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

Proceeding	91203410
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAST WEST BANK, Petitioner, v. THE PLUBELL FIRM, LLC Respondent	Opposition No.: 91203410 *[Consolidated with]* Cancellation No.: 92053712

RESPONDENT THE PLUBELL FIRM, LLC'S OPPOSITION TO PETITIONER EAST WEST BANK'S MOTION FOR A PROTECTIVE ORDER REGARDING THE DEPOSITION OF DOUGLAS KRAUSE

TABLE OF CONTENTS

I. INTRODUCTION 4

II. LEGAL ARGUMENT 5

A. LEGAL STANDARDS 5

B. PETITIONER EW BANK HAS FAILED TO MEET ITS BURDEN FOR A PROTECTIVE ORDER 7

C. PETITIONER IDENTIFIED DOUGLAS KRAUSE IN INITIAL DISCLOSURES AND TWICE FURTHER IN VERIFYING INTERROGATORIES AS HAVING SUPERIOR AND DIRECT PERSONAL KNOWLEDGE OF PERTINENT FACTS 8

D. THE TESTIMONY OF DOUGLAS KRAUSE IS REQUIRED RELATIVE TO KEY DOCUMENTS HE SIGNED 10

1. *Nunc pro tunc* Assignment, dated August 15, 2000 11

2. Declaration of Use (U.S. Registration 2,025,824 for EAST WEST BANK), dated July 15, 2002 12

3. Renewal Applications (U.S. Registration No. 2025824 for EAST WEST BANK) dated December 19, 2006 and January 15, 2007 13

4. Declaration of Douglas Krause (U.S. Registration No. 2025824 for EAST WEST BANK), dated May 7, 2007 13

5. Trademark Registration No. 3430148 (EAST WEST BANK and Compass Design) and Section 7 Correction of First Use Dates 14

6. Section 7 Request, Trademark Registration No. 2025824 for EAST WEST BANK, dated November 12, 2010 16

E. PETITIONER'S OWN WITNESS MS. WANG REPEATEDLY IDENTIFIED MR. KRAUSE AS HAVING SUPERIOR AND DIRECT PERSONAL KNOWLEDGE ON CENTRAL ISSUES 16

F. PETITIONER'S REARGUMENT OF ITS PENDING MOTION FOR SANCTIONS IS HIGHLY IMPROPER AND PROVIDES NO BASIS FOR A PROTECTIVE ORDER 18

G. RESPONDENT HAS EXPLORED THE DOCUMENTARY BASIS FOR ITS COUNTERCLAIMS 20

H. DISCOVERY RELATIVE TO THE CANCELLATION PROCEEDING HAS NOT BEEN TERMINATED AND IS ONGOING 22

III. CONCLUSION 23

Respondent, The Plubell Firm, LLC ("Respondent" or "Plubell"), through its undersigned attorneys, submits this brief in opposition to Petitioner's East West Bank's ("Petitioner EW Bank" herein) Motion for a Protective Order for the Deposition of Douglas P. Krause.

I. INTRODUCTION

Plubell submits that it would be error to deny it deposition discovery of Mr. Douglas Krause, for at least the following reasons:

- Mr. Krause acted as Petitioner EW Bank's Executive Vice President and Corporate Secretary on relevant matters and has unique, unprivileged and personal knowledge of facts crucial to Respondent's preparation of its case and advancing to determination on the merits. Petitioner EW Bank cannot dispute that Mr. Krause signed and filed numerous public documents with the U.S. Patent and Trademark Office ("PTO") that are at issue in this proceeding, including but not limited to documents that are the subject of Respondent's fraud counterclaims. His superior personal knowledge of the attested facts in these documents as well as his intent in making such statements are without doubt relevant. Accordingly, Plubell should be permitted to depose Mr. Krause as to Petitioner EW Bank's intent in making such statements to the PTO, as intent is an element of fraud.

- Petitioner EW Bank *itself* identified Mr. Krause through Initial Disclosures and through verifying Interrogatories as having superior personal knowledge on important subjects to this proceeding, including, the prosecution of the pleaded registrations, trademark clearance, and Petitioner EW Bank's plans for expansion.

- Under the Federal Rules of Civil Procedure, applicable TBMP rules, and case law discussed herein, Respondent is entitled to question Mr. Krause about the statements, admissions, and positions he made on Petitioner EW Bank's behalf that are relevant to Respondent's defenses and affirmative claims. Contrary to Petitioner EW Bank's assertions, Respondent does not wish to depose Mr. Krause on litigation strategy or in his role as a General Counsel. [1]

- Respondent has fully satisfied the Board's requirements by (1) first deposing a Rule 30(b)(6) witness, whose testimony revealed Mr. Krause's importance to the Counterclaims and Respondent's defenses, (2) first exploring the documentary basis for its counterclaims, and (3) seeking to schedule Mr. Krause's deposition on two occasions after having previously disclosed the topics on which examination was sought.

[1] Mr. Krause is *not* acting as Petitioner EW Bank's trial counsel is in these proceedings.

- Contrary to Petitioner EW Bank's claim, the Board did not "deny" Respondent's motion for extension of discovery. See, concurrently filed "Objection and Request for Clarification" related to the Board's May 7, 2012 Order.

- Petitioner EW Bank has failed to meet its burden of demonstrating that "extraordinary circumstances" are present requiring the prohibiting of a deposition.

Petitioner EW Bank seeks to divert the Board's attention from these meritorious points by improperly re-arguing its pending and fully briefed Motion for Sanctions and straining to find non-compliance with notice requirements while at the same time conceding that it has been supplied "the topics on which Plubell has previously expressed interest in taking Mr. Krause's deposition." [Dkt. #19 at 2.] Such arguments should be rejected as they are not grounds for *prohibiting* or further delaying the necessary deposition of Mr. Krause.

II. LEGAL ARGUMENT

A. LEGAL STANDARDS

Courts have consistently found that even taking a deposition of a party's trial attorney is appropriate when the attorney is a witness to relevant facts, or the where the deposition is not sought to expose litigation strategy of the pending case.[2] See, e.g., *United States v. Philip Morris*, 209 F.R.D. 13, 18 (D.D.C. 2002); *In re Friedman*, 350 F.3d 65, 72 (2d Cir. 2003); *Pamida, Inc. v. E.S. Originals, Inc.*, 281 F.3d 726, 730 (8th Cir. 2002); *QAD, Inc. v. ALN Associates, Inc.*, 132 F.R.D. 492, 495 (N.D. Ill. 1990) ("[T]his Court subscribes wholeheartedly to a procedure that rejects any prior restraint in favor of permitting the deposition to go forward, with any individualized objections to be dealt with during its regular course."); *Cook, Inc. v. C. R. Bard, Inc.*, 2003 WL 23009047, * 1 (S.D. Ind. 2003) ("[T]he Court finds that it was not error for the

[2] Again, here, Mr. Krause is not even Petitioner EW Bank's attorney of record for these proceedings, but an officer and General Counsel of Petitioner EW Bank.

Magistrate Judge to decline to follow Shelton and permit the deposition of Mr. Godlewski to proceed.").

As the court in *United States v. Philip Morris*, *supra* at 17-18, noted, "it is important to emphasize that the Federal Rules of Civil Procedure create no special presumptions or exceptions for lawyers, or anyone else – even a sitting President of the United States. [citation omitted.] Defendants' broadbrush view... would allow parties to avoid discovery on subject matter that would otherwise be discoverable under the Federal Rules. Rule 26(b)(1) generously permits discovery 'regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.' Similarly, Rule 30(a)(1) liberally provides that a 'party may take the testimony of any persons, including a party, by *deposition upon oral examination.*'" *Id.* at 19. (emphasis added).

"The scope of discovery in a Board proceeding is governed by Fed. R. Civ. P. 26(b), which provides that a party is entitled to discovery regarding any matter, not privileged, which is relevant to the subject matter of the proceeding, and which appears reasonably calculated to lead to the discovery of admissible evidence... Consistent with that rule, a party is permitted to take the discovery deposition of 'any person.'" *FMR Corp. v. Alliant Partners*, 51 U.S.P.Q.2d (BNA) 1759, 1761 (TTAB 1999)(citations omitted). Moreover, "[t]he discovery deposition of a natural person who is a party, or who, at the time set for the taking of the deposition, is an officer, director, managing agent of a party....may be taken upon notice alone." *See Id.*, n. 4 (emphasis added)(citations omitted); TBMP §404(a)(1).

The law is clear. Respondent is entitled to take the discovery deposition of any person, including the deposition of any "officer, director, or managing agent of a party" upon *notice alone*. Moreover, "issuance of a protective order totally prohibiting a deposition occurs only in

extraordinary circumstances." TBMP §412.06(a). The Board requires that "when a party seeks to depose a very high-level official of a large corporation, and that official (or corporation) files a motion for protective order to prohibit the deposition, the movant must demonstrate through *an affidavit or other evidence that the official has no direct knowledge of the relevant facts or that there are other persons with equal or greater knowledge of the relevant facts*. If the movant meets this initial burden, then the burden shifts to the party seeking the deposition to show that the official has unique or superior personal knowledge of relevant facts." *FMR Corp. v. Alliant Partners*, 51 U.S.P.Q.2d (BNA) 1759, 1763 (TTAB 1999) (emphasis added).

B. PETITIONER EW BANK HAS FAILED TO MEET ITS BURDEN FOR A PROTECTIVE ORDER

Petitioner EW Bank has not demonstrated through a single affidavit or other evidence that Mr. Krause lacks direct knowledge of the relevant facts or contended that there are other persons with equal or greater knowledge of the relevant facts. Instead, it merely contends that the facts known to him are not relevant to the case.

On the other hand, as shown below, Respondent is seeking the deposition of Mr. Krause based upon his superior and direct knowledge of the relevant facts, including as signatory of documents where Respondent cannot secure direct evidence of Petitioner EW Bank's intent without his testimony. See, Section D, *infra*. As discussed further below, a preliminary review of documents demonstrate that as Executive Vice President and Corporate Secretary for Petitioner EW Bank, Mr. Krause signed highly relevant *public* (and thus non-privileged) documents. Respondent has already explored written discovery and further documentation related to its counterclaims. See, Section G, *infra*. Accordingly, Respondent seeks to depose Mr. Krause as a fact witness to documents and unprivileged information that is at the heart of the principal issues in this case.

C. PETITIONER IDENTIFIED DOUGLAS KRAUSE IN INITIAL DISCLOSURES AND TWICE FURTHER IN VERIFYING INTERROGATORIES AS HAVING SUPERIOR AND DIRECT PERSONAL KNOWLEDGE OF PERTINENT FACTS

Petitioner has inserted Douglas P. Krause into this proceeding by identifying him in Initial Disclosures and in twice verifying Responses to Interrogatories as having superior and direct personal knowledge of pertinent facts. The pertinent background is as follows:

On April 25, 2012, the Board held a hearing with regard to Respondent's Motion to Amend to add certain counterclaims and Respondent's Motion to Extend the discovery period. At the hearing, the Board indicated that it would be *sua sponte* consolidating the Cancellation proceeding with Opposition No. 91203410 and that it would grant Respondent leave to amend to assert certain counterclaims against Petitioner EW Bank's pleaded registrations, EAST WEST BANK and EAST WEST BANK and Design.

On April 27, 2012, Petitioner EW Bank served its Initial Disclosures with respect to Opposition No.: 91203410. Opposition No. 91203410 concerns Petitioner EW Bank's application to register the mark EAST WEST BRIDGE FORUM for "providing an online forum for international relations." There are absolutely no references in the Notice of Opposition or Petitioner EW Bank's Answer to any other registrations of Petitioner EW Bank. (Dkt. #1 (Notice of Opposition), 5 (Answer)). Petitioner EW Bank identified Douglas P. Krause as likely having discoverable information on the following:

> As to the prosecution of Applicant's trademarks, namely, **EAST WEST BANK, EAST WEST BANK and Design, BUSINESS BRIDGE**, and EAST WEST BRIDGE FORUM, used in association with respective services in International Classes 036 and 038 (EAST WEST BRIDGE FORUM only), before the United States Patent and Trademark Office.

(Emphasis added). See, Declaration of H. David Starr, dated August 7, 2012 ("Starr Decl."), Exhibit A, Initial Disclosures, page 2.

As indicated, Petitioner EW Bank's EAST WEST BANK, EAST WEST BANK and Design, BUSINESS BRIDGE trademark registrations were pleaded in the consolidated Cancellation No. 92053712, and just two days earlier at the April 25 hearing, the Board orally advised the parties it would be granting leave to assert counterclaims against pleaded registrations EAST WEST BANK and EAST WEST BANK and Design. Petitioner EW Bank's "new" position in its current motion for a protective order that Mr. Krause is a relevant witness having discoverable information for the Opposition proceeding but not the Cancellation proceeding is nonsensical refuted by the description used in Petitioner EW Bank's own initial disclosures.

In stark contrast, the one other person Petitioner EW Bank identified, Ms. Emily Wang, in the Opposition Initial Disclosures possesses discoverable information only relating:

As to Applicant's past and present sales, marketing, and advertising strategies.

Id., Exhibit A, Initial Disclosures, pp. 1-2.

Accordingly, Petitioner EW Bank made clear that Douglas Krause, not Emily Wang, ***possesses discoverable information*** relating to the prosecution, including post-registration filings, for Petitioner EW Bank's pleaded registrations that are the subject of Respondent's pending counterclaims.

Similarly, it was Douglas Krause that verified the responses of Petitioner EW Bank to both sets of Interrogatories served by Respondent in this matter. In each verification, Mr. Krause states that: "I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true." Starr Decl., Exhibit B, and Exhibit M. Respondent has the right to depose the person that made the responses and Mr. Krause's General Counsel title does not prevent his deposition in such a case. As the Board has observed, "[i]t is generally not prudent

for an attorney to verify answers to interrogatories since it could expose him or her to additional discovery and even disqualification." *Allstate Ins. Co. v. Healthy America, Inc.*, 9 U.S.P.Q.2d 1663 (TTAB 1988).

Accordingly, Petitioner has on three separate occasions within the context of this proceeding identified Douglas Krause as having superior and direct personal knowledge on pertinent facts in this matter.

D. THE TESTIMONY OF DOUGLAS KRAUSE IS REQUIRED RELATIVE TO KEY DOCUMENTS HE SIGNED

The deposition of Douglas Krause is critical to Respondent's cancellation proceeding defense as well as to Respondent's counterclaims. Douglas Krause as an officer of Petitioner EW Bank has signed key relevant documents that were filed with the PTO, which require his testimony as to his direct personal knowledge as to the matters asserted therein. There was no requirement that he sign *any* of the documents on behalf of Petitioner EW Bank. Under PTO regulations, any "person properly authorized to verify facts on behalf of the owner" will suffice. 37 CFR §2.193(e)(1). Accordingly, having made the decision to use him to sign on behalf of Petitioner EW Bank, Petitioner EW Bank cannot now shield him from deposition testimony simply because of his role as General Counsel. *See e.g.*, *Pioneer Corp. v. Hitachi High Technologies America, Inc.*, 74 U.S.P.Q.2d 1672 (TTAB 2005)(noting the earlier deposition of Applicant's Vice-President and General Counsel, Stephen D. Snoke, the signee of the subject application); Starr Decl. at Exh. C (copy of the subject application downloaded from PTO TDR database); *In re Bose Corp.*, 580 F.3d 1240 (Fed. Cir 2009)(Bose's General Counsel Mark E. Sullivan signed the subject Renewal application and testifies as to Bose's intent on fraud claim). Indeed, the normal course in fraud cases is for the defendant to use its attesting witness to

demonstrate its lack of willful intent. *See In re Bose Corp.*, 580 F.3d 1240 (Fed Cir 2009)(testimony of General Counsel signatory to alleged fraudulent renewal central to case).

Key documents related to Respondent's counterclaims follow in chronological order, not necessarily in level of importance.

1. ***Nunc pro tunc* Assignment, dated August 15, 2000**

The *Nunc pro tunc* Assignment, dated August 15, 2000, purports to assign U.S. Registration No. 1,791,861 from East-West Federal Bank, FSB to Petitioner and was executed by Douglas P. Krause as Senior Vice-President, General Counsel and Corporate Secretary of *East-West Federal Bank, FSB.* Starr Decl. at Exh. D. Contrary to Petitioner's contention that Mr. Krause was not employed with Petitioner as of the July 1995 purported conversion,[3] the document states that "[East-West Federal Bank, F.S.B.] has caused this instrument to be executed by its duly authorized corporate officer as of the [July 1995] effective date." *Id.* at p. 2. Mr. Krause's testimony is required as to his direct knowledge of the circumstances concerning the alleged assignment.

Moreover, there is no mention anywhere in the document (or in the earlier Assignment document filed in 1995) of a legal conversion between East-West Federal Bank, FSB and East West Bank[4], rather the document recites that "by virtue of an oral assignment" and "for good and valuable consideration" the rights were acquired.

That is, this assignment document on its face contradicts Petitioner EW Bank's contention that a legal conversion occurred. It also raises questions as to why Douglas Krause was continuing to execute documents in the name of East-West Federal Bank, FSB as of 2000

[3] Dkt. #19 at p.9 ("Mr. Krause was not even employed by East West when the conversion took place.")

[4] East West Bank now contends that trademark rights between East-West Federal Bank, FSB and East West Bank transferred by operation of law pursuant to a legal conversion. (Dkt. #12).

and suggests that East-West Federal Bank, FSB continued to exist in some capacity. Finally, this Assignment document is highly relevant to Respondent's counterclaims for fraud to the extent that it shows a pattern of possibly reckless, if not outright deceptive, filings made by Petitioner EW Bank with the PTO.

2. **Declaration of Use (U.S. Registration 2025824 for EAST WEST BANK), dated July 15, 2002**

Petitioner EW Bank's Declaration of Use for U.S. Registration No. 2025824 is the subject of Counterclaims One and Two. Notwithstanding the fact that two assignment documents had previously been filed at the PTO between East-West Federal Bank, F.S.B. and East West Bank in 1995 and 2000, this Declaration of Use was filed in the name of East-West Federal Bank, F.S.B. in 2002. Starr Decl. at Exh. E. Mr. Krause did not identify his capacity in signing this document. Mr. Krause's testimony is required as to his personal knowledge and intent as to the statements made therein.

