible things concerning the manner of marketing (past, current and contemplated) of goods or services bearing Fifty-Six Hope's Marks in the United States.

RESPONSE TO REQUEST NO. 16:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 17:

All documents and tangible things concerning the channels of trade in which Fifty-Six Hope has offered or may offer goods or services under or using Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 17:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks information regarding Fifty-Six Hope Road's federally registered marks, which, by operation of law, are presumed to be offered in all channels of trade identified in their respective registrations.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 18:

All documents and tangible things which identify the actual or prospective classes of customers and purchasers of goods or services offered under or using Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 18:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to

this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks information regarding Fifty-Six Hope Road's federally registered marks, which, by operation of law, are presumed to be offered to all classes of customers and purchasers identified in their respective registrations.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order to the extent such documents exist.

REQUEST NO. 19:

Documents sufficient to identify the amount of sales in the United States of goods or services offered under or using Fifty-Six Hope's Marks since their date of first use.

RESPONSE TO REQUEST NO. 19:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive given the length of time which Fifty-Six Hope Road and its predecessors have used the marks. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 20:

Documents sufficient to identify the amount of advertising and promotional expenditures for goods or services offered under or using Fifty-Six Hope's Marks in the United States since their date of first use.

RESPONSE TO REQUEST NO. 20:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive given the length of time which Fifty-Six Hope Road and its predecessors have advertised and promoted the marks. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 21:

All documents that refer or relate to the significance of Fifty-Six Hope's Marks as

used on or in connection with or contemplated to be used on or in connection with goods or services offered for sale by Fifty-Six Hope.

RESPONSE TO REQUEST NO. 21:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous and unintelligible, particularly as relates to the term “significance.” Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive given the length of time which Fifty-Six Hope Road and its predecessors have used the marks. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

REQUEST NO. 22:

All documents relating to threatening or pending arbitration, litigation or other adversarial proceedings (including oppositions and cancellations) concerning Fifty-Six Hope's Marks.

RESPONSE TO REQUEST NO. 22:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road

understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce pleadings from currently pending Board proceedings involving its ONE LOVE mark.

REQUEST NO. 23:

All documents and tangible things concerning Fifty-Six Hope's knowledge of Raising Cane's or Raising Cane's Mark.

RESPONSE TO REQUEST NO. 23:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the entry of a protective order.

REQUEST NO. 24:

All documents and tangible things evidencing any confusion between Fifty-Six Hope, Fifty-Six Hope's Marks, or Fifty-Six Hope's Goods and Services and Raising Cane's, Raising Cane's Mark, and/or Raising Cane's Services, including inquiries, comments or other communications by or from customers, suppliers, or members of the public, either written or oral, showing any confusion, suspicion, belief or doubt as to a

possible relationship between Fifty-Six Hope and Raising Cane's or the origin of their respective products and/or services.

RESPONSE TO REQUEST NO. 24:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents equally available to Registrant.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce office actions evidencing the PTO's refusal to register Fifty-Six Hope Road's ONE LOVE mark on the grounds that it and Registrant's ONE LOVE mark are likely to be confused. Discovery is continuing.

REQUEST NO. 25:

All communications between Fifty-Six Hope and any third party concerning Raising Cane's or Raising Cane's Mark.

RESPONSE TO REQUEST NO. 25:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: No such documents are known to exist.

REQUEST NO. 26:

All communications between Fifty-Six Hope and any third party concerning this opposition proceeding.

RESPONSE TO REQUEST NO. 26:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: No such documents are known to exist.

REQUEST NO. 27:

All documents supporting the allegations set forth in Fifty-Six Hope's Petition for Cancellation.

RESPONSE TO REQUEST NO. 27:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive, and does not describe the documents requested

with reasonable particularity. Fifty-Six Hope Road also objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the Board's entry of a suitable protective order.

REQUEST NO. 28:

All documents supporting Fifty-Six Hope's contentions that Fifty-Six Hope's ONE LOVE Mark is famous.