Specifically, Mr. Krause therein declares that "East-West Federal Bank, F.S.B.... owns the above-identified registration." Mr. Krause further declares to use with "brokerage services rendered in the field of property" along with banking services. Less than two years earlier, Mr. Krause executed an assignment between East-West Federal Bank, F.S.B. and East West Bank and direct evidence of Petitioner EW Bank's intent for taking this approach is impossible to secure without his testimony.

Petitioner also admits in its Answer to the Counterclaim, paragraph 33 (Dkt. #12), that "on or about November 12, 2010, Petitioner filed a Section 7 Request with respect to U.S. Registration No. 2025824 deleting 'administration of investment trusts for others; brokerage services rendered in the fields of shares and property' from the existing recitation of services." It appears that this is an admission that Petitioner (or East-West Federal Bank, FSB) was ***not*** using

its "EAST WEST BANK" mark as of *2002* in connection with such services, if ever. The law is clear that Section 7 Requests do not cure past fraudulent statements. *Hurley Int'l, LLC v. Volta*, 82 U.S.P.Q.2d 1339 (TTAB 2007).

3. Renewal Applications (U.S. Registration No. 2025824 for EAST WEST BANK) dated December 19, 2006 and January 15, 2007

On December 19, 2006, East-West Federal Bank, F.S.B. filed the first of two Renewals for U.S. Registration No. 2025824. Starr Decl., Exh. I. The Renewal was signed by Mr. Krause as Executive Vice-President and General Counsel and again attests to use with *all* of the services in the registration. The document updates the address of the Registrant only, not its name. Mr. Krause's direct testimony is required as to why this document was filed in the name of East-West Federal Bank, FSB, and the efforts to verify the contents therein.

One month later, on January 15, 2007, in the grace period, Petitioner EW Bank filed the second of two Renewals for U.S. Registration No. 2025824. Starr Decl., Exh. J. The Renewal was signed by Mr. Krause and was filed by new outside counsel. The Renewal attests to use with *all* of the services in the registration and attempts to update the owner of record from East-West Federal Bank, FSB to East West Bank. Mr. Krause's direct testimony is required as to efforts to verify the information before making the sworn statements in the Renewal, including, but not limited to, Petitioner EW Bank's attestation to use with "brokerage services rendered in the fields of shares and property."

4. Declaration of Douglas Krause (U.S. Registration No. 2025824 for EAST WEST BANK), dated May 7, 2007

The PTO issued a post-registration Office Action with regard to the Renewal and Declaration of Use filed January 15, 2007 noting the discrepancy between the owner of record, East-West Federal Bank, FSB and East West Bank.

In response, Petitioner EW Bank recorded a Declaration, dated May 7, 2007, at the PTO, which it represented on the cover sheet to be a "change of name." Starr Decl. at Exhibit K. The false statements made in this Declaration underlie Counterclaim Count Three. Mr. Krause executed the document reciting his position as Executive Vice-President not as General Counsel within the Declaration. Mr. Krause's direct testimony is required as to why he represented therein that there was merely a change of name – meaning no change of legal entity – rather than a conversion of legal entity as Petitioner now contends. TMEP §503.02 ("Although a mere change of name does not constitute a change of legal entity, it is a proper link in the chain of title.")

Considering that Mr. Krause had previously executed an assignment between East-West Federal Bank, FSB and East West Bank and would otherwise be aware of any purported conversion of legal entity that may have occurred, this is an extremely troubling document. Accordingly, Respondent seeks direct evidence of Petitioner EW Bank and Mr. Krause's intent in representing to the PTO that there had been no change of legal entity, only a change of name. Respondent need not be limited to circumstantial evidence when Mr. Krause's direct testimony on the matter is available.

5. Trademark Registration No. 3430148 (EAST WEST BANK and Compass Design) and Section 7 Correction of First Use Dates

Petitioner EW Bank's application to register EAST WEST BANK and Design (U.S. Registration No. 3430148) is the subject of Counterclaim Four. The application was filed on August 28, 2007 in the name of East West Bank. Mr. Douglas Krause signed in his capacity as Executive Vice President. The application was filed for banking and banking-related services, with the notable exception of insurance services, insurance consultation, and, security brokerage

services. Petitioner to date has failed to produce any evidence of use by Petitioner EW Bank itself with such services and/or under the subject mark.

Mr. Krause's testimony is required as to his personal knowledge on the statements made therein. Specifically, Mr. Krause's testimony is required on the issue as to why Petitioner EW Bank sought to register its mark for security brokerage and insurance services. Mr. Krause is well aware of the Petitioner EW Bank's corporate structure and the specific licenses and legal requirements for providing insurance services and security brokerage services, and his direct testimony is available.

Moreover, notwithstanding the fact that U.S. Registration No. 2025824 for EAST WEST BANK recites a first use date of July 31, 1995 and its U.S. Registration No. 2092030 for the Compass Design recites a first use date of January 1, 1996, the application as-filed recited a first use date of January 13, 1973. While these first use dates were amended to 1996 pursuant to yet another Section 7 filing in 2009, Respondent certainly is entitled to examine Mr. Krause on his sworn statements before the PTO.

Furthermore, to date, Petitioner EW Bank has suggested that East West Insurance Services is co-located with East West Bank where East West Insurance Services renders insurance services under the trademark EAST WEST INSURANCE SERVICES and Compass Design. Unless Petitioner is suggesting that the integrity of the corporate structure of East West Bank should not be recognized, the basis upon which Petitioner EW Bank is asserting use of its mark with insurance services is unclear. Without Mr. Krause's testimony, such evidence (produced after the deposition testimony of the Petitioner EW Bank's single witness) cannot be explored.

6. Section 7 Request, Trademark Registration No. 2025824 for EAST WEST BANK, dated November 12, 2010

On November 12, 2010, shortly before initiating its first December 2010 contact with Respondent, East West Bank filed a Section 7 Request deleting "administration of investment trusts for others" and "brokerage services rendered in the fields of shares and property." This appears to be an admission that as of November 12, 2010, East West Bank was not using its mark with brokerage services. Yet East West Bank did not file a corresponding Section 7 Request with regard to its registration for U.S. Registration No. 3430148 (EAST WEST BANK and Design), even as it was preparing to plead this registration in the Cancellation proceeding where it would assert Respondent's China-focused business consultation services to be within the scope of expansion of Petitioner's banking and cash management services with respect to which the marks are registered.

Notwithstanding this very recent deletion, Mr. Krause verified in Interrogatories responses in July 2011 that Petitioner *uses* to this day its EAST WEST BANK and Design mark in connection with brokerage services. Starr Decl., Exh. B, p. 5. This Section 7 Request is a pertinent document and Respondent is entitled to depose the person with personal knowledge of the statements made therein.

E. PETITIONER'S OWN WITNESS MS. WANG REPEATEDLY IDENTIFIED MR. KRAUSE AS HAVING SUPERIOR AND DIRECT PERSONAL KNOWLEDGE ON CENTRAL ISSUES

The testimony of Petitioner's witness, Ms. Emily Wang revealed that Mr. Krause possesses superior and direct personal knowledge on pertinent issues on this matter. His testimony is sought for his superior and direct personal knowledge as to these issues, and not as a Rule 30(b)(6) representative of the company.

Ms. Wang specifically identified Douglas Krause as the person responsible for conducting trademark searches and for the prosecution of trademark applications. Starr Decl., Exh. L, p. 163-164. In addition to all of the reasons stated above, in this capacity, it would be Mr. Krause that would have superior and direct personal knowledge of when Respondent first became known to Petitioner EW Bank relative to Respondent's laches defense. Moreover, Petitioner EW Bank is simply incorrect. In no way is Mr. Krause's role as General Counsel implicated by virtue of his involvement in the prosecution of Petitioner's trademarks. The person that makes the attestations under oath must be held accountable for the truthfulness of the statements made therein.

Ms. Wang again identified Douglas Krause as the person having superior and direct personal knowledge as to why U.S. Registration No. 2167742 for the BUSINESS BRIDGE trademark registration was allowed to expire in 2004. Starr Decl., Exh. L, p. 195. Contrary to Petitioner EW Bank's assertion, Mr. Krause's knowledge of this topic does not involve attorney-client matter. It simply involves an inquiry whether there was a period of non-use from the person responsible for overseeing the trademark prosecution of Petitioner EW Bank.

Ms. Wang again identified Douglas Krause as the person having superior and direct personal knowledge as to the continued operation of East-West Federal Bank, FSB subsequent to the incorporation of East West Bank. Starr Decl., Exh. L., p. 292. As indicated, *infra*, Section G, Petitioner EW Bank is resisting production of documents on the matter as to whether East-West Federal Bank, FSB continued to exist subsequent to the incorporation of East West Bank.

Ms. Wang again identified Douglas Krause as the person having superior and direct personal knowledge as to why it was East-West Federal Bank, FSB, not East West Bank that filed the Declaration of Use in 2002 for U.S. Trademark Registration 2025824 for EAST WEST

BANK. Starr Decl., Exh. L, p. 298. Again, it is Mr. Krause who would personally know the reasons for doing so. Respondent need not speculate when Mr. Krause is available.

Finally, as to the topic of natural expansion and Petitioner EW Bank's actual or potential plans to expand its services to include business consultation services, unrelated to securing loans and accounts related to its "banking and cash management" services described in the Petitioner EW Bank's registrations, Ms. Wang went on to identify Douglas Krause as the person having superior and direct personal knowledge as the decision to not disclose such plans as would have been required in the public filings of Petitioner's parent company. Starr Decl., *Id.*, Exh. L, p. 434. Similarly, Ms. Wang identified Mr. Krause as the person having superior and direct personal knowledge as to whether there are any written documents or disclosures that would relate to Petitioner's provision of business consulting services. *Id.*, Exh. L, p.432, p.436-38. This is especially critical since Mr. Krause verified in his Interrogatory responses that: "Petitioner is a full service bank, which *offers*, among other services, business consultation services to entities both in the U.S. and China." Starr Decl., Exh. B, p 10-11 (emphasis added).

F. PETITIONER'S REARGUMENT OF ITS PENDING MOTION FOR SANCTIONS IS HIGHLY IMPROPER AND PROVIDES NO BASIS FOR A PROTECTIVE ORDER

It is telling that Petitioner EW Bank's lead argument does not relate to the merits of whether a protective order is warranted under applicable law. Rather, Petitioner EW Bank seeks to change the topic to its pending meritless Motion for Sanctions, a matter that has been fully briefed and provides no basis for denying the taking of the deposition of Mr. Krause. No further briefing on the Motion for Sanctions should be permitted and Respondent requests that the Board disregard this portion of Petitioner EW Bank's briefs. (Dkt. #15, #19, p. 3-4).

Petitioner's contention that Respondent waited until there were three days left in the discovery period to notice Mr. Krause is misleading and without merit. (Dkt. #19 at p. 4). Petitioner well-knows that, in response to Respondent's concern that additional discovery may be indicated from the depositions, the Board preserved a final three-day discovery period. See Canc. Dkt. #13, p. 2. Accordingly, upon resumption of the discovery period following the deposition of Petitioner's witness Ms. Wang, Respondent timely served its notice of deposition. See. Canc. Dkt. #23, Exh. G.

Moreover, Petitioner EW Bank presents a series of unsupported opinions without evidence or specific information. Mischaracterizations, personal attacks and innuendo are not substitutes for facts. Petitioner EW Bank is only correct in so far as it states that Respondent twice sought to inquire as to the scheduling the deposition of Mr. Krause both on July 2, 2012 and July 5, 2012. (Dkt. #15 at 4). What Petitioner EW Bank leaves out – and what is evident from the e-mail correspondence - is that Petitioner EW Bank failed the simple courtesy of *even acknowledging* these inquiries in its responses and failed to request clarification on topics. (Dkt. #15, Exh. B). Instead, it chose to exclusively pursue its own agenda, rather than engage Respondent in a meet and confer on this matter. Significantly, as noted above, Petitioner EW Bank's contention that it did not have notice of topics is without merit as it concedes that it was aware of the topics based on Petitioner EW Bank's prior motion to extend discovery. Petitioner, therefore, has no one but itself to blame for its lack of meet and confer efforts.

Respondent's attorney telephoned the Board and relayed Petitioner EW Bank's uncooperativeness on the matter and requested that the scheduled hearing be expanded. The Board recognized that the process of seeking agreeable dates would be superfluous considering the parties' confirmed availability for the scheduled hearing and permitted that the hearing be

expanded.[5] The Board addressed Petitioner EW Bank's complaint of prejudice by requiring full briefing of the Motion and granted Petitioner EW Bank a full week to provide its Motion. Accordingly, the subject of Mr. Krause's testimony should be addressed on the merits, not Petitioner EW Bank's attempts to misdirect the Board's attention from the facts, applicable law and established and settled Board rule and practice.

Finally, as Petitioner EW Bank is well aware, the Board did not grant leave to Respondent to file a Motion to Compel. Rather, based upon Petitioner EW Bank's prior 10:30pm eve-of-hearing improper filing with the Board, the Board is treating the present Motion as *Petitioner EW Bank's* Motion for a Protective Order rendering the process by which Respondent raised the issue to be moot.

G. RESPONDENT HAS EXPLORED THE DOCUMENTARY BASIS FOR ITS COUNTERCLAIMS

In the Board's May 7, 2012 Order, it observed that "The issues of corporate ownership which underlie the new fraud claims plainly have a documentary basis, and this should be explored BEFORE depositions are scheduled, unless the parties agree that this would not reduce the length of the deposition." (Dkt. #9, at p. 8). Respondent has done so.

With regard to Counterclaim Counts Two and Three, relative to its mid-April request for document production, Respondent sought production of documents relating to Petitioner EW Bank's heretofore undisclosed assertion that there was a conversion between East West Federal Bank, F.S.B. and East West Bank, including document requests concerning the formation of East West Bank, the dissolution of East-West Federal Bank, FSB, the corporate succession of East

[5] It is a fact that Petitioner itself, without leave from the Board or notice to Respondent's counsel made an impromptu oral attempt to compel Ms. Plubell's deposition at the Board's April 25, 2012 hearing on Repondent's then-pending Motions to Extend and Motion to Amend.

West Bank to East-West Federal Bank, FSB, and the succession of rights in the trademarks of East-West Federal Bank, FSB. Starr Decl. at Exh. F.

In response in late May after being provided a courtesy two-week extension by Plubell, Petitioner EW Bank produced Articles of Incorporation filed by Petitioner EW Bank and amendments thereto. Respondent sent correspondence complaining about the production. Petitioner responded with respect to the conversion documentation "Elsewhere Plubell has requested documents related to the conversion, and EWB has responded to those requests." Starr Decl. at Exhs. G-H. Thus, Petitioner advised Respondent that it considered its production complete with respect to the conversion documentation. In the meantime, Respondent served follow-up discovery requests in mid-June with a final document request as to all government filings made relative to the alleged conversion.

In its mid-July Motion, Petitioner EW Bank represented that it is "in the process of redacting private confidential financial and personal information of its employees and shareholders so that it can provide Plubell with the remainder," (Dkt. #19 at p. 10), and made its belated production on August 6, 2012 with documents nominally responsive to the follow-up mid-June document request though substantively responsive mid-April document request. [6] The Board could not have intended for Respondent to wait indefinitely for documents before moving forward with depositions and could not have intended to reward such withholding of documentation. Now that Petitioner EW Bank has finally belatedly produced documents, it can no longer use its withholding of documentation as grounds for refusing to schedule Mr. Krause's deposition.

[6] Should review of these 1,200 pages of documents impact the arguments made herein they will be discussed at the hearing.

Moreover, Petitioner EW Bank refuses to produce documents as to the following document requests, which simply reference language found in Petitioner's own filings and the California Financial Code, concerning the documentary basis for these claims:

> All Documents Which Evidence the continued existence of East-West Federal Bank, F.S.B. subsequent to July 31, 1995.
>
> All Documents Which Evidence the dissolution of East-West Federal Bank, F.S.B.
>
> All Documents Which Evidence the changing of the name of East-West Federal Bank, F.S.B. to East West Bank, or to any variation thereof.

Starr Decl., Exh. F, p. 6-7, 10. While Respondent has fully met-and-conferred and intends to seek leave to move to compel production of relevant documents on these requests, it has made a good faith effort to explore the documentary basis for its counterclaims before scheduling depositions.[7]

H. DISCOVERY RELATIVE TO THE CANCELLATION PROCEEDING HAS NOT BEEN TERMINATED AND IS ONGOING

Petitioner EW Bank appears to wrongly construe the Board's May 7, 2012 Order as extending discovery only as to the Counterclaims and the Opposition proceeding. (Dkt. #15, p 4-5). The Order did nothing of the sort. As of the April 25, 2012 hearing and the May 7, 2012 Order, discovery in the cancellation proceeding was closed though the Motion to Extend was pending. Had the Board wished to keep discovery closed as to the cancellation proceeding upon

[7] It is demonstrable fact that Petitioner has, throughout the 18 months of this proceeding adopted the approach of eleventh-hour delays, late filings beyond Board deadlines, requests for extensions (asserting misleadingly that extensions would produced "vastly improved answers" and then produced no response at all other than general objections to interrogatory counts); not only with respect to written discovery but also as to producing its own witness, Emily Wang. It is also demonstrable that the economic burden, waste of time, resources, and stress falls heavily upon a single, individual Respondent forced to defend its properly granted trademark registration in the face of bullying, aggression and delaying tactics by this vastly larger Petitioner. Respondent places absolute trust and reliance on the Board's professional objectivity to assure this process adheres to trademark law and the Board's rules and practice so that Petitioner's burden to demonstrate a likelihood of confusion remains in sight and, further, that the Board will ensure an even playing ground. Respondent, for its part, has not, and will not be drawn into personal attacks while it diligently, meticulously and respectfully seeks to protect what is its own.

consolidation, it could have suspended proceedings in the cancellation proceeding and extended discovery in the opposition proceeding only. *See Dating DNA LLC v. Imagini Holdings LTD.*, 94 USPQ2d 1889 (TTAB 2010)(denying motion to re-open the discovery period on the earlier-filed proceeding and suspending earlier-filed proceeding while the parties complete discovery on the later-filed proceeding). Instead, upon further consideration, the Board recognized the need for a further discovery period as to the *entire* consolidated proceeding and simply extended discovery for the entire consolidated proceeding.

III. CONCLUSION

As demonstrated above, the testimony of Douglas Krause is essential to Respondent's defense to Petitioner EW Bank's cancellation claim and to Respondent's counterclaims. Mr. Krause possesses relevant, direct superior and personal knowledge on matters central to this cancellation proceeding. Petitioner has failed to meet its burden and far from establishing the "extraordinary circumstances" necessary to prevent Mr. Krause's deposition by a protective order, Petitioner has confirmed that Mr. Krause's testimony is essential to address the inconsistent and at least reckless statements made by Petitioner EW Bank to the PTO with respect to its pleaded registrations as well as to other issues in this proceeding. Moreover, Respondent requires Mr. Krause's testimony with respect to the issue of intent in repeatedly making apparent inaccurate and false statements in filings with the PTO over a sustained period of years. Accordingly, Respondent respectfully requests that the Board deny Petitioner EW Bank's motion for a protective order and permit Respondent to depose Mr. Krause at this time consistent with the outstanding Notice of Deposition.

Date: August 7, 2012

Respectfully submitted,
NATH, GOLDBERG & MEYER

H. David Starr
112 South West Street
Alexandria, VA 22314
(703) 548-6284
Attorneys for Respondent

Associated Counsel
Mina I. Hamilton
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 N. Figueroa Street, Suite 1200
Los Angeles, CA 90012

CERTIFICATE OF SERVICE

This is to certify that I am on this 7 of August, 2012 serving a copy of the within and foregoing upon the Petitioner's attorneys via electronic mail return receipt requested, addressed as follows: tchan@foxrothschild.com; lkarczewski@foxrothschild.com; cliu@foxrothschild.com; acraig@foxrothschild.com; and IPDocket@foxrothschild.com.

H. David Starr
Attorney for Respondent

Date: August 7, 2012

NATH, GOLDBERG & MEYER
112 South West Street
Alexandria, VA 22314
(703) 548-6284

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

EAST WEST BANK, Petitioner, v. THE PLUBELL FIRM, LLC, Respondent.	Opposition No.: 91203410 *[Consolidated with]* Cancellation No.: 92053712

DECLARATION OF H. DAVID STARR IN SUPPORT OF RESPONDENT THE PLUBELL FIRM, LLC'S OPPOSITION TO PETITIONER EAST WEST BANK'S MOTION FOR A PROTECTIVE ORDER REGARDING THE DEPOSITION OF DOUGLAS KRAUSE

I, H. David Starr, declare:

1. I am an attorney admitted to the bars of the District of Columbia and the State of Maryland. I am an attorney with the Nath, Goldberg & Meyer, attorneys for Respondent The Plubell Firm, LLC ("Plubell"). I make this declaration in support of Respondent's Opposition to Motion for Protective Order for the Deposition of Douglas Krause. If called upon to do so, I could and would competently testify to the following:

2. Attached hereto as Exhibit A is a true and correct copy of the Petitioner's Initial Disclosures, dated April 27, 2012.

3. Attached hereto as Exhibit B is a true and correct copy of the Petitioner's Responses and Objections to Interrogatories, Set One, dated July 15, 2011.

4. Attached hereto as Exhibit C is a true and correct copy of U.S. Serial No. 76/208,230 as downloaded from the USPTO's TDR database. This application was the subject of *Pioneer Corp. v. Hitachi High Technologies America, Inc.*, 74 U.S.P.Q.2d 1672 (TTAB 2005).

5. Attached hereto as Exhibit D is a true and correct copy of the *Nunc Pro Tunc* Assignment, dated August 15, 2000. Although the document represents that Mr. Krause was a duly authorized corporate officer of East-West Federal Bank, FSB as of the July 1995 effective date, Petitioner represented in its moving papers that Mr. Krause was not an officer of Petitioner until 1996.

6. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Use and Incontestability for Registration 2,025,824, filed in the name of East-West Federal Bank, F.S.B., and signed by Douglas P. Krause.

7. Attached hereto as Exhibit F is a true and correct copy of the Petitioner's Objections and Responses to Respondent's Third Set of Requests for Production of Documents and Things, dated May 30, 2012.

8. Attached hereto as Exhibit G is a true and correct copy of the letter I sent to Petitioner's attorney, dated June 15, 2012 concerning Petitioner's refusal to produce documents and other issues with Petitioner's responses.

9. Attached hereto as Exhibit H is a true and correct copy of the letter received from Petitioner's attorney, dated June 25, 2012, whereupon Petitioner maintained its refusal to produce documents related to Respondent's Counterclaims stating that such document requests "do not advance the ball."

10. Attached hereto as Exhibit I is a true and correct copy of the Renewal Application for U.S. Registration No. 2025824 filed by East West Federal Bank, FSB on December 19, 2006 and attached hereto as Exhibit J is a true and correct copy of the Renewal Application for U.S. Registration No. 2025824 filed by East West Bank on January 15, 2007.

11. Attached hereto as Exhibit K is a true and correct copy of the Declaration, dated May 7, 2007, whereupon Douglas P. Krause stated under penalty of perjury that East West Bank "had been doing business under the name East-West Federal Bank, FSB" and that its name "has been changed and is now called East West Bank."

12. Attached hereto as Exhibit L are true and correct copies of selected relevant pages from the Fed. R. Civ. P. 30(b)(6) deposition transcript of Petitioner and Petitioner's Fed. R. Civ. P. 26 disclosure fact witness, Ms. Emily Wang, taken on January 30, 2012 and March 7, 2012.

13. Attached hereto as Exhibit M is a true and correct copy of the Petitioner's Objections and Responses to Respondent's Revised Second Set of Interrogatories, Nos. 1-15, dated August 2, 2012.

I declare the above statement to be true and correct under penalty of perjury under the laws of the United States.

Executed on August 7, 2012.

H. David Starr

EXHIBIT A

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

In the Matter of Trademark Application No. 85/319,594
For the mark EAST WEST BRIDGE FORUM
Date of Publication: September 20, 2011

THE PLUBELL FIRM, LLC,	)	
Opposer,	)	
v.	)	Opposition No.: 91203410
EAST WEST BANK,	)	
Applicant.	)	

APPLICANT'S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120 of the Trademark Rules of Practice, Applicant East West Bank hereby makes its Initial Disclosures as follows:

Applicant's Initial Disclosures are made without the benefit of any discovery. Applicant reserves its right to supplement these disclosures as new information and documents become known to Applicant.

Applicant notes that damages and insurance agreements, namely, Rule 26(a)(1)(A)(iii) and (iv), are inapplicable to proceedings before the Trademark Trial and Appeal Board.

A. INDIVIDUAL(S) LIKELY TO HAVE DISCOVERABLE INFORMATION THAT MAY BE USED TO SUPPORT APPLICANT'S CLAIMS

As for individuals currently known to Applicant as likely to have discoverable information that Applicant may use to support its claims, Applicant provides the following list without any concession, agreement, admission or waiver of any ultimate determination of relevance or admissibility of particular information for any purpose, and without waiver of the attorney-client privilege or work-product doctrine or any other privilege, doctrine or immunity.

Emily Wang
Senior Vice President, Director of Marketing
East West Bank
135 N. Los Robles Avenue, 7th Floor
Pasadena, California 91101

As to Applicant's past and present sales, marketing, and advertising strategies. Ms. Wang can be contacted through counsel for Applicant.

Douglas Krause
Executive Vice President, General Counsel, Chief Risk Officer, and Corporate Secretary
East West Bank
135 N. Los Robles Avenue, 7th Floor
Pasadena, California 91101

As to the prosecution of Applicant's trademarks, namely, EAST WEST BANK, EAST WEST BANK and Design, BUSINESS BRIDGE, and EAST WEST BRIDGE FORUM, used in association with respective services in International Classes 036 and 038 (EAST WEST BRIDGE FORUM only), before the United States Patent and Trademark Office. Mr. Krause can be contacted through counsel for Applicant.

B. DESCRIPTION OF DOCUMENTS BY CATEGORY AND LOCATION

As to description by category and location of all documents, electronically stored information, and tangible things that Applicant has in its possession, custody, or control and may use to support its claims, Applicant provides the following list without any concession, agreement, admission or waiver of any ultimate determination of relevance or admissibility of particular information for any purpose, and without waiver of the attorney-client privilege or work-product doctrine or any other privilege, doctrine or immunity.

1. Representative documents regarding Applicant's sales, marketing, and advertising reports as well as past and present examples of its marketing and advertising of Applicant's trademarks, namely, EAST WEST BANK, EAST WEST BANK and Design, BUSINESS BRIDGE, and EAST WEST BRIDGE FORUM, used in association with respective services in International Classes 036 and 038 (EAST WEST BRIDGE FORUM only).

2. Documents regarding the prosecution of Applicant's trademarks, namely, EAST WEST BANK, EAST WEST BANK and Design, BUSINESS BRIDGE, and EAST WEST BRIDGE FORUM, used in association with respective services in International Classes 036 and 038 (EAST WEST BRIDGE FORUM only), before the United States Patent and Trademark Office.

All of the above documents, information and things, are located at Applicant's place of business with an address of 135 N. Los Robles Avenue, 7th Floor, Pasadena, California 91101, and the offices of counsel for Applicant, Fox Rothschild LLP with an address of 1055 W. 7th Street, Suite 1880, Los Angeles, California 90017.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: April 27, 2012

By: */Aaron Craig/*
Thomas T. Chan
Aaron Craig
Lisa A. Karczewski
Attorneys for Applicant
EAST WEST BANK

FOX ROTHSCHILD LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017
Mailing Address:
P. O. Box 79159
Los Angeles, CA 90079-0159
Telephone: (213) 624-6560
Facsimile: (213) 622-1154
Email Address:
tchan@foxrothschild.com
cliu@foxrothschild.com
IPDocket@foxrothschild.com

CERTIFICATE OF SERVICE

I certify that **APPLICANT'S INITIAL DISCLOSURES** have been served on Opposer The Plubell Firm, LLC's attorney of record by electronic mail on this Friday, April 27, 2012 addressed as follow:

H. David Starr
(DStarr@Nathlaw.com)
The Nath Law Group
112 South West Street
Alexandria, VA 22314
Tel: (703) 548-6284
Fax: (703) 683-8396

/Cindy Liu/
Cindy Liu
Fox Rothschild LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017
Tel: (213) 624-6560
Fax: (213) 622-1154
Email Address:
cliu@foxrothschild.com

EXHIBIT B

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

In the Matter of Trademark Registration No. 3448481
Registered on June 17, 2008
For the mark "EAST WEST BUSINESS BRIDGE"

EAST WEST BANK,	)	
	)	
Petitioner,	)	Cancellation No.: 92053712
	)	
v.	)	
	)	
THE PLUBELL FIRM, LLC	)	
	)	
Respondent.	)	
	)	

PETITIONER'S RESPONSES AND OBJECTIONS TO INTERROGATORIES, SET ONE

PROPOUNDING PARTY: The Plubell Firm, LLC

RESPONDING PARTY: East West Bank

SET NO.: One

Pursuant to 37 C.F.R. §2.120 and Rules 33 of the Federal Rules of Civil Procedure, Petitioner East West Bank ("East West Bank"), by and through its attorneys, hereby responds to Respondent The Plubell Firm's First Set of Interrogatories to Petitioner as follows:

GENERAL OBJECTIONS

Responding Party responds to each of the Propounding Party's interrogatories subject to the following General Objections. These objections form a part of and are specifically incorporated into each of the Responding party's Responses and Objections to Propounding Party's interrogatories, even though they may not be specifically referred to in each and every

Response to each interrogatory. Failure to specifically refer to any of these General Objections in any specific Response should not be construed as a waiver of same.

1. Responding Party objects generally to the interrogatories to the extent those Interrogatories potentially seek information that is protected from compelled disclosure by the attorney/client privileged, the attorney work-product doctrine, or any other applicable privilege.

2. Responding Party objects generally to the interrogatories to the extent that they require disclosure of confidential information or otherwise invade the privacy of Responding Party and/or any other third party. Responding Party will disclose such information only subject the protective order currently in place between the parties in this lawsuit.

3. Responding Party objects generally to the interrogatories to the extent that they are vague, ambiguous, unclear, overbroad, vexatious, and/or unduly burdensome in their potential scope, and/or susceptible of more than one meaning.

4. Responding Party objects generally to the interrogatories to the extent that they call for information irrelevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence.

5. Responding Party further reserves the right to supplement these responses as additional information becomes known, as at the time of these responses discovery is not yet completed in this action.

6. Responding Party objects to the interrogatories to the extent that they do not state with reasonable particularity the information which is requested.

7. Responding Party objects to the interrogatories on the ground that they are not limited to a specific time period, and, therefore are overly broad and unduly burdensome, vague, and seek information that is not reasonably calculated to lead to the discovery of admissible evidence.

8. Responding Party objects to the interrogatories to the extent that they seek information already within Propounding Party's knowledge or control, or equally or more easily available to it, on the grounds that such interrogatories are unduly burdensome or oppressive.

9. Responding Party objects to the interrogatories to the extent that they call for the disclosure of materials prepared in preparation for trial.

10. Responding Party's responses to categories of information requested by Propounding Party's interrogatories are not, and shall not be construed as, an admission by Responding Party that such information exists.

11. Responding Party's responses to the interrogatories are hereby made without in any way waiving or intending to waive, but rather, to the contrary, by preserving and intending to preserve:

a. All questions as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

b. The right to objects on any ground to the use of any such information, or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

c. The right to object at any time for any further response to this or any other request for information or production of documents;

d. The right to rely on information discovered or generated subsequent to these responses; and

e. The right at any time to supplement these responses.

12. Respondent specifically objects to the term "EAST WEST BANK" as being overbroad and renders the Interrogatories vague, ambiguous and uncertain, particularly to the extent that such words are defined as including predecessors, subsidiaries, affiliates, employees, officers, directors, principals, accountants, agents, counsel, any third party acting on EAST WEST BANK's behalf and/or attorneys. Responding Party will respond to interrogatories which reference "EAST WEST BANK" as meaning the Responding Party only.

These general objections are incorporated by reference into each of the responses below:

RESPONSES AND OBJECTIONS INTERROGATORIES

INTERROGATORY NO. 1:

State all facts Which Evidence Your allegations set forth in Paragraph No.2 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.1:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

The Responding Party uses the mark EAST WEST BANK for "banking services, issuance of travelers' checks, and letters of credit," in International Class 036. Petitioner has used this mark continuously since at least as early as July 31, 1995. This mark was registered on the Principal Register on December 24, 1996 under Registration No. 2025824. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.2:

State all facts Which Evidence Your allegations set forth in Paragraph No.3 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.2:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

The Responding Party uses the mark EAST WEST BANK and Design for "automated teller machine services, banking, cash management, checking account services, debit card services, electronic funds transfer, electronic payment, namely, electronic processing and transmission of bill payment data, currency exchange and advice, financial services in the field of money lending, home equity loans, financial management, on-line banking services, installment loans, insurance brokerage, insurance consultation, issuing credit cards, issue of traveller's cheques, issuance of bank checks, issuing of checks and letters of credit, money order services, mortgage banking, providing temporary loans, safe deposit box services, savings account services, security brokerage, tax payment processing services, trust services, namely, investment and trust company services", in International Class 036. The Responding Party has used this mark continuously since at least as early as January 1996. This mark was registered on the Principal Register on May 20, 2008 under Registration No. 3430148. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.3:

State all facts Which Evidence Your allegations set forth in Paragraph No.4 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.3:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner uses the mark BUSINESS BRIDGE for "banking, cash management," in International Class 036. Petitioner has used this mark continuously since at least as early as May 15, 1997. This mark was registered on the Principal Register on May 19, 2009 under Registration No. 3623050. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.4:

State all facts Which Evidence Your allegations set forth in Paragraph No.5 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.4:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

On information and belief, the Propounding Party has not used Registrant's mark prior to the dates identified above in Interrogatories 1-3 above. Specifically, the Propounding Party has

identified its first use of the EAST WEST BUSINESS BRIDGE mark as January 4, 2003 in its application for the mark which is significantly later than the dates of first use identified by East West Bank above. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.5:

State all facts Which Evidence Your allegations set forth in Paragraph No.6 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.5:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner's Marks are symbolic of the good will and consumer recognition built up by Petitioner through time and effort in advertising and promotion. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.6:

State all facts Which Evidence Your allegations set forth in Paragraph No.7 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.6:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner is the owner of the foregoing registered marks for EAST WEST BANK, EAST WEST BANK and Design, and BUSINESS BRIDGE: Registration Nos. 2025824, 3430148, and 3623050. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.7:

State all facts Which Evidence Your allegations set forth in Paragraph No.8 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.7:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner has been and will continue to be damaged by the issuance and existence of Registration No. 3,448,481 in that such registration is being used by the Registrant so as to misrepresent the source of the services on or in connection with which the mark is used. Specifically, customers and potential customers are likely to be confused that the Registrant is associated with the Responding Party and/or the Responding Party approves of, supports or otherwise stands behind the services offered by the Registrant. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.8:

State all facts Which Evidence Your allegations set forth in Paragraph No.9 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.8:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner has developed extensive goodwill with respect to Petitioner's Marks. Specifically, by use of extensive advertising East West Bank's Marks have come to be associated with the great service and products provided by Petitioner. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.9:

State all facts Which Evidence Your allegations set forth in Paragraph No. 10 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.9:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner has spent significant sums in the advertisement and promotion of the services sold in connection with Petitioner's Marks. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.10:

State all facts Which Evidence Your allegations set forth in Paragraph No. 11 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.10:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

As a result of the advertisement and promotion of Petitioner's Marks, along with the high quality of the services sold in connection with Petitioner's Marks, Petitioner has acquired a valuable reputation for Petitioner's Marks. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.11:

State all facts Which Evidence Your allegations set forth in Paragraph No. 12 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.11:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Registrant's mark is confusingly similar to Petitioner's Marks and is used in connection with services related to those offered for sale or sold by Petitioner, or, alternatively, is used in connection with services within the natural expansion of Petitioner's business. Specifically, Registrant has identified the class of goods for its mark as "Providing business information and business consultation to others about requirements for doing business between China and other countries and facilitating the conducting of business transactions between China and other

countries," while Petitioner is a full service bank, which offers, among other services, business consultation services to entities both in the U.S. and China. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.12:

State all facts Which Evidence Your allegations set forth in Paragraph No. 13 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.12:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Petitioner has been and will continue to be damaged by the issuance and existence of Registration No. 3,448,481 in that confusion in the trade is likely to result from any concurrent use of Petitioner's Marks and that of Registrant, all to the great detriment of Petitioner, who has expended considerable sums and effort in promoting Petitioner's Marks. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.13:

State all facts Which Evidence Your allegations set forth in Paragraph No. 14 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.13:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be

impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Purchasers are likely to consider the services of the Registrant sold under the mark EAST-WEST BUSINESS BRIDGE as emanating from Petitioner, and purchase such services as those of the Petitioner, resulting in loss of sales to Petitioner. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.14:

State all facts Which Evidence Your allegations set forth in Paragraph No. 15 of Petitioner's Petition to Cancel.