RESPONSE TO REQUEST NO. 28:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request to the extent it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request to the extent it seeks confidential documents of Fifty-Six Hope Road or its licensees.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the Board's entry of a suitable protective order.

REQUEST NO. 29:

All documents upon which Fifty-Six Hope intends to rely to support or prove Fifty-

Six Hope's case in this proceeding.

RESPONSE TO REQUEST NO. 29:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege or the attorney work product doctrine. Fifty-Six Hope Road also objects to this Request on the grounds that it is premature of Fifty-Six Hope Road's testimony period.

REQUEST NO. 30:

All documents that demonstrate that Fifty-Six Hope has priority of use.

RESPONSE TO REQUEST NO. 30:

Fifty-Six Hope Road objects to this Request on the grounds that it is vague and ambiguous. Fifty-Six Hope Road also objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the Board's entry of a suitable protective order.

REQUEST NO. 31:

All documents that support or prove Fifty-Six Hope's affirmative defenses.

RESPONSE TO REQUEST NO. 31:

Fifty-Six Hope Road objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Fifty-Six Hope Road also objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege or the

attorney work product doctrine. Fifty-Six Hope Road also objects to this Request on the grounds that it is premature of Fifty-Six Hope Road's testimony period.

Subject to the above objections and to the extent Fifty-Six Hope Road understands what is sought by the Request, Fifty-Six Hope Road responds: Fifty-Six Hope Road will produce representative samples of responsive, non-privileged documents after the Board's entry of a suitable protective order.

Dated: June 10, 2011

By:  _____

Jill M. Pietrini
Paul A. Bost
MANATT, PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, California 90064
(310) 312-4000

Attorney for Applicant/Petitioner
Fifty-Six Hope Road Music Limited

CERTIFICATE OF SERVICE

I hereby certify that these Fifty-Six Hope Road Music Limited's Response to Raising Cane's USA, LLC's First Set of Document Requests 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, 1737 KING STREET, SUITE 500, ALEXANDRIA, VA 22314, on this 10th day of June, 2011.

Erica Embrey

300255029.1

EXHIBIT

E

Lloyd

From: Bost, Paul [mailto:PBost@manatt.com]
Sent: Monday, June 13, 2011 1:38 PM
To: Smith, S. Lloyd
Cc: Pietrini, Jill; Anderson, Beth
Subject: Raising Cane's v. Fifty-Six Hope Road - Protective Order

Lloyd:

As indicated in the discovery responses served on Friday, Fifty-Six Hope Road will provide certain documents and interrogatory responses after the parties' execution and the Board's entrance of a suitable protective order. Attached is a draft protective order, as well as a redline showing how it differs from the Board's standing protective order. Please review it and let us know if you have any questions or revisions.

Thanks.

Paul Bost
Manatt, Phelps & Phillips, LLP
11355 W Olympic Blvd
Los Angeles, CA 90064
(310) 312-4000 Main
(310) 312-4351 Direct
(310) 312-4224 Main Fax
(310) 996-7001 Direct Fax
pbost@manatt.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at pbost@manatt.com or by telephone at (310) 312-4351, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to <http://www.manatt.com/circ230>

6/14/2011

EXHIBIT

F

Goodman, Florence J.

From: Smith, S. Lloyd
Sent: Tuesday, June 14, 2011 12:32 PM
To: Bost, Paul
Cc: Pietrini, Jill; Anderson, Beth; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. Fifty-Six Hope Road - Protective Order (our ref: 1032733-0000076/78)
Attachments: AutoStoreFile.pdf

Paul -

A fully executed copy of the protective order is enclosed. We look forward to receiving your confidential documents and interrogatory responses without delay.