RESPONSE TO INTERROGATORY NO.14:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it would be impossible to list every fact that supports these contentions. Subject to these objections, the Responding Party Responds as follows:

Concurrent use of the mark by Registrant and Petitioner may result in irreparable damage to Petitioner's reputation and goodwill if the services sold by the Registrant are inferior, as purchasers are likely to attribute the source of the Registrant's services to the Petitioner. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.15:

For each fact stated in response to Interrogatory Nos. 1 -14, above, Identify all Persons with knowledge or information relating in any manner to such stated facts.

RESPONSE TO INTERROGATORY NO.15:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it is not limited in time. Subject to these objections, the Responding Party Responds as follows: Emily Wang, Senior Vice President, Director of Marketing. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.16:

State the selling prices You, Your agents, distributors and/or licensees charge for each of the separate services of the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.16:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it is not limited in time and East West Bank has been providing a variety of services over nearly the last 30 years. Further, as East West Bank is a bank, many of its services do not have a "selling price" and the Interrogatory is thus nonsensical. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.17:

Identify all official records filed in any public location or with any regulatory body in the United States or any other country stating intent to expand into fee-based general business consulting services.

RESPONSE TO INTERROGATORY NO.17:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome, in that it is not limited in time. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "official records," "public location," "regulatory body," "intent," "fee based" and "general business consulting services" are all undefined, unclear, and broad in potential scope. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.18:

State the dates on which Your EWB Mark was first used by You with each of the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.18:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO.19:

State the dates on which Your BB Mark was first used by You with each of the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.19:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly broad and unduly burdensome. The Responding Party

further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO.20:

State the date on which You first became aware of Respondent.

RESPONSE TO INTERROGATORY NO.20:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly vague and ambiguous as the term "aware" is undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad as the term "You" is defined as including any "entity acting for or on behalf of East West Bank." The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, the Responding Party responds that it first became aware that Registrant was using the mark EAST WEST BUSINESS BRIDGE on or about Fall of 2010. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.21:

State the date on which You first became aware of Respondent's Mark.

RESPONSE TO INTERROGATORY NO.21:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as overly vague and ambiguous as the term "aware" is undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad as the term "You" is defined as including any "entity acting for or on behalf of East West Bank." The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject

to these objections, the Responding Party responds that it first became aware that Registrant was using the mark EAST WEST BUSINESS BRIDGE on or about Fall of 2010. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.22:

Identify all Persons who first informed You about Respondent's Mark.

RESPONSE TO INTERROGATORY NO.22:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as overly broad as the term "You" is defined as including any "entity acting for or on behalf of East West Bank." The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The Responding Party further objects to this Interrogatory in that it calls for the disclosure of information subject to the attorney-client privilege.

INTERROGATORY NO.23:

State whether the use of Your EWB Mark with Petitioner's Services has been continuous, and if such use has not been continuous, set forth the dates and duration of stopped use, and the reasons use stopped.

RESPONSE TO INTERROGATORY NO.23:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as vague and ambiguous as the term "continuous" is undefined, unclear, and open to many different interpretations. The Responding Party further objects to this Interrogatory to the extent that it requests a legal conclusion. Subject to these objections the Responding Party responds that it has continuously used the EWB Mark with Petitioner's Services.

INTERROGATORY NO.24:

State all publications, whether printed or electronic, in which the Petitioner's Services have been promoted.

RESPONSE TO INTERROGATORY NO.24:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as vague and ambiguous as the term "promoted" is undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.25:

Identify Persons involved in creating advertisements or promotional materials for the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.25:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects this Interrogatory as vague and ambiguous as the terms "involved," "creating" and "advertising" and "promotional materials" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome in that is not limited in time. Subject to these objections the Responding Party responds that Emily Wang is the Senior Vice President, Director of Marketing. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.26:

State the approximate dollar value, of gross sales in commerce of each separate service of the Petitioner's Services which has been provided, rendered, franchised, licensed and/or sold, by year since the date of first use.

RESPONSE TO INTERROGATORY NO.26:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "dollar value" and "gross sales" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.27:

State the approximate dollar value of all fees which East West Bank has received for consulting services, including consulting services related to any of the following services: banking; cash management; automated teller services; checking account services; debit card services; electronic funds transfer; electronic payment, namely electronic processing and transmission of bill payment data; home equity loans; financial management; on-line banking services; installment loans; insurance brokerage; insurance consultations; issuing credit cards; issuing of traveller's cheques; issuance of bank checks; issuing of checks and letters of credit; money order services; mortgage banking; providing temporary loans; safe deposit box services; savings account services; security brokerage; tax payment processing services; trust services namely investment and trust services.

RESPONSE TO INTERROGATORY NO.27:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "dollar value" and "fees" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.28:

Describe the classes or types of consumers to whom you market the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.28:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "classes or types" and "consumers" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.29:

State the purchasing conditions encountered by purchasers of Petitioner's Services.

RESPONSE TO INTERROGATORY NO.29:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "purchasing

conditions" and "purchasers" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.30:

State the languages and identify the character type-faces, Respondent uses to create advertisements, websites, or any other promotional materials for the Petitioner's Services.

RESPONSE TO INTERROGATORY NO.30:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "promotional materials" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.31:

Describe the results of any investigation of Respondent relating to Respondent's Mark.

RESPONSE TO INTERROGATORY NO.31:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "dollar value" and "gross sales" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party

further objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The Responding Party further objects to this Interrogatory to the extent that it requests privileged information. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.32:

State any instances or occurrences of actual confusion between the use of Your EWB Mark and Respondent's Mark.

RESPONSE TO INTERROGATORY NO.32:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "instances or occurrences" and "actual confusion" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory to the extent it calls for a legal conclusion. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.33:

State any instances or occurrences of actual confusion between the use of Your BB Mark and Respondent's Mark.

RESPONSE TO INTERROGATORY NO.33:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "instances or occurrences" and "actual confusion" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome.

The Responding Party further objects to this Interrogatory to the extent it calls for a legal conclusion. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.34:

Identify each Person with knowledge or information relating to any instances or occurrences of actual confusion between the use of Your EWB Mark and Respondent's Mark.

RESPONSE TO INTERROGATORY NO.34:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "instances or occurrences" and "actual confusion" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome. The Responding Party further objects to this Interrogatory to the extent it calls for a legal conclusion. The Responding Party further objects to this Interrogatory to the extent that such information is not currently known by the Responding Party. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.35:

Identify each Person with knowledge or information relating to any instances or occurrences of actual confusion between the use of Your BB Mark and Respondent's Mark.

RESPONSE TO INTERROGATORY NO.35:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as vague and ambiguous as the terms "instances or occurrences" and "actual confusion" are undefined, unclear, and broad in potential scope. The Responding Party further objects to this Interrogatory as overly broad and unduly burdensome.

The Responding Party further objects to this Interrogatory to the extent it calls for a legal conclusion. The Responding Party further objects to this Interrogatory to the extent that such information is not currently known by the Responding Party. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.36:

Identify each Person whom Petitioner intends to call as an expert witness in this proceeding, including, but not limited to, any Person on whose information and statistical reports Petitioner intends to produce or rely to evidence "likelihood" of confusion of the Petitioner's trademark "East West Bank" and "Business Bridge" registered in the banking class International Class 036 with Respondent's trademark "East West Business Bridge" preceding and controlling general consulting services in International Class 35.

RESPONSE TO INTERROGATORY NO.36:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory as requesting information outside of the timeframe provided by the Federal Rules of Civil Procedure 26. Discovery is ongoing and Responding Party reserves the right to supplement these Responses.

INTERROGATORY NO.37:

For each answer to each request herein, Interrogatory or Document Request, Identify each Person who participated in any way with the preparation of the answer.

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RESPONSE TO INTERROGATORY NO.37:

The Responding Party hereby incorporates its General Objections. The Responding Party further objects to this Interrogatory to the extent that it requests information protected by the attorney-client privilege. Subject to these objections, the Responding Party responds: Emily Wang.

Respectfully submitted,

CHAN LAW GROUP LLP

Dated: July 25, 2011

By: */Stephen D. Byers/*
Thomas T. Chan
Lisa A. Karczewski
Stephen D. Byers
Attorneys for PETITIONER
EAST WEST BANK

VERIFICATION

I have read the foregoing RESPONSES AND OBJECTIONS TO INTERROGATORIES FROM THE PLUBELL FIRM, LLC, SET ONE and know of its contents.

I am an officer of EAST WEST BANK, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of July 2011, at Pasadena, California.

Douglas Krause

CERTIFICATE OF SERVICE

I certify that **PETITIONER'S RESPONSES AND OBJECTIONS TO INTERROGATORIES, SET ONE** are being served on Respondent by e-mailing a true and correct copy to the attorneys of record, this Monday, July 25, 2011, to the following e-mail address:

H. David Starr
DStarr@Nathlaw.com
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
Tel: (703-548-6284 (6284)
Fax: (703) 683-8396

/Cindy Liu/
Cindy Liu
Chan Law Group LLP
1055 West 7th Street, Suite 1880
Los Angeles, California 90017
Tel: (213) 624-6560
Fax: (213) 622-1154
litigation@chanlaw.com

EXHIBIT C

Neal & McDevitt®

Attorneys At Law

1603 Orrington Avenue
Suite 2000
Evanston, Illinois 60201
Telephone: 847-424-8330
Facsimile: 847-424-8320

February 9, 2001

ATTORNEY DOCKET NO.: 17651-109

VIA EXPRESS MAIL NO.: EJ108877777US

ASSISTANT COMMISSIONER FOR TRADEMARKS
Box NEW APP - FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: **Intent-to-Use Trademark Application**

Dear Madam or Sir:

Enclosed is an Application for Trademark Registration Based Upon An Intent to Use for the mark SUPERSCAN ELITE in International Class 9 on behalf of Nissei Sangyo America, Ltd.

Also enclosed is a check for the application filing fee in the amount of $325.00. Any other necessary fees should be charged to our Deposit Account No. 50-0640. A duplicate copy of this letter is enclosed as authorization.

Respectfully submitted,

Melissa J. Lee

MJL/rgh
Enclosures

Express Mail mailing label number:
EJ 108877777 US

Date of Deposit:
February 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Trademarks, Box NEW APP - FEE, 2900 Crystal Drive, Arlington, VA 22202-3513

Raymond G. Hughes
(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

APPLICATION FOR TRADEMARK REGISTRATION BASED UPON INTENT-TO-USE

Our File No. 17651-109

Mark: SUPERSCAN ELITE

International Class(es) 9

APPLICANT: Nissei Sangyo America, Ltd.

STATE OF INCORPORATION: Illinois

BUSINESS ADDRESS: 10 Martingale, Suite 500
Schaumburg, Illinois 60173

ASSISTANT COMMISSIONER FOR TRADEMARKS
Box NEW APP – FEE
2900 Crystal Drive
Arlington, VA 22202-3513

The above-identified Applicant hereby requests that the trademark shown in the accompanying drawing be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051, *et seq.*, as amended) for the following goods: video and audio products and systems, including

televisions, video cassette recorders, digital versatile disk players, digital video disk players and combination units, in International Class 9.

Applicant has a *bona fide* intention to use the mark itself, or through a licensee or a related company, in commerce, on or in connection with the goods referenced above by using it on the goods or on packaging or labeling for the goods or by other methods consistent with practices in the industry. (15 U.S.C. §1051(b), as amended.)

POWER OF ATTORNEY

Applicant hereby appoints NEAL & McDEVITT, which has associated with it Susan Somers Neal, Kevin J. McDevitt, Melissa J. Lee, and Eugene C. Goodale, all of whom are members of at least the Bar of the State of Illinois, as its attorneys, with full power of revocation, to prosecute this application, to transact all business in the U.S. Patent and Trademark Office and in the courts in connection therewith and to receive the Certificate of Registration. All correspondence should be addressed as follows:

Susan Somers Neal
Neal & McDevitt
1603 Orrington Avenue, Suite 2000
Evanston, Illinois 60201

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, declare that I am properly authorized to execute this application on behalf of Applicant; I believe Applicant to be the owner of the mark sought to be

APPLICANT:	Nissei Sangyo America, Ltd.
ADDRESS:	10 Martingale, Suite 500 Schaumburg, Illinois 60173
GOODS:	Video and audio products and systems, including televisions, video cassette recorders, digital versatile disk players, digital video disk players and combination units
INTERNATIONAL CLASS:	9

Based Upon Intent-to-Use

02-09-2001
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #61

SUPERSCAN ELITE

Submitted By:

Melissa J. Lee
NEAL & McDEVITT
1603 Orrington, Suite 2000
Evanston, Illinois 60201
Telephone: 847-424-8330
Facs:

TRADEMARK
76208230

76208230

TRADEMARK APPLICATION SERIAL NO.

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

02/14/2001 SWILSON1 00000205 76208230

01 FC:361 325.00 OP

PTO-1555
(5/87)

registered, or if the application is being filed under 15 U.S.C. §1051(b), I believe Applicant is entitled to use such mark in commerce; to the best of my knowledge and belief no other person, firm, corporation or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as may be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

NISSEI SANGYO AMERICA, LTD.

Dated: February 7, 2001

By: Stephen D. Snoke

Stephen D. Snoke
Vice President and General Counsel

EXHIBIT D

08-15-2000

FORM PTO-1594
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)

RECORDA
TRA

101432021

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

East-West Federal Bank

MKD 6.19.00

☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☐ Corporation-State
☒ Other A United States Corporation

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: East-West Bank

Internal Address:

Street Address: 415 Huntington Drive

City: San Marino State: CA ZIP: 91108

☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☐ Corporation-State
☒ Other California State Chartered Bank

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☒ No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: June 15, 2000

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)
1,791,861

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jill M. Pietrini, Esq.

Internal Address:

Manatt, Phelps & Phillips

Street Address: 11355 W. Olympic Blvd.

City: Los Angeles State: CA ZIP: 90064

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) $ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:
DA 131 241

(Attach duplicate copy of this page if paying by deposit account)

08/15/2000 DCOOTES 00000005 131241 1791861
01 FC:481 40.00 CH

DO NOT USE THIS SPACE

9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Edward M. Jordan
Name of Person Signing

Signature

6/19/00
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

TRADEMARK
REEL: 002119 FRAME: 0899

NUNC PRO TUNC

ASSIGNMENT OF TRADEMARK AND

THE UNITED STATES REGISTRATION THEREOF

WHEREAS, East-West Federal Bank, F.S.B., a United States corporation organized and existing under the laws of the State of California, formerly having a principal place of business at 415 Huntington Drive, San Marino, California 91108 (hereinafter "ASSIGNOR"), acquired, adopted and used, and thereby, owned all rights, title and interests in and to the trademark and United States Registration thereof identified below (hereinafter the "Mark" and "Registration", respectively), along with the goodwill of the businesses appurtenant to said Mark:

Trademark	Registration No.	Registration Date	Class
EW & Design	1,791,861	September 7, 1983	36

WHEREAS, in or about July 1995 (hereinafter the "effective date"), by virtue of an oral assignment, the Mark and Registration thereof were acquired by East-West Bank, a California state chartered bank organized and existing under the laws of the State of California, having a principal place of business at 415 Huntington Drive, San Marino, California 91108 (hereinafter referred to as "ASSIGNEE") from ASSIGNOR.

WHEREAS, ASSIGNEE desires to formalize his acquisition of the entire right, title and interest in and to the Mark and the Registration, and the attendant goodwill symbolized thereby, nunc pro tunc the effective date, and further to correctly, fully and completely reflect the proper chain of title in and to the Mark and Registration in the records of the United States Patent and Trademark Office.

NOW THEREFORE, TO WHOM IT MAY CONCERN, be it known that ASSIGNOR, by these presents, does hereby expressly acknowledge its prior assignment of the Mark and

TRADEMARK
REEL: 002119 FRAME: 0900

Registration to ASSIGNEE on the effective date, and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, ASSIGNOR does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, nunc pro tunc the effective date, the full and entire right, title and interest in and to the Mark and Registration identified hereinabove, and the attendant goodwill symbolized thereby, the same to vest in ASSIGNEE immediately.

IN WITNESS WHEREOF, ASSIGNOR has caused this instrument to be executed by its duly authorized corporate officer as of the effective date who hereby acknowledges the aforesaid oral assignment.

EAST-WEST FEDERAL BANK, F.S.B.

Date: June 16, 2000

By: _____
Douglas P. Krause
Senior Vice President, General Counsel and
Corporate Secretary

TRADEMARK
RECORDED: 06/19/2000
REEL: 002119 FRAME: 0901

EXHIBIT E

#8

10194

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Registration of:	**East-West Federal Bank, F.S.B.**
Mark:	**"EAST WEST BANK"**
Registration No.	**2,025,824**
Issue Date:	**12/24/1996**
International Class(es):	**036**

Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Attention: Post Registration

DECLARATION OF USE AND INCONTESTABILITY
UNDER SECTIONS 8 AND 15
ORIGINAL 1946 ACT REGISTRATION

Dear Sir:

The undersigned declares that:

East-West Federal Bank, F.S.B., located and doing business at 415 Huntington Drive, San Marino, CA 91108, owns the above-identified registration as shown by the records in the Patent and Trademark Office; that the mark shown therein, in its original or amended form, has been in continuous use in interstate commerce for five consecutive years from the date of registration to the present for all services specified in the Certificate of Registration, namely:

08/12/2002 JHARLEY 00000209 2025824

01 FC:372 100.00 OP
02 FC:373 200.00 OP

J:\East-West Bank\10194\02 8&15 and LtrClt Sign.wpd

036 - **Banking services; administration of investment trusts for others; brokerage services rendered in the fields of shares and property; issuance of travelers checks and letters of credit.**

Said mark is in use in interstate commerce as evidenced by the attached specimen(s) showing the mark as currently used.

There has been no final decision adverse to Registrant's claim of ownership of such mark for such services, or to Registrant's right to register the same or to keep it on the register; and that there is no proceeding involving said right pending and not disposed of either in the Patent and Trademark Office or in the courts.