Regards,

Lloyd

From: Bost, Paul [mailto:PBost@manatt.com]
Sent: Monday, June 13, 2011 1:38 PM
To: Smith, S. Lloyd
Cc: Pietrini, Jill; Anderson, Beth
Subject: Raising Cane's v. Fifty-Six Hope Road - Protective Order

Lloyd:

As indicated in the discovery responses served on Friday, Fifty-Six Hope Road will provide certain documents and interrogatory responses after the parties' execution and the Board's entrance of a suitable protective order. Attached is a draft protective order, as well as a redline showing how it differs from the Board's standing protective order. Please review it and let us know if you have any questions or revisions.

Thanks.

Paul Bost
Manatt, Phelps & Phillips, LLP
11355 W Olympic Blvd
Los Angeles, CA 90064
(310) 312-4000 Main
(310) 312-4351 Direct
(310) 312-4224 Main Fax
(310) 996-7001 Direct Fax
pblast@manatt.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at pblast@manatt.com or by telephone at (310) 312-4351, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to <http://www.manatt.com/circ230>

6/14/2011

Dated: 6/13/2011

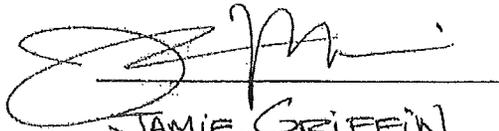
BUCHANAN INGERSOLL & ROONEY, PC



Bassam N. Ibrahim
S. Lloyd Smith
Attorneys for Registrant/Opposer
Raising Cane's USA, LLC

Dated: 6/14/2011

RAISING CANE'S USA, LLC



JAMIE GRIFFIN
Name

SR. DIRECTOR ADMINISTRATION
Title

By Order of the Board, effective _____

TRADEMARK TRIAL AND APPEAL BOARD

EXHIBIT

G

Goodman, Florence J.

From: Smith, S. Lloyd

Sent: Tuesday, June 21, 2011 10:00 AM

To: Smith, S. Lloyd; 'Bost, Paul'

Cc: 'Pietrini, Jill'; 'Anderson, Beth'; Ibrahim, Bassam; Goodman, Florence J.

Subject: RE: Raising Cane's v. Fifty-Six Hope Road - Protective Order (our ref: 1032733-0000076/78)

Paul -

Please advise when you will be forwarding Fifty Six Hope's confidential discovery responses. We sent you the fully executed protective order a week ago and are expecting your discovery right away.

Regards,

Lloyd

Goodman, Florence J.

From: Smith, S. Lloyd

Sent: Tuesday, July 05, 2011 2:41 PM

To: Bost, Paul

Cc: Pietrini, Jill; Anderson, Beth; Ibrahim, Bassam; Goodman, Florence J.

Subject: RE: Raising Cane's v. Fifty-Six Hope Road - Protective Order (our ref: 1032733-0000076/78)

Paul -

On June 13 you sent us a proposed protective order, which we immediately signed and returned to you on June 14 without edits. It has now been several weeks and your client has not signed the protective order you proposed, and you are still withholding documents based on this delay.

Please advise us right away when we will receive the fully executed protective order and the confidential documents.

Regards,

Lloyd

EXHIBIT

H

From: Bost, Paul <PBost@manatt.com>
To: Smith, S. Lloyd
Cc: Anderson, Beth <BAAnderson@manatt.com>; Pietrini, Jill <JPietrini@manatt.com>
Sent: Mon Aug 01 14:14:05 2011
Subject: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order

Lloyd:

We apologize for the inconvenience, but attached is an updated version of the Stipulated Protective Order with revised procedures making disclosure of confidential materials to experts or consultants (section 5) less onerous. Please review the attached protective order, and if your client is okay with the revisions, send us an executed version. I've attached a clean version, as well as a redline showing the protective order against the standard TTAB order. Thanks.

Paul Bost
Manatt, Phelps & Phillips, LLP
11355 W Olympic Blvd
Los Angeles, CA 90064
(310) 312-4000 Main
(310) 312-4351 Direct
(310) 312-4224 Main Fax
(310) 996-7001 Direct Fax
pbost@manatt.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at pbost@manatt.com or by telephone at (310) 312-4351, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to <http://www.manatt.com/circ230>

8/2/2011

EXHIBIT

I

Goodman, Florence J.