Registrant hereby appoints Jeffrey G. Sheldon, Danton K. Mak, Denton L. Anderson and Robert J. Rose as principal attorneys, with power to appoint associate attorneys, and to transact all business in the Patent and Trademark Office connected with this registration. Please address all correspondence and registration to Danton K. Mak, SHELDON & MAK, 225 South Lake Avenue, 9th Floor, Pasadena, California 91101, (626) 796-4000.

The undersigned declares that he is authorized to execute this Declaration on behalf of registrant; the undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code and that such willful false statements may jeopardize the validity of this document or this registration.

East-West Bank, F.S.B.

Date: 7-25-02

By: _____
Douglas P. Krause

EXHIBIT F

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

In the Matter of Trademark Registration No. 3,448,481
Registered on June 17, 2008
For the mark "EAST-WEST BUSINESS BRIDGE"

EAST WEST BANK, Petitioner, v. THE PLUBELL FIRM, LLC Respondent.	)	Cancellation No.: 92053712

PETITIONER'S OBJECTIONS AND RESPONSES TO RESPONDENT'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to 37 C.F.R. §2.120 of the Trademark Rules of Practice and Rules 26 and 34 of the Federal Rules of Civil Procedure, Petitioner East West Bank ("East West Bank"), by and through its attorneys, hereby responds to Respondent The Plubell Firm, LLC's Third Set of Requests for Production of Documents and Things to Petitioner as follows:

GENERAL OBJECTIONS

Petitioner responds to each of the Respondent's requests subject to the following General Objections. These objections form a part of, and are specifically incorporated into each of, the Petitioner's Objections and Responses to Respondent's Requests, even though they may not be specifically referred to in each and every response to each request. Failure to specifically refer to any of these General Objections in any specific response should not be construed as a waiver of same.

1. Petitioner objects generally to the requests to the extent those requests potentially seek information that is protected from compelled disclosure by the attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege.

2. Petitioner objects generally to the requests to the extent that they require disclosure of confidential information or otherwise invade the privacy of Petitioner and/or any other third party. Petitioner will disclose such information only subject the protective order currently in place between the parties in this proceeding.

3. Petitioner objects generally to the requests to the extent that they are vague, ambiguous, unclear, overbroad, vexatious, and/or unduly burdensome in their potential scope, and/or susceptible of more than one meaning.

4. Petitioner objects generally to the requests to the extent that they call for information irrelevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence.

5. Petitioner objects to the requests to the extent that they do not state with reasonable particularity the information or documents which are requested.

6. Petitioner objects to the requests on the ground that they are not limited to a specific time period, and, therefore are overly broad and unduly burdensome, vague, and seek information that is not reasonably calculated to lead to the discovery of admissible evidence.

7. Petitioner objects to the requests to the extent that they seek information already within Respondent's knowledge or control, or equally or more easily available to it, on the grounds that such requests are unduly burdensome or oppressive.

8. Petitioner objects to the requests to the extent that they call for the disclosure of materials prepared in preparation for trial.

9. Petitioner's responses to categories of information requested by Respondent's requests are not, and shall not be construed as, an admission by Petitioner that such information exists.

10. Petitioner's responses to the requests are hereby made without in any way waiving or intending to waive, but rather, to the contrary, by preserving and intending to preserve:

a. All questions as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

b. The right to object on any ground to the use of any such information, or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

c. The right to object at any time for any further response to this or any other request for information or production of documents;

d. The right to rely on information discovered or generated subsequent to these responses; and

e. The right at any time to supplement these responses.

11. Petitioner objects to the use of specially defined terms in the "Definitions" section of the requests on the ground that such use violates the requirement of the Federal Rules of Civil Procedure 34 that each item or category of items of which a request for production is requested shall be separately set forth. The words of the requests are herein construed as having their ordinary meaning where ascertainable. Respondent specifically objects to the term "EAST WEST BANK" as being overbroad and renders the Requests vague, ambiguous and uncertain, particularly to the extent that such words are defined as including any agent, employee, individual, parent (including, but not limited to East West Bancorp, Inc.), subsidiary, affiliate,

licensee or entity acting for or on behalf of East West Bank. Petitioner will respond to requests which reference "EAST WEST BANK", "YOU," or "YOUR" as meaning the Petitioner only.

12. Petitioner has not fully completed its investigation of the facts in relation to this proceeding, its discovery and its preparation for the cancellation testimony period. All responses and objections contained herein are based only upon such information and such documents which are presently available to and specifically known to Petitioner after conducting a reasonably diligent investigation. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal conclusions all of which may lead to changes to the responses set forth herein. The foregoing objections and following responses are made without prejudice to Petitioner's right to produce evidence of any subsequently discovered documents. Accordingly, without assuming any obligation to do so, and without waiving the objections asserted herein, Petitioner reserves the right to amend and/or supplement these responses as and when additional facts are discovered or ascertained. The responses herein are made without prejudice to the right of Petitioner to provide evidence at the time of the cancellation testimony period.

These general objections are incorporated by reference into each of the responses below:

PETITIONER'S OBJECTIONS AND RESPONSES TO RESPONDENT'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1:

All Documents Which Evidence the sale, transfer and/or assignment of any trademark rights, including trademark registrations, from East-West Federal Bank, F.S.B. to Petitioner.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Request as being vague and ambiguous as to the phrase "any trademark rights, including trademark registrations," as such phrase is undefined, unclear, and broad in potential scope. Petitioner objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner also objects to this Request to the extent that it seeks documents that are in the possession, custody, or control of Respondent and/or other entities not a party to this proceeding. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain East West Bank's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: After making a diligent search upon reasonable inquiry, Petitioner has been unable to locate any such documents. In the event Respondent locates any such documents, it will produce to defendants any relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request.

REQUEST NO. 2:

All Documents Which Evidence the formation of Petitioner as a California corporation in July 1995.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner also objects to this Request to the extent that it seeks documents that are in the possession, custody, or control of Respondent and/or other entities not a party to this proceeding.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Petitioner will produce relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request, if any exist.

REQUEST NO. 3:

All Documents Which Evidence the continued existence of East-West Federal Bank, F.S.B. subsequent to July 31, 1995.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this request as the phrase "continued existence" is vague and ambiguous in this context of a federal savings bank being converted to a California chartered bank. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive

information, and documents that contain third party confidential information and/or any other proprietary information.

REQUEST NO. 4:

All Documents Which Evidence the dissolution of East-West Federal Bank, F.S.B.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this request as the phrase "dissolution" is vague and ambiguous in this context of a federal savings bank being converted to a California chartered bank. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

REQUEST NO. 5:

All Documents relating to any agreement between East-West Federal Bank, F.S.B. and East West Bank.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner

objects to this Request as vague and ambiguous as to the phrase "any agreement" as such phrase is undefined, unclear, and broad in potential scope. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: After making a diligent search upon reasonable inquiry, Petitioner has been unable to locate any such documents. In the event Respondent locates any such documents, it will produce to defendants any relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request.

REQUEST NO. 6:

All Documents Which Evidence that Petitioner is the successor-in-interest to East-West Federal Bank, F.S.B.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent

that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Petitioner will produce relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request, if any exist.

REQUEST NO. 7:

All Documents Which Evidence that Petitioner is the successor-in-interest to trademark rights held by East-West Federal Bank, F.S.B.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Petitioner will produce relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request, if any exist.

REQUEST NO. 8:

All Documents Which Evidence the changing of the name of East-West Federal Bank, F.S.B. to East West Bank, or to any variation thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this request as the phrase "changing of the name" is vague and ambiguous in this context of a federal savings bank being converted to a California chartered bank. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain Petitioner's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

REQUEST NO. 9:

All Documents, including licenses, assignments and agreements, which are between East-West Federal Bank, F.S.B. and East West Bank.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Request as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Request to the extent that it seeks documents that are neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner also objects to this Request to the extent that it seeks documents that are in the possession, custody, or control of Respondent and/or other entities not a party to this proceeding. Petitioner further objects to this Request to the extent that it seeks documents protected by the attorney-client communication and/or attorney work product privileges, documents that contain East West Bank's trade secrets and/or other highly sensitive information, and documents that contain third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: After making a diligent search upon reasonable inquiry, Petitioner has been unable to locate any such documents. In the event Respondent locates any such documents, it will produce to defendants any relevant, non-privileged documents within its possession, custody, or control, that are responsive to this Request.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: May 30, 2012

By: */s/ Aaron Craig*
Thomas T. Chan
Aaron Craig
Lisa A. Karczewski
Attorneys for Petitioner
EAST WEST BANK

Fox Rothschild LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017

Mailing Address:
P. O. Box 79159
Los Angeles, CA 90079-0159
Telephone: (213) 624-6560
Facsimile: (213) 622-1154
Email Addresses:
cliu@foxrothschild.com
IPDocket@foxrothschild.com

CERTIFICATE OF SERVICE

I certify that **PETITIONER'S OBJECTIONS AND RESPONSES TO RESPONDENT'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** are being served on Respondent by e-mailing a true and correct copy to the attorneys of record, this Wednesday, May 30, 2012 to the following e-mail addresses:

H. David Starr
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
Tel: (703) 548-6284
Fax: (703) 683-8396
E-mail: DStarr@Nathlaw.com

David N. Makous
Mina I. Hamilton
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 N. Figueroa Street, Suite 1200
Los Angeles, CA 90012
E-mail: Makous@lbbslaw.com;
Hamilton@lbbslaw.com

/s/ Lisa A. Karczewski
Lisa A. Karczewski
FOX ROTHSCHILD LLP
1055 West 7th Street, Suite 1880
Los Angeles, California 90017
Tel: (213) 624-6560
Fax: (213) 622-1154
cliu@foxrothschild.com
ipdocket@foxrothschild.com

EXHIBIT G

Gary M. Nath (NJ, DC, VA)
Joshua B. Goldberg (VA, DC)
Jerald L. Meyer (VA)
Tanya E. Harkins (MD)*
Sheldon M. McGee (DC)*
H. David Starr (MD, DC)*

*Practice Limited to Matters and Proceedings before Federal Courts and Agencies; not Admitted in VA
**Reg. Patent Agent: not Admitted in VA

NATH, GOLDBERG & MEYER
FORMERLY THE NATH LAW GROUP
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Alexandria, VA 22314
TELEPHONE (703) 548-6284
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Stanley N. Protigal (DC)*
Mihsuhn Koh (NY, KR)*
Gregory G. Bennett (MD, DC, NY)*
Gulnaz T. Donahue (TN)*
Robert T. Burns (VA, DC)
Howard W. Kline (DC, PA, NJ)*
Megan B. Doughty (VA)
Alvin E. Tanenholtz**

Patent, Trademark and Copyright Causes, Unfair Competition, Trade Secrets, Licensing, Litigation

June 15, 2012

BY E-MAIL ONLY
Aaron Craig
Fox Rothschild LLP
1055 West 7th Street, Suite 1880
Los Angeles, California 90017-2544

Re: East West Bank v. The Plubell Firm, LLC
Opposition No. 91203410 and Cancellation No. 92053712
Our File No. 61583CX

Dear Aaron:

This letter covers East West Bank's ("EWB") responses to discovery and is made pursuant to 37 CFR §§ 2.120(e) and 2.120(h).

Specific objections to East West Bank's ("EWB") responses to Respondent The Plubell Firm LLC's ("Plubell") Third Set of Requests for Production of Documents and Things are set out below. EWB's responses are both insufficient and objections are without proper basis. Amendment and/or supplementation from your client is required.

Your client's failure to properly amend and/or supplement answers, will necessitate that Plubell proceed with the filing of a motion to compel and seek all appropriate remedies.

As a preliminary but significant matter, EWB has interposed as a General Objection as well as a Specific Objection to Requests Nos. 1, 3, 4, 5, 6, 7, 8, 9, attorney-client communication and/or attorney work product privileges. Yet Petitioner failed to produce an updated privilege log and to state whether documents are being withheld on privilege grounds. Petitioner must indicate whether it is withholding documents on these grounds and provide an updated privilege log.

Request No. 1

Petitioner states that it has not been able to locate any documents which evidence the sale, transfer and/or assignment of any trademark rights, including trademark registrations from East-West Federal Bank, F.S.B. to Petitioner. As Petitioner well knows, however, Petitioner filed at least two such documents with the U.S. Patent and Trademark Office "USPTO" purporting to

be assignment between these entities. Such assertion is inaccurate unless documents have been destroyed or misplaced, related to the subject filings, in which case, Petitioner must so state. Please confirm that the documents Petitioner filed at the USPTO are the only such documents related to Petitioner's filing and known to Petitioner and state with specificity what happened to the originals.

Request No. 3

Petitioner's assertion that a straightforward term such as "continued existence" is vague or ambiguous in the context of a conversion of a federal savings bank to a California chartered bank is completely baseless. Whether East-West Federal Bank, FSB continued to exist subsequent to July 31, 1995 is highly relevant to Respondent's Counterclaims. If Petitioner contends that East West Federal Bank, FSB ceased to exist upon the effective date of the purported conversion, it must so state. Documents that would evidence the "continued existence" of East-West Federal Bank, FSB include any document created, entered , or signed in the name of East-West Federal Bank, FSB subsequent to July 31, 1995 and filed with any regulatory authority or otherwise entered into by East-West Federal Bank, FSB.

Request No. 4

Petitioner's assertion that a straightforward term such as "dissolution" is vague or ambiguous in the context of a conversion of a federal savings bank to a California chartered bank is completely baseless. "Dissolution" has its plain English meaning and in this context refers to any and all documents relating the terminating of East-West Federal Bank, FSB as a corporate entity. If Petitioner contends that East West Federal Bank, FSB dissolved upon the effective date of the purported conversion, EWB must produce all responsive documents relevant to the purported conversion.

Request No. 5

Petitioner states that it has not been able to locate any documents relating to any agreement between East-West Federal Bank, F.S.B. and East West Bank. Petitioner filed two such agreements with the U.S. Patent and Trademark Office purporting to be assignments between these entities. Such assertion is inaccurate unless original documents related to such filings have been destroyed or misplaced. Accordingly, EWB must confirm that the agreements Petitioner filed with the USPTO are the only such agreements known to Petitioner and there are no other documents related to such agreements. Please also confirm that Petitioner's position is not based on East West Bank's name change from East-West Bank to East West Bank.

Request No. 8

Petitioner's assertion that a straightforward term such as "changing of the name" is vague or ambiguous in the context of a conversion of a federal savings bank to a California chartered bank is completely baseless. Moreover, on May 9, 2007 Petitioner recorded with the U.S. Patent and Trademark Office a "change of name" with respect to U.S. Registration No. 2025824.

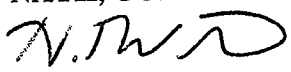
Therein, Petitioner specifically asserted that "[East-West Federal Bank, FSB]'s name has been changed and is now called East West Bank." If there are no documents to support this assertion made under penalty of perjury, Petitioner must so state.

Request No. 9

Petitioner states that it has not been able to locate any documents relating to any licenses, assignments and agreement between East-West Federal Bank, F.S.B. and East West Bank. Petitioner has filed two such assignments/ agreements with the U.S. Patent and Trademark Office purporting to be assignments between these entities. If there are no documents to support the assignments/agreements which Petitioner filed with the USPTO Petitioner must so state. Petitioner must confirm that there are no other assignments/ agreements known to Petitioner between East-West Bank, FSB and East West Bank. Please also confirm that Petitioner's position is not based on East West Bank's name change from East-West Bank to East West Bank.

We look forward to your prompt response no later than Tuesday, June 19th.

Very truly yours,
NATH, GOLDBERG & MEYER



H. David Starr

cc: Mina I. Hamilton, Esq.

EXHIBIT H

Fox Rothschild LLP
ATTORNEYS AT LAW

Mail: P.O. Box 79159, Los Angeles, CA 90079-0159

1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017-2544
Tel 213.624.6560 Fax 213.622.1154
www.foxrothschild.com

Aaron Craig
Direct Dial: (310) 228-2168
Email Address: acraig@foxrothschild.com

June 25, 2012

VIA U.S. MAIL AND EMAIL

Mr. David Starr
The Nath Law Group
112 S. West Street
Alexandria, VA 22314

Re: East West Bank v. The Plubell Firm, LLC
Opposition No. 91203410 and Cancellation No. 92053712
Our Ref. No.: 103441.00001

Dear Mr. Starr:

I am in receipt of your June 15, 2012 letter, and the information below is provided in response to your questions set forth therein.

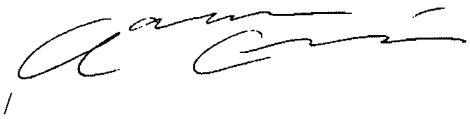
East West Bank ("EWB") is not withholding any documents pursuant to its attorney-client communication or attorney work product privileges propounded in response to Plubell's Third Set of Requests for Production of Documents ("Plubell's Third RFPs").

With respect to Request Nos. 1, 5 and 9, EWB has conducted a diligent search and has not located any documents responsive to these requests, original or otherwise. We understand that certain documents were filed in 1995 and 2000 with the USPTO and based on those documents, Plubell has now requested documents related to the sale, transfer, license or assignment of trademark rights between East-West Federal Bank, F.S.B. and EWB, or any other agreements between East-West Federal Bank, F.S.B and EWB. EWB has been unable to locate any documents related or similar to those documents cited by Plubell. In the event any such documents are located and are not privileged, they will be produced.

With respect to Requests No. 3, 4, and 8, we simply disagree with your position. The conversion of a bank from a federal savings bank to a state chartered bank is a recognized independent process authorized by federal and California law. If you want to make a legal argument to the TTAB as to whether a conversion does or does not constitute a dissolution or a "changing of the name," or whether East-West Federal Bank, F.S.B. continued to exist after the conversion, you

can attempt to do so, though of course we reserve our rights with respect thereto. Our position is that a conversion is exactly what it is, and nothing more or less. It is not for EWB (or Plubell) to decide whether a federal bank that converts to a state institution has "dissolved" or "continues to exist." Elsewhere Plubell has requested documents related to the conversion, and EWB has responded to those requests. Requests 3, 4 and 8, however, do not advance the ball.