From: Smith, S. Lloyd
Sent: Tuesday, August 02, 2011 5:00 PM
To: Bost, Paul
Cc: Anderson, Beth; Pietrini, Jill; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order
 Paul -

As you are aware, you have been withholding documents for two months based on protective order issues. We have patiently requested them several times. We already agreed to the protective order that you previously proposed, and signed and sent it to you on June 14, 2011.

Now you are sending us a new agreement which has just minor edits. It is fine. Send it to us right away and we will counter-sign it, but it should not be used as a pretext to withhold documents. Please confirm we will receive your document production immediately.

Regards,

Lloyd

From: Bost, Paul [mailto:PBost@manatt.com]
Sent: Monday, August 01, 2011 2:14 PM
To: Smith, S. Lloyd
Cc: Anderson, Beth; Pietrini, Jill
Subject: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order

Lloyd:

We apologize for the inconvenience, but attached is an updated version of the Stipulated Protective Order with revised procedures making disclosure of confidential materials to experts or consultants (section 5) less onerous. Please review the attached protective order, and if your client is okay with the revisions, send us an executed version. I've attached a clean version, as well as a redline showing the protective order against the standard TTAB order. Thanks.

Paul Bost
Manatt, Phelps & Phillips, LLP
 11355 W Olympic Blvd
 Los Angeles, CA 90064
 (310) 312-4000 Main
 (310) 312-4351 Direct
 (310) 312-4224 Main Fax
 (310) 996-7001 Direct Fax
pbost@manatt.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at pbost@manatt.com or by telephone at (310) 312-4351, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to <http://www.manatt.com/circ230>

8/3/2011

EXHIBIT

J

Goodman, Florence J.

From: Bost, Paul [PBost@manatt.com]
Sent: Tuesday, August 16, 2011 12:05 PM
To: Smith, S. Lloyd
Cc: Anderson, Beth; Pietrini, Jill; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order
Attachments: executed_protective_order_signature_page.PDF; v2 56 Hope Road_Raising Cane_s Protective Order-TTAB_s version with changes.DOC

Lloyd:

Attached is the executed signature page for the updated protective order. Please countersign and email us an executed copy for filing. (I've also attached the revised protective order in full.)

We are still gathering responsive documents.

- Paul

Paul Bost
(310) 312-4351 Direct

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Tuesday, August 02, 2011 2:00 PM
To: Bost, Paul
Cc: Anderson, Beth; Pietrini, Jill; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order

Paul -

As you are aware, you have been withholding documents for two months based on protective order issues. We have patiently requested them several times. We already agreed to the protective order that you previously proposed, and signed and sent it to you on June 14, 2011.

Now you are sending us a new agreement which has just minor edits. It is fine. Send it to us right away and we will counter-sign it, but it should not be used as a pretext to withhold documents. Please confirm we will receive your document production immediately.

Regards,

Lloyd

From: Bost, Paul [mailto:PBost@manatt.com]
Sent: Monday, August 01, 2011 2:14 PM
To: Smith, S. Lloyd
Cc: Anderson, Beth; Pietrini, Jill
Subject: Raising Cane's v. 56 Hope Road, Opp. No. 91-198552 - Stipulated Protective Order

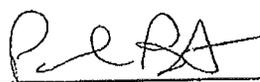
8/16/2011

16) Other Rights of the Parties and Attorneys.

This order shall not preclude the parties or their attorneys from making any applicable claims of privilege during discovery or at trial. Nor shall the order preclude the filing of any motion with the Board for relief from a particular provision of this order or for additional protections not provided by this order.

By Agreement of the Following, effective on the last date signed:

AGREED AND ACCEPTED: MANATT, PHELPS & PHILLIPS, LLP

Dated: _____

Paul A. Bost
Attorneys for Applicant/Petitioner
Fifty-Six Hope Road Music Limited

FIFTY-SIX HOPE ROAD MUSIC LIMITED

Dated: _____

Cedella Marley
Director

BUCHANAN INGERSOLL & ROONEY, PC

Dated: _____
S. Lloyd Smith
Attorneys for Registrant/Opposer
Raising Cane's USA, LLC

RAISING CANE'S USA, LLC

Dated: _____
Jaime Griffin
Sr. Director Administrator

By Order of the Board, effective _____

TRADEMARK TRIAL AND APPEAL BOARD

EXHIBIT

K

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

Fifty-Six Hope Road Music Limited,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	Cancellation No. 92053461
Raising Cane's USA, LLC.	:	
	:	
Registrant.	:	
	:	
 Raising Cane's USA, LLC	 :	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91198552
Fifty-Six Hope Road Music Limited	:	
	:	
Applicant.	:	
	:	

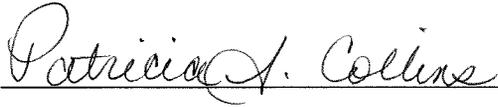
DECLARATION OF PATRICIA S. COLLINS

My name is Patricia S. Collins. I am a paralegal at Buchanan Ingersoll & Rooney, P.C.. I have personal knowledge of the facts stated herein, and if called to testify would state as follows.

1. Attached hereto as Exhibit A is a copy of the current menu for the restaurant "Bob Marley - A Tribute to Freedom" at Universal CityWalk in Orlando, Florida. The menu was downloaded from Universal CityWalk's web site at http://www.universalorlando.com/OverviewPages/Dining/atcitywalk.aspx#page=Citywalk_Restaurants_bob-marley-tribute-freedom.html&expID=13-5798&contentID=13-3531&seq=1 on August 18, 2011.

2. The menu attached as Exhibit A does not contain the wording "One Love."

Executed on this 18th day of August, 2011.



Patricia S. Collins

BOB MARLEY

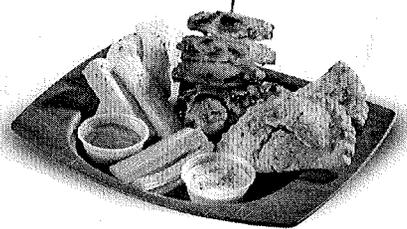


A Tribute to Freedom

Rita's Appetizers

TASTE OF JAMAICA

A tour of island flavors featuring our veggie & beef patties, mango wings and yucca fries. Served with smokey ketchup dipping sauce. Serves two 11.99



STIR IT UP' Fondue

Smokey white cheddar cheese fondue with a savory blend of Red Stripe beer and a touch of spice. Served with fresh vegetables and cracker bread for dipping 8.99

JAMMIN' Chips

Caribbean chips served with a cool, refreshing tomato, black bean, and roasted corn salsa 5.99 • Extra salsa .95

BUFFALO SOLDIER Jerk Wings

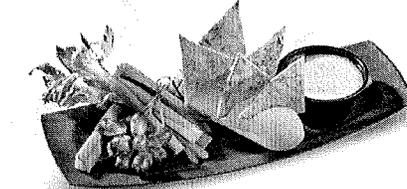
Crispy fried chicken wings tossed in our own spicy jerk sauce. Served with celery, carrots and cool cucumber sauce 8.99

BLUE MOUNTAIN JERK CHICKEN DIP Chicken Salad

Jerk-marinated chicken salad seasoned with fresh herbs. Served on a radicchio shell with warm toast points and veggies 6.99

KAYA MON Calamari

Calamari strips coated in a plantain crust and fried golden brown. Served with sweet and spicy tomato sauce 8.99



Soup/Salad

NO WOMAN, NO CRY

A refreshing mix of baby lettuce, island hearts of palm, crispy fried angel hair onions, juicy orange supremes and citrus vinaigrette dressing 5.99
With jerk chicken 8.99

TRENCH TOWN ROCK Pepper Pot Soup

A blend of island greens simmered in chicken broth, fresh thyme, spinach, escarole and okra. Served with toast points 4.99

SWEET POTATO SALAD

Diced red skin, russet and sweet potatoes with cucumbers, roasted corn, red peppers and shallots tossed in a mustard citrus vinaigrette 3.99