Very truly yours,



/

Aaron Craig

EXHIBIT I

PTO Form 1962 (Rev 5/2002)
OMB No. 0651-0055 (Exp 10/31/2008)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2025824
REGISTRATION DATE	12/24/1996
SERIAL NUMBER	74471889
MARK SECTION	
MARK	EAST WEST BANK
OWNER SECTION (current)	
NAME	East-West Federal Bank, F.S.B.
STREET	415 Huntington Drive
CITY	San Marino
STATE	California
ZIP/POSTAL CODE	91108
COUNTRY	US
OWNER SECTION (proposed)	
NAME	East-West Federal Bank, F.S.B.
INTERNAL ADDRESS	7th Floor
STREET	135 North Los Robles Avenue
CITY	Pasadena
STATE	California
ZIP/POSTAL CODE	91101
COUNTRY	US
ATTORNEY SECTION (current)	
NAME	Danton K. Mak
ATTORNEY SECTION (proposed)	

NAME	Danton K. Mak
DOCKET NUMBER	10194
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
USE ON **ALL** GOODS OR SERVICES OR EXCUSABLE NON-USE FOR ENTIRE CLASS	YES
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\IMAGEOUT\744\718\74471889\xml1\S890 002.JPG
SPECIMEN DESCRIPTION	The specimen is a digital image of applicants web site front page advertizing the services.
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL AMOUNT	500
SIGNATURE SECTION	
SIGNATORY FILE	Signature
SIGNATORY'S NAME	Douglas P. Krause
SIGNATORY'S POSITION	EVP
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Tue Dec 19 15:08:13 EST 2006
TEAS STAMP	USPTO/S08N09-69.239.40.100-20061219150814018947-2025824-3602ca65ff02942c4ba97ab9c201d57eca4-DA-97-20061219150423647402

PTO Form 1053 (Rev 5/2006)
OMB No. 0651-0055 (Exp. 10/31/2009)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2025824
REGISTRATION DATE: 12/24/1996

MARK: EAST WEST BANK

The owner, East-West Federal Bank, F.S.B., having an address of 7th Floor, 135 North Los Robles Avenue, Pasadena, California US 91101, is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 036, the owner, or its related company, is using the mark in commerce on or in connection with all goods or services listed in the existing registration for this class; or, the owner is claiming excusable non-use for this entire class.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) The specimen is a digital image of applicants web site front page advertizing the services..
Specimen-1

The registrant hereby appoints Danton K. Mak to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 10194.

A fee payment in the amount of $500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Signatory File: Signature
Signatory's Name: Douglas P. Krause
Signatory's Position: EVP

Serial Number: 74471889
Internet Transmission Date: Tue Dec 19 15:08:13 EST 2006
TEAS Stamp: USPTO/S08N09-69.239.40.100-2006121915081
4018947-2025824-3602ca65ff02942c4ba97ab9
c201d57eca4-DA-97-20061219150423647402

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Declaration

Section 8: Declaration of Use in Commerce
Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal
The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: [redacted]
Date: 12-20-06
Signatory' Name: Douglas P. Krause
Signatory's Position: EVP/ Gen Counsel

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will **not** be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

Back

From: 6268178838 Page: 3/3 Date: 12/19/2006 11:43:11 AM

EAST WEST BANK

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Sign On
to Online Banking

Sign On Online Banking
About Online Banking

Sign On
to Other Online Services

Direct Connect
Business Bridge
Business Bridge Plus
Credit Card Account
Mortgage Online Services
Prepaid Gift Card

Check Today's Rate

Mortgage
Home Equity Line of Credit
Auto Loan

Check on your Greater China Investment Index

Personal Banking | Business Banking | Commercial Lending | Internatio

Personal Banking

Accounts & Services
Checking | Savings | CDs | Online Banking
Loans & Lines of Credit
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Cash Managen
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Nine-time US Champion
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Bridge the gap between your budget and your goals.
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We have the capital
Let's talk
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What's New at East West Bank

More News...

- East West Bancorp Declares Fourth Quarter 2006 Dividend - (10/20/2006)
- East West Bancorp Reports Strong Earnings of $35.6 Million for Third Quarter 2006 - (10/18/2006)
- East West Bancorp Declares Third Quarter 2006 Dividend -

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EXHIBIT J

PTO Form 1603 (Rev 5/2000)
OMB No. 0651-0055 (Exp 10/31/2001)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2025824
REGISTRATION DATE	12/24/1996
SERIAL NUMBER	74471889
MARK SECTION	
MARK	EAST WEST BANK
OWNER SECTION (current)	
NAME	East-West Federal Bank, F.S.B.
STREET	415 Huntington Drive
CITY	San Marino
STATE	California
ZIP/POSTAL CODE	91108
COUNTRY	US
OWNER SECTION (proposed)	
NAME	East West Bank
STREET	135 N. Los Robles Ave. 7th Fl.
CITY	Pasadena
STATE	California
ZIP/POSTAL CODE	91101
COUNTRY	US
ATTORNEY SECTION (current)	
NAME	Danton K. Mak
ATTORNEY SECTION (proposed)	
NAME	Thomas T. Chan

DOCKET NUMBER	0987.502
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
USE ON **ALL** GOODS OR SERVICES OR EXCUSABLE NON-USE FOR ENTIRE CLASS	YES
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT12\744\718 \74471889\xml2\S890002.JP G
SPECIMEN DESCRIPTION	website screenshot
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
GRACE PERIOD	200
TOTAL AMOUNT	700
SIGNATURE SECTION	
SIGNATURE	/Doug Krause/
SIGNATORY'S NAME	Doug Krause
SIGNATORY'S POSITION	General Counsel
DATE SIGNED	01/15/2007
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Mon Jan 15 18:34:08 EST 2007
TEAS STAMP	USPTO/S08N09-64.60.156.18 -20070115183408781157-202 5824-360d0becd3c1aa56113d c7e3cf66475d053-CC-2300-2 0070115130344288511

PTO Form 1963 (Rev 5/2006)
OMB No. 0651-0056 (Exp. 03/31/2009)

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2025824
REGISTRATION DATE: 12/24/1996

MARK: EAST WEST BANK

The owner, East West Bank, having an address of 135 N. Los Robles Ave. 7th Fl., Pasadena, California US 91101, is filing a Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9.

For International Class 036, the owner, or its related company, is using the mark in commerce on or in connection with all goods or services listed in the existing registration for this class; or, the owner is claiming excusable non-use for this entire class.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) website screenshot.
Specimen-1

The registrant hereby appoints Thomas T. Chan to file this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 0987.502.

A fee payment in the amount of $700 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce
Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal
The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Doug Krause/ Date: 01/15/2007
Signatory's Name: Doug Krause
Signatory's Position: General Counsel

Serial Number: 74471889
Internet Transmission Date: Mon Jan 15 18:34:08 EST 2007
TEAS Stamp: USPTO/S08N09-64.60.156.18-20070115183408
781157-2025824-360d0becd3c1aa56113dc7e3c
f66475d053-CC-2300-20070115130344288511

East West Bank Website - Homepage - Windows Internet Explorer

http://www.eastwestbank.com/English/index.asp

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Latest Status Info | TMEP Chapter 1600 | Combined Declaration ... | East West Bank We... | Page | Tools

EAST WEST BANK

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Personal Banking | Business Banking | Commercial Lending | International Banking

Sign On to Online Banking
- Sign On Online Banking
- About Online Banking

Sign On to Other Online Services
- Direct Connect
- BusinessBridge™
- BusinessBridge Plus™
- Credit Card Account
- Mortgage Online Services
- Prepaid Gift Card

Check Today's Rate
- Mortgage
- Home Equity Line of Credit
- Auto Loan

Check on your Greater China Investment Index CD

Personal Banking

Accounts & Services
Checking | Savings | CDs | Online Banking

Loans & Lines of Credit
Income Property Loans | Home Loan | Home Equity Lines of Credit
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Loan Calculator

Current Promotions

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The Pursuit of Excellence
Michelle Kwan
Five-time World Champion
Nine-time US Champion
Michelle's skating philosophy
"Work hard, be yourself and have fun!"

Business Equipment Leasing
▸ Bridge the gap between your budget and your goals.
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You have the **vision**
We have the **capital**
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Banking Services for New Immigrants
- Express Home Loan
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Investment Services
- Retirement Investment
- College Savings Funds
- Cash Management Savings
- Mutual Funds

Insurance Services
- Commercial Insurance
- Personal Insurance

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EXHIBIT K

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
East-West Federal Bank, F.S.B.		05/07/2007	CORPORATION:

RECEIVING PARTY DATA

Name:	East West Bank
Street Address:	135 N. Los Robles Ave. 7th Fl.
City:	Pasadena
State/Country:	CALIFORNIA
Postal Code:	91101
Entity Type:	CORPORATION:

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	2025824	EAST WEST BANK

CORRESPONDENCE DATA

Fax Number: (213)622-1154
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 213-624-6560
Email: tm@chanlaw.com
Correspondent Name: Thomas T. Chan
Address Line 1: P.O. BOX 79159
Address Line 4: Los Angeles, CALIFORNIA 90079-0159

ATTORNEY DOCKET NUMBER:	0987.502
NAME OF SUBMITTER:	Thomas T. Chan
Signature:	/Thomas T. Chan/
Date:	05/09/2007

OP $40.00 2025824

Total Attachments: 1
source=declaration#page1.tif

DECLARATION

I hereby declare that:

1. I am the Executive Vice President of East West Bank, a California corporation with its principle place of business at 135 N. Los Robles Ave. 7th Fl., Pasadena CA 91101 (the "Corporation"), and I am duly authorized to execute this Declaration on behalf of the Corporation.

2. The Corporation had been doing business under the name "East-West Federal Bank, F.S.B." which is the owner of record of the United States Trademark Registration Certificate No. 2025824 for the word mark EAST WEST BANK.

3. The Corporation's name has been changed and is now called East West Bank.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 7, 2007, in Los Angeles, California.

Douglas P. Krause

EXHIBIT L

In The Matter Of:

East West Bank
v.
The Plubell Firm

Emily Wang VOL I

January 30, 2012

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number of pages 224

Word Index Included with this Condensed Transcript.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAST WEST BANK,	)	No. 92053712
Petitioner,	)	VOLUME I
vs.	)	PAGES 1 - 224
THE PLUBELL FIRM, LLC,	)	
Respondent.	)	

DEPOSITION OF EMILY WANG

LOS ANGELES, CALIFORNIA

MONDAY, JANUARY 30, 2012

Reported by:
Shelly B. Storey,
CSR No. 3932

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
3
4
5 ----------
6 EAST WEST BANK,) No. 92053712
7 Petitioner,) VOLUME I
8 vs.) PAGES 1 - 224
9 THE PLUBELL FIRM, LLC,)
10 Respondent.)
11 ----------
12
13
14 DEPOSITION OF EMILY WANG, taken on
15 behalf of the Defendants, at 221 North
16 Figueroa Street, Eleventh Floor, Los
17 Angeles, California, commencing at 9:28
18 A.M., Monday, January 30, 2012, before
19 Shelly B. Storey, CSR No. 3932, pursuant
20 to Notice.
21
22
23
24
25

1 APPEARANCES OF COUNSEL:
2
3 FOR THE PETITIONER:
4 FOX ROTHSCHILD LLP
5 BY: AARON CRAIG, ESQ.
6 1800 Century Park East
7 Suite 300
8 Los Angeles, California 90067
9 (310) 598-4150
10
11 FOR THE RESPONDENT:
12 LEWIS BRISBOIS BISGAARD & SMITH LLP
13 BY: MINA I. HAMILTON, ESQ.
14 DAVID MAKOUS, ESQ. (LIMITED APPEARANCE)
15 221 North Figueroa Street
16 Suite 1200
17 Los Angeles, California 90012-2601
18 (213) 250-1800
19
20 ALSO PRESENT:
21 HONG LU (AFTERNOON SESSION ONLY)
22 DAVID STARR (via teleconference)
23 ANN MARIE PLUBELL (via teleconference)
24
25

1 EMILY WANG,
2 having been first administered the oath,
3 was examined and testified as follows:
4
5 EXAMINATION
6 BY MS. HAMILTON:
7 Q Please state and spell your full name for
8 the record.
9 A Emily Wang. E-m-i-l-y W-a-n-g.
10 Q Have you ever had your deposition taken
11 before?
12 A Yes.
13 Q Can I ask when you had your deposition taken
14 before?
15 A A few years ago.
16 Q And what was the matter related to?
17 A Trademark.
18 Q When you say a few years ago, was it over
19 five years ago?
20 A Within five years.
21 Q Can you tell me a little bit more about the
22 trademark dispute that you were deposed about?
23 A It's about Bridge Bank.
24 Q When you say it was about Bridge Bank, is
25 that a mark, a trademark?

1 A Yes.
2 Q And why were you deposed in that matter?
3 A The way they advertise create confusion and
4 then -- of Bridge Bank and East West Bank.
5 Q In that deposition were you a representative
6 of East West Bank?
7 A I was a witness.
8 Q Were you a fact witness or a 30(b)(6)
9 witness?
10 A I don't understand the difference.
11 MR. CRAIG: She's asking were you representing
12 the company, if you remember? Were you testifying on
13 behalf of the company?
14 THE WITNESS: Yes.
15 Q BY MS. HAMILTON: And was East West Bank
16 opposing a trademark application called Bridge Bank?
17 A Yes.
18 Q And was that opposition in the Trademark
19 Trial and Appeal Board?
20 A Say that again?
21 Q Was it in a civil litigation case in civil
22 court or was it with the trademark office?
23 A It's in an office similar like today.
24 MR. CRAIG: She's not asking you where the
25 deposition was. She's asking you if you remember was

Page 162

A -- clients?
Yes.
Q Nonbusiness clients do not have the option of using a product called Business Bridge?
A They don't.
Q Were there any searches, trademark searches or any investigations conducted before East West Bank decided to use Business Bridge as a mark?
A I don't know.
Q Do you know who would know?
A The law firm, our law firm who handle our trademark.
Q Anyone within the bank that would know?
A Our legal counsel.
Q And who gives direction to your legal counsel within the bank?
A Direction in terms of?
Q Who would instruct your legal counsel to have the outside law firm conduct a search for a trademark?
A No one. I think if he deems appropriate, then he will ask law firm to do the search.
Q You're talking about your legal counsel?
A No. I'm saying the process. As the marketing person and working with my co-workers --

Page 163

use this as an example -- that we like to trademark the name, then we talk to our legal counsel, we like to get this trademark, then he will just take it from there and do whatever is necessarily required.
Q So it's the marketing department that instructs the legal counsel.
A I don't want to say instruct. Basically we request for this mark to be registered.
Q And what happened in this case with Business Bridge?
A Then he will -- he took care -- he took the request and then just got it done.
Q And when you say "he" took the request, who are you referring to?
A Our legal counsel, Doug Krause.
Q He's outside counsel or inside --
A No, in-house.
Q And who gave him direction within the marketing department for the mark "Business Bridge"?
A Me.
Q And what did you tell him?
MR. CRAIG: Well, objection. That calls for a privileged communication.
To answer the question, would you have to relay a communication you had with a company attorney

Page 164

about legal advice or legal matters to answer her question? Would it be a communication between an attorney and the client?
MS. HAMILTON: You know, I'll withdraw the question.
Q I thought earlier you had said you were not aware of any searches or investigations about the "Business Bridge" mark before the --
A I wasn't aware. I told him I wanted to get this thing trademarked and then I walked away and he took care of the rest.
Q And --
A But it was not all situation, and we're talking about (unintelligible) --
THE REPORTER: I'm sorry, talking about what?
THE WITNESS: I made that request, and then he took care of the request.
Q BY MS. HAMILTON: And you don't know -- other than that he took care of the request, you don't know what process he did.
A No.
Q And you have no knowledge about the decision to file an application other than what you've just said.
A No.

Page 165

Q Okay. Can you look at the registration at issue?
MR. CRAIG: Exhibit 5?
MS. HAMILTON: Yes.
Q Do you see under description of goods it says "Banking"?
MR. CRAIG: I don't see anything that says "description of goods," Counsel.
Q BY MS. HAMILTON: Okay. It says "For: Banking."
By the way, when I'm asking you to look at this registration and I'm asking you to look at the description of goods and services, do you know where to look?
A Right there.
Q Okay. So for "Banking," what is meant by that?
A Banking is bank transactions.
Q And when it says "cash management," what is meant by "cash management"?
A Lot of cash management use online banking, and online banking is part of the banking service that we provide.
Q Since 2004 and 2005, how has the mark "Business Bridge" been used by East West Bank, for

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1 MR. CRAIG: Objection. That misstates her
2 testimony.
3 But go ahead and answer, if you can.
4 THE WITNESS: Yes.
5 Q BY MS. HAMILTON: Okay. And then for the
6 security brokerage services, are those services that
7 are provided by East West Bank or East West
8 Investments?
9 A Sometimes together because customer when it
10 comes to investment, they want to also allocate --
11 customers like to have a balance portfolio, so they
12 show me some bank products together with nonbank
13 products, so sometimes it's a joint meeting between
14 East West Bank and East West Investment Services.
15 Q And who at East West Bank would be attending
16 those meetings?
17 A Sometimes licensed employees, meaning that
18 they are legally allowed and permitted to sell
19 nonbank products.
20 Q And those are employees of East West Bank?
21 A Yes. They're called dual employees.
22 Q Dual employees meaning they work for East
23 West Bank and East West --
24 A Investment Services.
25 Q And they need a license, they have a

1 license.
2 A Yes.
3 Q For securities.
4 A Yes.
5 Q If an East West Bank employee does not have
6 a license, a special license, they are not
7 providing --
8 A They are not allowed to provide any nonbank
9 investment product to clients.
10 Q And who makes that regulation?
11 A SEC and FDIC.
12 Q Are you aware that the Business Bridge
13 registration there was a previous registration that
14 was allowed to be cancelled by the trademark office?
15 Do you have any knowledge about that?
16 A No.
17 Q Do you know who would within East West Bank?
18 A Doug Krause.
19 Q Anyone else?
20 A No.
21 Q If I say channels of trade, do you know what
22 that means?
23 A No.
24 Q How are the services ultimately provided to
25 the public and what mechanisms or modes do they offer

1 to the consumer public? For example, your branches
2 would be a channel of trade. Other than customers
3 coming into a branch office and depositing money,
4 conducting business in a branch, what other channels
5 of trade are there for the services being rendered by
6 East West Bank?
7 A Online banking through Internet, ATM
8 machines, you can do certain transactions over ATM
9 machines. Phone banking. This is about like
10 service. You're not talking about how we get
11 customer. I just want to make sure I understand.
12 Q Yes. The provision of services or products
13 to the extent they're products, the banking services
14 are products, how are they provided?
15 A Branches, Internet, ATM, and phone banking.
16 Q Anything else?
17 A Oh. Done by courier, night drop meaning
18 they drop, deposit documents at our night drop boxes.
19 Q And where are those boxes located?
20 A Branches and --
21 Q Each branch has a drop box?
22 A I'm not sure if every branch has one. The
23 majority of the branches they do have one, and then
24 Dunbar Courier, that's delivery services that they're
25 contracted to pick up cash for our clients and then

1 deliver back to the bank.
2 Q And how many ATM machines does East West
3 Bank own?
4 A More than a hundred.
5 Q Are you aware of what percentage use phone
6 banking?
7 A I don't have the exact stats.
8 Q Are there statistics in some document at
9 East West Bank related to the percentages of
10 customers using phone banking, for example, versus
11 online banking?
12 A Yes. There is a record we can look at that
13 how many transactions were done through ATMs or
14 through phone banking. When we talk about ATM, we're
15 on the Star system, too, different system, so not
16 just the ATM machine by East West Bank branches.
17 There are other ATM machines customers can actually
18 use to conduct their business.
19 Q But those other ATM machines wouldn't be
20 branded with East West Bank's mark.
21 A No.
22 Q And in the phone banking, how is East West
23 Bank -- is it announced when they call up, "This is
24 East West Bank," or is there any branding that goes
25 along with the phone banking services?