Catch of the Sea

GRILLED MAHI-MAHI

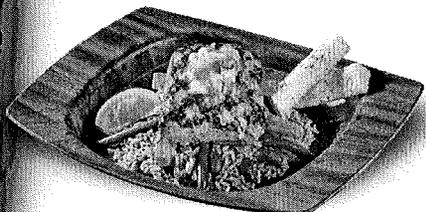
Served with a refreshing melon salsa on a bed of rice and beans with sautéed carrots and green beans 16.99

FRIED TILAPIA

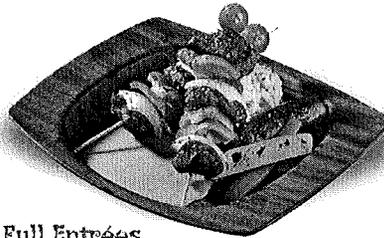
Fresh tilapia dipped in Red Stripe tempura batter and deep fried. Served with a Caribbean tartar sauce and a mound of fried plantains topped with shredded coconut 16.99

RASTA MON'S CURRY SHRIMP

4 oz serving of fried shrimp topped with our Jamaican curry sauce served with rice and vegetables 11.99



18% gratuity included for parties of 6 or more.



Belly Full Entrées

MANCHESTER LAMB

Char-grilled marinated lamb sirloin skewers, served with spicy red bliss mashed potatoes, brought together with zucchini, squash and carrots, complimented by curry sauce 15.99

SATISFY YOUR SOUL Mango Wings

Sweet and spicy mango chicken wings char-grilled and tossed in a sauce of mango, apple cider vinegar and habanero peppers. Served over a bed of rice and beans 10.99

SUN IS SHINING Curry Chicken

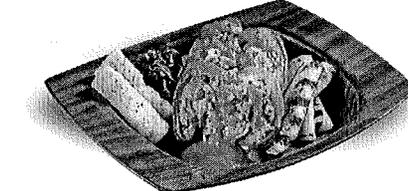
Boneless chicken breast strips marinated with Jamaican curry sauce, grilled, and served with rice and beans 11.99

REGGAE Jamaican Jerk Chicken

Jerk-marinated chicken baked in authentic Jamaican seasonings then char-grilled. Served with creamy cucumber dipping sauce and yucca fries 11.99

ITAL EATS Stuffed Peppers

Oven-roasted sweet peppers overstuffed with fresh vegetables, Jamaican rice and zesty tomato sauce. Served with bland greens and grilled vegetables 8.99



BELLY FULL Beef Patties

Jamaican beef pastries filled with spicy beef filling with thyme, turmeric and jerk spice with our own smokey ketchup and yucca fries 9.99

NATTY DREAD Vegetable Patties

Jamaican vegetable patties filled with carrots, onions, red beans and sweet potatoes, cooked in a coconut milk. Accompanied by our own smokey ketchup and yucca fries 8.99

CATCH A FIRE Chicken Sandwich

Jerk marinated chicken breast baked in authentic Jamaican seasonings and char-grilled. Served on coco bread with creamy cucumber sauce and yucca fries 10.99

OXTAIL Oxtail Stew

Stewed oxtail served over rice and beans. Served with seasoned vegetables 14.99

Add a serving of warm Coco Bread to complete your meal for 1.99

Lil Legends Menu

Items for children 9 and younger

JAMACARONI AND CHEESE

Served with yucca fries, apple sauce or grapes 4.99

LIL REGGAE

Fried chicken drumsticks served with BBQ sauce and yucca fries 4.99

FISH STICKS

Freshly-cut cod fingers fried and served with yucca fries and tartar sauce 4.99
Can substitute grapes or applesauce for fries

Desserts

CHOCOLATE JAMAICAN SENSATION

Triple layer guava puree chocolate cake served with caramel sauce 6.19

IS THIS LOVE

Cheesecake served with mango puree and garnished with pineapple and powdered sugar 5.49