In The Matter Of:

East West Bank
v.
The Plubell Firm

Emily Wang VOL 3

March 7, 2012

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Word Index Included with this Condensed Transcript.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAST WEST BANK,	)	
	)	
	)	
Petitioner,	)	
	)	
	)	Case No.
	)	92053712
vs.	)	
	)	Volume III
THE PLUBELL FIRM, LLC,	)	
Respondent.	)	
	)	

CONTINUATION OF DEPOSITION OF EMILY WANG

taken at 221 North Figueroa Street, Suite 1200,

Los Angeles, California, commencing at

9:43 a.m., Wednesday, March 7, 2012 before

Nila Webber, CSR No. 4982.

PAGES 244 - 444

Page 289

10:45 1 recall the specific date and time. We constantly talk
10:45 2 about that, to provide customer more than banking
10:45 3 services.
10:45 4 BY MS. HAMILTON:
10:45 5 Q Do you advertise that you provide more than
10:46 6 banking services to customers?
10:46 7 A It's a word of mouth advertising, not
10:46 8 necessarily in print.
10:46 9 Q So other than worth of mouth advertising,
10:46 10 there's no print advertising that shows
10:46 11 business-consulting services being provided; is that
10:46 12 accurate?
10:46 13 MR. CRAIG: Hold on a second. Are you -- can
10:46 14 you repeat that.
10:46 15 MS. HAMILTON: Counsel, can you let her finish?
10:46 16 MR. CRAIG: You just changed from beyond
10:46 17 banking to business consulting. I just want to make
10:46 18 sure -- I assume that you're changing your --
10:46 19 MS. HAMILTON: Can you repeat the question,
10:46 20 please.
21 (The record was read by the reporter
22 as follows:
23 "Q So other than worth of mouth
24 advertising, there's no print
25 advertising that shows

Page 290

1 business-consulting services being
10:46 2 provided; is that accurate?")
10:46 3 THE WITNESS: We just talked about the example
10:46 4 that's about personal banking, like translating a
10:46 5 letter for customers and helping to understand the laws
10:46 6 here. And those are retail banking.
10:46 7 And then you asked me about do we advertise
10:47 8 that particular services. And I said that it's through
10:47 9 worth of mouth, not necessarily in print.
10:47 10 Then you asked me that do we advertise the
10:47 11 business consultation in print. We're talking about
10:47 12 personal retail services and businesses. We advertise
10:47 13 in businesses, and we have that in ad in our
10:47 14 advertising about we offer business consultation and
10:47 15 consulting.
10:47 16 BY MS. HAMILTON:
10:47 17 Q Okay. You have print advertising where you're
10:47 18 advertising the offering of business-consultation
10:47 19 services?
10:47 20 MR. CRAIG: Objection, vague and ambiguous.
10:47 21 THE WITNESS: In our brochure, at our website,
10:47 22 yes.
10:47 23 BY MS. HAMILTON:
10:47 24 Q Okay, we'll get to those.
10:48 25 MR. CRAIG: Are you done with Exhibit 10?

Page 291

10:48 1 MS. HAMILTON: Yes.
10:48 2 Hello? Hello?
10:48 3 MR. CRAIG: Phone guys?
10:48 4 MR. BENNETT: We're here, we can hear you.
10:48 5 BY MS. HAMILTON:
10:48 6 Q Okay. Miss Wang, I'm going to show you what
10:48 7 was previously marked as Exhibit 3 in your deposition.
10:48 8 And this is a -- well, what's your understanding of
10:48 9 what I'm showing you?
10:49 10 A Service mark registration.
10:49 11 Q And it's for East West Bank; is that accurate?
10:49 12 A Yes.
10:49 13 Q And it's in the name of East West Federal
10:49 14 Bank, FSB; is that accurate?
10:49 15 A Yes.
10:49 16 Q Okay. Do you understand East West Federal
10:49 17 Bank, FSB to be a separate entity from East West Bank?
10:49 18 A I don't know your definition about a separate
10:49 19 entity. East West Federal Bank, FSB converted to East
10:49 20 West Bank in 1996. As a matter of fact, they're one
10:49 21 entity, same entity.
10:49 22 Q Okay. When you say they converted and they're
10:49 23 the same entity, what happened to East West Federal
10:50 24 Bank, FSB?
10:50 25 A I don't know legally how to interpret that,

Page 292

10:50 1 but as a matter of fact, it is one entity, East West
10:50 2 Federal Bank just changed their charter to a commercial
10:50 3 bank, that's East West Bank.
10:50 4 Q Okay. So legally you don't know what happened
10:50 5 to East West Federal Bank, FSB as a legal entity; is
10:50 6 that accurate?
10:50 7 A Yes, but they are one entity to me.
10:50 8 Q Okay. And who at East West Bank would know
10:50 9 legally what happened to East West Federal Bank, FSB?
10:50 10 A Doug Krause.
10:50 11 Q Okay. And when you say to you they're the
10:50 12 same entity, why do you say that?
10:51 13 A They are the same name.
10:51 14 Q Okay. So after -- in 1996 after --
10:51 15 A Same board, same management, same branch
10:51 16 network, same product and services. Nothing changed
10:51 17 overnight, other than the name.
10:51 18 Q So after 1996, did East West Federal Bank, FSB
10:51 19 cease to exist?
10:51 20 MR. CRAIG: I think she said she didn't know.
10:51 21 THE WITNESS: Is this the right words to use, I
10:51 22 don't know, but what I know is that we changed charter
10:51 23 and then we changed all the signage and all the name
10:51 24 where it was East West Federal Bank to East West Bank.
10:51 25 ///

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Page 297

10:57 1 West Bank for the mark East West Bank and this
10:57 2 registration that's listed in Exhibit 3?
10:57 3 MR. CRAIG: Which one's Exhibit 3?
10:57 4 MS. HAMILTON: It's a service mark principal
10:57 5 register for East West Bank.
10:58 6 THE WITNESS: Right here.
10:58 7 MR. CRAIG: Right. So which is this one? Is
10:58 8 this 12?
10:58 9 THE WITNESS: This is part of this.
10:58 10 MR. CRAIG: Part of 12.
10:58 11 THE WITNESS: There's three pages.
10:58 12 BY MS. HAMILTON:
10:58 13 Q Did you understand my question, Miss Wang?
10:58 14 Do you know if there was ever an assignment of
10:58 15 this service mark registration in Exhibit 3 from East
10:58 16 West Federal Bank, FSB to East West Bank?
10:58 17 A I don't know before I saw this document, but
10:58 18 the document says. If this document is authentic, it
10:58 19 says assignment of trademark.
10:58 20 Q Okay. And you're referring to Document 12?
10:58 21 A Yes.
10:58 22 MR. CRAIG: I'll continue to object that it's
10:58 23 beyond the scope of the deposition notice.
10:58 24 MS. HAMILTON: I'll mark this next document as
10:58 25 Exhibit 13.

Page 298

10:58 1 (Exhibit 13 was marked for
10:59 2 identification and is attached hereto.)
10:59 3 BY MS. HAMILTON:
10:59 4 Q Do you recognize what this document is?
10:59 5 A Yes.
10:59 6 Q What's your understanding of what it is?
10:59 7 A East West Federal Bank registered trademark
10:59 8 East West Bank.
10:59 9 Q Okay. I'll -- have you seen it before today?
10:59 10 A No.
10:59 11 Q I'll represent that it's a Declaration of Use
11:00 12 and Incontestability Under Sections 8 and 15.
11:00 13 And if you turn to the second to last page --
11:00 14 I'm sorry, let me do that differently.
11:00 15 If you turn to the third page, there's a date
11:00 16 on there for July 25, '02, and it's the signature of
11:00 17 Douglas Krause, I believe, signed by East West Bank,
11:00 18 FSB in 2002.
11:00 19 Do you know why in 2002 East West Federal
11:00 20 Bank, FSB is signing a declaration of use of the mark
11:00 21 East West Bank?
11:00 22 A I don't know why.
11:00 23 Q Who would have that knowledge?
11:00 24 A Doug Krause.
11:01 25 Q Okay. Let me mark this next document as

Page 299

11:01 1 Exhibit 14.
11:01 2 MR. CRAIG: Before we do, we've reached 11:00
11:01 3 and I'm afraid I have to jump on a call as we
11:01 4 previously discussed. So can we take our lunch break
11:01 5 now?
11:01 6 MS. HAMILTON: Yes.
11:01 7 THE WITNESS: Okay.
11:01 8 MS. HAMILTON: Off the record.
11:01 9 (The noon recess was taken.)
11:59 10 BY MS. HAMILTON:
11:59 11 Q Back on the record.
11:59 12 Okay, Mr. Craig, I just wanted to clarify
11:59 13 something for the record, that I believe you stated
11:59 14 that East West Bank -- I'm sorry, not East West Bank --
11:59 15 The Plubell Firm has not produced documents in this
12:00 16 case. And we have produced documents --
12:00 17 MR. CRAIG: Oh, you're right. Of course. Yes.
12:00 18 I'm sorry, I didn't mean to interrupt you, but yes, you
12:00 19 have.
12:00 20 MS. HAMILTON: Okay, just a clarification.
12:00 21 Q Miss Wang, I'd like to mark this document as
12:00 22 Exhibit 14.
12:00 23 (Exhibit 14 was marked for
12:00 24 identification and is attached hereto.)
12:00 25 ///

Page 300

12:00 1 BY MS. HAMILTON:
12:00 2 Q Miss Wang, I'm just going to ask you a few
12:00 3 questions and you can maybe -- I might refer to this
12:00 4 document, but I don't expect you to have seen it
12:00 5 before.
12:00 6 A Okay. Yes.
12:00 7 Q It's just some information from the National
12:00 8 Information Center and there's an historical event
12:00 9 chronology listed there at the bottom of the page. And
12:00 10 I note it says for March 5, 2005 -- it's the second
12:01 11 line entry from the bottom -- East-West Bank -- and
12:01 12 that's East hyphen West Bank was renamed to East West
12:01 13 Bank with no hyphens.
12:01 14 Does that sound accurate, that date and the
12:01 15 renaming of the name without a hyphen between East and
12:01 16 West?
12:01 17 A I don't know when this happened and so I don't
12:01 18 know the day, and then -- didn't do it, so -- but now
12:01 19 reading this, I think that from the paper it shows
12:01 20 that.
12:01 21 MR. CRAIG: Where did this -- can I ask -- I'm
12:01 22 sorry, if you said this, I must have missed it. Where
12:01 23 did this document come from?
12:01 24 MS. HAMILTON: From the National Information
12:01 25 Center website.

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Page 421

03:43 1 A (Nodding.)
03:43 2 Q Okay. Have you discussed any of the 10K forms
03:43 3 for Bancorp with your supervisor, Chairman Ng?
03:43 4 A No.
03:43 5 Q And you -- forgive me if you've said this in
03:43 6 your first deposition, but who is your supervisor?
03:43 7 A CEO.
03:43 8 Q CEO?
03:43 9 A Yes.
03:43 10 Q Is that Dominic Ng?
03:43 11 A Yes.
03:43 12 Q Do you report to anyone else besides Mr. Ng?
03:43 13 A No.
03:43 14 Q How often do you report to him?
03:44 15 A When it's needed.
03:44 16 Q Is it usually -- do you usually speak to him
03:44 17 on a weekly basis or monthly basis?
03:44 18 A Probably monthly basis.
03:44 19 Q Does he work in the same physical location --
03:44 20 A Yes.
03:44 21 Q -- office building?
03:44 22 But you actually don't speak to him?
03:44 23 A I see him, but I don't speak -- I mean, I
03:44 24 don't speak to him every time I see him.
03:44 25 Q It's on an as-needed basis, so you don't have

Page 422

03:44 1 monthly meetings?
03:44 2 A No.
03:44 3 Q Okay. And for what needs would you meet with
03:44 4 your supervisor?
03:44 5 A When I have marketing update that I think he
03:44 6 needs to know, when I'm making a business decision and
03:44 7 I want to get his advice, then I will make appointment
03:44 8 and I'll see him.
03:44 9 Q Okay. Does he have any participation in the
03:45 10 brands that are being asserted in this case? I'm
03:45 11 sorry, strike that.
03:45 12 Does he have any participation in deciding
03:45 13 which marks will be used for various services for East
03:45 14 West Bank?
03:45 15 A No.
03:45 16 Q You make all of those decisions?
03:45 17 A Between Doug Krause and myself.
03:45 18 Q If you wanted to change East West Bank's name
03:45 19 from East West Bank to another name, would he have to
03:45 20 be consulted?
03:45 21 A I won't be the person to say I want to change
03:45 22 the bank's name, that's -- that that's the entity that
03:45 23 the bank is. I'm not the owner, I won't change the
03:45 24 name.
03:45 25 Q Okay. So those types of decisions come from

Page 423

03:45 1 the top, the highest level?
03:45 2 A He can't make the decision, either, this is a
03:46 3 shareholders' decision.
03:46 4 Q If the bank were to change its name, it's a
03:46 5 shareholder decision?
03:46 6 A Correct.
03:46 7 Q And who would initiate that request?
03:46 8 MR. CRAIG: Objection, hypothetical.
03:46 9 BY MS. HAMILTON:
03:46 10 Q If you know.
03:46 11 A The board.
03:46 12 Q That's fine.
03:46 13 Let's mark this next exhibit as Exhibit 29.
03:46 14 (Exhibit 29 was marked for
03:46 15 identification and is attached hereto.)
03:46 16 BY MS. HAMILTON:
03:46 17 Q Have you seen this document before?
03:46 18 A No.
03:47 19 Q Okay. I'll represent that it's a Statement of
03:47 20 Use filed in the United States Patent and Trademark
03:47 21 Office.
03:47 22 Do you have any knowledge about why in 1996,
03:47 23 according to the second page that's dated 1996, why
03:47 24 East West Federal Bank is filing a statement of use for
03:47 25 the mark East West Bank rather than East West Bank

Page 424

03:47 1 filing the statement of use?
03:47 2 A I don't know.
03:47 3 Q And who would know?
03:47 4 A Doug Krause.
03:47 5 Q Mark this next exhibit as Exhibit 30.
03:47 6 (Exhibit 30 was marked for
03:48 7 identification and is attached hereto.)
03:48 8 BY MS. HAMILTON:
03:48 9 Q Have you seen this document before?
03:48 10 A No.
03:48 11 Q Okay. If I represent to you that it's a
03:48 12 response to an office action filed in the United States
03:48 13 Patent and Trademark Office seeking to change the
03:48 14 current listing of goods and services under the
03:48 15 Business Bridge mark from -- I'm sorry, strike that.
03:48 16 Let me start over.
03:48 17 If I represent to you that this is a response
03:48 18 to an office action for the mark Business Bridge
03:48 19 seeking to change the date of first use for the mark
03:48 20 Business Bridge from October 2002 to May 15, 1997, do
03:49 21 you have any knowledge about why this was done?
03:49 22 A I think we located document that proved that
03:49 23 we started using Business Bridge in May 1997. And then
03:49 24 so we like to change the first -- the time of the first
03:49 25 usage.

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Page 425

03:49 1 Q Okay. And were you involved with locating
03:49 2 those documents?
03:49 3 A Yes.
03:49 4 Q Did someone ask you to locate those documents?
03:49 5 A Yes.
03:49 6 Q And who was that?
03:49 7 A Doug Krause.
03:49 8 Q Okay. What documents did you locate?
03:50 9 A I think it's an ad, a print ad.
03:50 10 Q Do you know what kind of print ad?
03:50 11 A Yes, it's an ad we advertised in San Gabriel
03:50 12 Valley Business Journal.
03:50 13 Q Do you know if that ad's been produced in this
03:50 14 litigation?
03:50 15 A I think it's in one of the stack that we went
03:50 16 over today.
03:50 17 Q Did you see it when we were going over --
03:50 18 A Yes.
03:50 19 Q And how do you know that that was produced in
03:50 20 1997?
03:50 21 A Because that's the earliest document that we
03:50 22 can pull. We actually used that way earlier than that,
03:50 23 but in the document to prove, that's probably the
03:50 24 document that we can pull.
03:51 25 Q And what do you recall about what the ad said?

Page 426

03:51 1 A Business Bridge.
03:51 2 Q Okay. I asked you earlier if you would go
03:51 3 through those documents and tell me where Business
03:51 4 Bridge was used. And I didn't -- you didn't identify
03:51 5 that ad.
03:51 6 A That wasn't in that stack. We went through
03:51 7 several stacks and there's the stack that we talk
03:51 8 about, you asked me about what the date -- what year
03:51 9 that ad was produced and where it was advertised. That
03:51 10 was that ad. And later on after the third ad, you
03:51 11 asked me to jump from section to section, and then
03:51 12 later on we didn't go through every page.
03:51 13 Q So if I show you the third deck, will you be
03:51 14 able to identify it?
03:51 15 A No, it's not that one. If you want me find
03:51 16 the one --
03:51 17 Q Was it in the first deck?
03:51 18 A You're testing my memory.
03:51 19 Q Okay. I'll show you --
03:52 20 MR. CRAIG: You may want to put the exhibits
03:52 21 back in front of the witness.
03:52 22 MS. HAMILTON: Right. Okay, let me do that.
03:52 23 Q This is one of the decks containing the ads.
03:52 24 MR. CRAIG: For the record, showing Exhibit 22.
03:52 25 MS. HAMILTON: Internet ads, Exhibit 21.

Page 427

03:52 1 MR. CRAIG: Right, so she probably doesn't need
03:52 2 to look at this one.
03:52 3 MS. HAMILTON: Okay. This was another set.
03:53 4 Counsel, I'd like you not to confer with the
03:53 5 client right now.
03:53 6 This is the one I'm referring to.
03:53 7 MR. CRAIG: Counsel is not conferring with the
03:53 8 client about anything.
03:53 9 MS. HAMILTON: Okay, well, you're making
03:53 10 gestures to her on this document.
03:53 11 Q Is this the document you're referring to?
03:53 12 A Yes.
03:53 13 Q Okay.
03:53 14 MR. CRAIG: Can we identify it?
03:53 15 MS. HAMILTON: Yeah.
03:53 16 Q Can you identify the Bates number for the
03:53 17 record.
03:53 18 MR. CRAIG: I'll do it, it's EWB 47.
03:53 19 BY MS. HAMILTON:
03:53 20 Q Okay. I think we talked about this document,
03:53 21 as well. But this is the San Gabriel Valley Business
03:54 22 Journal ad that supports the amendment that was made in
03:54 23 response to an office action that's Exhibit 30, that
03:54 24 supports a request to amend the date of first use back
03:54 25 to May 15, 1997. Is that accurate?

Page 428

03:54 1 A Yes.
03:54 2 Q Okay. Is there a reason why this was
03:54 3 selected, this Page 47, as evidencing usage of the mark
03:55 4 Business Bridge when it doesn't say Business Bridge
03:55 5 anywhere on the document?
03:55 6 A Business Bridge and there's also this is the
03:55 7 copy, that's how I elaborate that. And that's how this
03:55 8 was accepted.
03:55 9 Q So you're talking about the statement
03:55 10 Financial Bridge?
03:55 11 A There's a bridge in the headline that we talk
03:55 12 about business. There's the word business in the body
03:55 13 copy. We use that as a supporting document. And then
03:55 14 for this filing -- and this filing got accepted. So
03:55 15 meaning that it makes sense for whoever approved this.
03:55 16 Q Okay. Are you certain that -- are you sure
03:55 17 that got approved or are you just guessing?
03:55 18 A I assume this is approved.
03:55 19 Q Okay. And so when you say -- I'm just trying
03:55 20 to make a clear record -- that "Bridge" is here, you're
03:55 21 referring to Bridge as used in Your Financial Bridge
03:55 22 between East and West, period?
03:56 23 A The Bridge is in the headline, as you can see.
03:56 24 And then if you go through the copy, you see
03:56 25 "business." Talk about nothing but business.

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Page 429

03:56 1 Q Okay. And the copy says: East West Bank's
03:56 2 strength on both sides of the Pacific provides
03:56 3 expertise our clients need to do business in today's
03:56 4 global market.
03:56 5 Is that what you're referring to --
03:56 6 A Yes.
03:56 7 Q -- in terms of business?
03:56 8 Okay. But you would agree that the mark
03:56 9 "Business Bridge" itself as one mark is not used in
03:56 10 this advertising?
03:56 11 A I think we talk about it. We used Business
03:56 12 Bridge for product name and also in general way of
03:56 13 describing our business.
03:56 14 Q Okay. I'll move to strike that as
03:56 15 nonresponsive --
03:56 16 MR. CRAIG: I'm going to --
03:56 17 MS. HAMILTON: -- but I'll move on, I think
03:56 18 I've gotten what I needed.
03:57 19 Q Are you aware of any instances of actual
03:57 20 confusion between East West Bank's business and
03:57 21 products or services provided by The Plubell Firm?
03:57 22 A Not right now.
03:57 23 Q And when I say "you," I also mean East West
03:57 24 Bank. Is East West Bank aware of any instances of
03:57 25 actual confusion between East West Bank and my client?

Page 430

03:57 1 A Not right now, but it could create confusion
03:58 2 and damage, potential damage in the future if we don't
03:58 3 stop this.
03:58 4 Q But there's no evidence of any instance where
03:58 5 anyone contacted East West Bank that apparently
03:58 6 intended to contact my client?
03:58 7 A That's why you got a flu shot.
03:58 8 Q I'm sorry?
03:58 9 MR. CRAIG: Just answer the question. Please.
03:58 10 THE WITNESS: No.
03:58 11 BY MS. HAMILTON:
03:58 12 Q Do you ever bring to the attention -- to Doug
03:58 13 Krause or anyone else within East West Bank third-party
03:58 14 usages of the mark "Bridge" that you're concerned
03:58 15 about?
03:58 16 A Yes.
03:58 17 Q Okay. And when did you do that? In what
03:58 18 situations or in what specific instances?
03:58 19 A There was a company named East West Insurance
03:58 20 in San Gabriel Valley. We identified that and then we
03:59 21 alerted legal counsel to take necessary action to stop
03:59 22 that.
03:59 23 Q Okay. And what happened in that case?
03:59 24 A I think our legal department took care of it.
03:59 25 Q Any other instances where you initiated the

Page 431

03:59 1 request to legal department?
03:59 2 A No.
03:59 3 Q Okay. Are you aware of any written documents
03:59 4 or disclosures of any kind that East West Bank has
03:59 5 created to alert its shareholders of any intent to
03:59 6 provide services, business-consulting services?
04:00 7 MR. CRAIG: Well, objection, vague and
04:00 8 ambiguous.
04:00 9 Counsel, am I correct that you're getting --
04:00 10 it's now after 4:00. I think this deposition has
04:00 11 become harassment of the witness's time and my time.
04:00 12 MS. HAMILTON: I think you want to leave at
04:00 13 4:00 as you stated to me earlier. And I'm not
04:00 14 finished, I'm almost finished.
04:00 15 MR. CRAIG: Do you have an estimate as to how
04:00 16 much more? I mean --
04:00 17 MS. HAMILTON: I'm close to winding down. So
04:00 18 just --
04:00 19 MR. CRAIG: Well, are we going to have another
04:00 20 argument over whether -- what business consulting means
04:00 21 and -- because we --
04:00 22 MS. HAMILTON: Just let her answer the
04:00 23 question, it's a waste of time.
04:00 24 MR. CRAIG: -- four or five times.
04:00 25 Well, I just don't know how much longer we

Page 432

04:00 1 should be required to sit here.
04:00 2 MS. HAMILTON: That's a separate question. I
04:00 3 haven't asked that question.
04:00 4 Q What I'm asking now, are there any written
04:00 5 documents or disclosures that relate to East West Bank
04:00 6 providing business-consulting services?
04:00 7 MR. CRAIG: Objection, vague and ambiguous.
04:00 8 THE WITNESS: That's not my areas, I don't
04:00 9 communicate with our shareholders.
04:00 10 BY MS. HAMILTON:
04:01 11 Q Okay. Who would know that answer --
04:01 12 A Doug Krause.
04:01 13 Q -- answer to that question?
04:01 14 Doug Krause?
04:01 15 A Yes.
04:01 16 Q Anyone else within East West Bank?
04:01 17 A Doug Krause, he's the secretary.
04:01 18 Q David Starr, you there?
04:01 19 MR. STARR: Yes.
04:01 20 MS. HAMILTON: Do you want to take a break and
04:01 21 then wrap it up? Do you need to talk to me for any
04:01 22 reason?
04:01 23 MR. STARR: Yes, let's talk.
04:01 24 MS. HAMILTON: Okay. Okay.
04:01 25 MR. CRAIG: I want -- we'll stay on the record,

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Page 433

04:01 1 though, while this break is going on. Thank you.
04:01 2 MS. HAMILTON: David, I'll call you at the
04:01 3 office. Your office line.
04:01 4 MR. STARR: Okay.
04:01 5 MS. HAMILTON: I'd like to go off the record.
04:01 6 MR. CRAIG: I don't agree to go off the record,
04:02 7 I'm sorry.
04:02 8 MS. HAMILTON: Well, I haven't used six hours
04:02 9 so --
04:02 10 MR. CRAIG: Yeah, you have.
04:02 11 MS. HAMILTON: I haven't.
04:02 12 MR. CRAIG: Yes, you have.
04:02 13 MS. HAMILTON: I have not. Do the math.
04:02 14 MR. CRAIG: I've done the math.
04:04 15 (Ms. Hamilton exited the room.)
04:04 16 MS. HAMILTON: I'm almost done, few more
04:04 17 minutes.
04:04 18 Okay, David?
04:04 19 MR. STARR: Okay, we're back.
04:04 20 BY MS. HAMILTON:
04:05 21 Q Do you know the approximate annual sales
04:05 22 revenue for services provided under the Business Bridge
04:05 23 mark from 2003 to the present?
04:05 24 A I don't know.
04:05 25 Q Okay. Do you know the approximate sales

Page 434

04:05 1 revenue for services sold by East West Bank under the
04:05 2 East West Bank mark?
04:05 3 A I don't have the number.
04:05 4 Q Okay. And who would know?
04:05 5 A Irene Oh.
04:05 6 Q Okay. And earlier you said that -- I think
04:05 7 you said Doug Krause would know about written
04:05 8 disclosures to the shareholders about providing
04:05 9 services in the nature of business consulting; is that
04:05 10 accurate?
04:05 11 MR. CRAIG: Well, objection, that misstates the
04:06 12 testimony. I objected to the question then, I'm going
04:06 13 to object to it again here.
04:06 14 THE WITNESS: Yes.
04:06 15 BY MS. HAMILTON:
04:06 16 Q Okay. Would Irene also know about those types
04:06 17 of documents?
04:06 18 MR. CRAIG: Objection -- same objections.
04:06 19 Vague and ambiguous, as well.
04:06 20 THE WITNESS: No.
04:06 21 BY MS. HAMILTON:
04:06 22 Q Okay. It would just be Doug Krause?
04:06 23 A Because he's the secretary.
04:06 24 Q Okay. Isn't it accurate that several people
04:06 25 sign the 10K's other than Doug Krause?

Page 435

04:06 1 A Yes.
04:06 2 Q Okay. And who signs the 10K's other than Doug
04:06 3 Krause?
04:06 4 A I don't know.
04:06 5 MR. CRAIG: Objection, the documents speak for
04:06 6 themselves. Also probably different depending on the
04:06 7 year.
04:06 8 BY MS. HAMILTON:
04:06 9 Q Did you give back Exhibit 28?
04:07 10 Showing you Exhibit 28, which is the 10K for
04:07 11 2005, toward the end of the document -- hand it to me,
04:07 12 I'll find it for you.
04:07 13 MR. CRAIG: Is your question who signed the
04:07 14 2005 10-K?
04:07 15 MS. HAMILTON: Yes.
04:07 16 Q Isn't it true that Dominic Ng also signed the
04:08 17 10K?
04:08 18 MR. CRAIG: I said we'd stipulate to the people
04:08 19 who signed it are the people who are purported to have
04:08 20 signed it.
04:08 21 MS. HAMILTON: Okay. Will you stipulate that
04:08 22 the people that signed it are also knowledgeable about
04:08 23 disclosures made to shareholders?
04:08 24 MR. CRAIG: They were about this one, yeah.
04:08 25 MS. HAMILTON: Okay. Do you want me to go

Page 436

04:08 1 ahead and authenticate all the other ones?
04:08 2 MR. CRAIG: No.
04:08 3 MS. HAMILTON: Okay. So will you stipulate
04:08 4 that for all of the 10K's that have been issued, the
04:08 5 people that signed the documents have knowledge about
04:08 6 disclosures to shareholders about the services being
04:08 7 provided?
04:08 8 MR. CRAIG: I don't understand that question.
04:08 9 I don't think the question was directed at me.
04:08 10 THE WITNESS: You asked me who will know. I
04:08 11 told you who I think would know. That's Doug. And you
04:08 12 asked me who signed that 10K. You can see the signers.
04:08 13 BY MS. HAMILTON:
04:08 14 Q Right. Who else --
04:08 15 A I don't have to answer that, it's there.
04:08 16 Q Okay. So if somebody else has signed -- for
04:08 17 example, if Ng has signed a 10K, then he would have
04:09 18 knowledge about disclosures to shareholders; is that
04:09 19 accurate?
04:09 20 A I don't know.
04:09 21 MR. CRAIG: Hold on. Let me do my objection.
04:09 22 Objection, the signing of the 10K is a fact
04:09 23 with independent legal significance that has what it
04:09 24 has, and I have no idea why you're asking the witness
04:09 25 whether she agrees or disagrees with what your

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04:09 1 characterization of that is. So --
04:09 2 BY MS. HAMILTON:
04:09 3 Q I just want to make sure that it's clear that
04:09 4 it's not just Douglas Krause that has knowledge of
04:09 5 these matters of the disclosures to shareholders.
04:09 6 MR. CRAIG: She gave her testimony, now you're
04:09 7 just arguing with her about her answer.
04:09 8 BY MS. HAMILTON:
04:09 9 Q Let me ask a different question.
04:09 10 Other than Douglas Krause, who has knowledge
04:09 11 within East West Bank about disclosures to shareholders
04:09 12 about the services being provided by East West Bank?
04:09 13 A I don't know.
04:09 14 MR. CRAIG: Vague and ambiguous.
04:09 15 BY MS. HAMILTON:
04:09 16 Q Okay. You don't know.
04:09 17 MR. CRAIG: And it's an impossible question to
04:09 18 answer.
04:09 19 MS. HAMILTON: She said she doesn't know.
04:09 20 Okay.
04:09 21 MR. CRAIG: Well, you're asking her to name
04:09 22 every person who has knowledge about the services
04:09 23 themselves --
04:09 24 MS. HAMILTON: No --
04:09 25 MR. CRAIG: -- or about the disclosures?

04:09 1 MS. HAMILTON: Other than -- I said other than
04:09 2 Doug Krause. She understood my question when she said
04:09 3 "I don't know."
04:09 4 MR. CRAIG: That's 'cause your question was
04:10 5 unintelligible and I objected to it.
04:10 6 BY MS. HAMILTON:
04:10 7 Q Did you understand my question?
04:10 8 A I told you already the best person that I
04:10 9 think would know all would be Doug Krause and I gave
04:10 10 you my answer already.
04:10 11 Q Is there anyone other than Doug Krause that
04:10 12 would have knowledge about disclosures to shareholders
04:10 13 about services?
04:10 14 A The best one who knows about that is Doug
04:10 15 Krause, my one and only answer.
04:10 16 Q And you don't know who else would know?
04:10 17 A I don't.
04:10 18 Q Okay. I don't have any further questions.
04:10 19 MR. CRAIG: Thank you. No questions.
04:10 20 MS. HAMILTON: Do you want to do the regular
04:10 21 stipulation?
04:10 22 MR. CRAIG: Yes, please.
04:10 23 MS. HAMILTON: The parties will stipulate that
04:10 24 the transcript will be provided to counsel for
04:10 25 Miss Wang. Miss Wang will have 30 days to review and

04:10 1 make any revisions to the transcript. We can comment
04:10 2 on any revisions to the transcript that are prepared,
04:10 3 and the court reporter shall be relieved of her duties.
04:11 4 And -- did I miss anything?
04:11 5 MR. CRAIG: No, you didn't, except I'll also
04:11 6 add that that has not happened with respect to the
04:11 7 first transcript, so to the extent we need to, I ask
04:11 8 that the stipulation be revised so that to the extent
04:11 9 the one from the first part of the deposition is
04:11 10 different, I want to use this one that we just did
04:11 11 today.
04:11 12 MS. HAMILTON: Right. I don't think there was
04:11 13 a stipulation.
04:11 14 MR. CRAIG: Because counsel has not gotten a
04:11 15 copy of the first transcript so --
04:11 16 MS. HAMILTON: Really? I understand you
04:11 17 ordered a copy, so I don't know why you wouldn't get
04:11 18 it.
04:11 19 MR. CRAIG: I don't know, either.
04:11 20 MS. HAMILTON: And our copy had a transmittal
04:11 21 letter showing that it was transferred.
04:11 22 MR. CRAIG: Okay. Well, I'll follow up with
04:11 23 you on this.
04:11 24 MS. HAMILTON: Okay.
25 (Deposition concluded at 4:12 p.m.)

1 DECLARATION UNDER PENALTY OF PERJURY
2
3
4 I declare under penalty of perjury under the
5 laws of the State of California that the foregoing
6 transcription of my deposition testimony is true and
7 correct.
8 Executed at _____, California,
9 this _____day of _____, 2012
10
11
12
13
14 _____
15 EMILY WANG
16
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25

CERTIFIED SHORTHAND REPORTER'S CERTIFICATE

The undersigned Certified Shorthand Reporter, licensed by the State of California, does hereby certify:

That the foregoing deposition was taken before me at the time and place therein set forth, at which time the witness was duly sworn by me;

That said deposition was recorded stenographically by me and thereafter transcribed, said transcript being a true copy of my shorthand notes thereof.

In witness thereof I have subscribed my name this date:_____.

_____

Nila Webber
Certificate No. 4982

INDEX
VOLUME II

Wednesday, March 7, 2012

WITNESS	EXAMINATION
EMILY WANG	
By Ms. Hamilton	246

Upon advice of counsel, the witness refused to answer the following question:

PAGE	LINE
275	2

EXHIBITS

EMILY WANG

NUMBER	DESCRIPTION	IDENTIFIED
3	Service mark registration	272
9	Petition for Cancellation	235
10	Transcript of conference call	281
11	Service mark assignment	293
12	Assignment of trademark	294
13	Declaration of Use and Incontestability	299
14	National Information Center document	280
15	Activities Permissible for a National Bank, Cumulative	302
16	Photocopy of DVD "The Bridge"	304
16-a	"The Bridge" DVD	312
17	T.V. ads DVD	315
17-a	Screen shot of contents	315
17-b	Screen shot of a frame from T.V. ads	316
17-c	Screen shot of a frame from T.V. ads	319
17-d	2007 EWB Michelle-M	320

18	Advertising documents	326
19	Expense summary	338
20	Advertising documents	346
21	Website printouts	363
22	Annual reports	379
23	Domain name registration	399
24	Workshop and seminar marketing documents	
25	Trademark documents	403
26	Press releases	403
27	U.S. Patent Trademark Office documents	406
28	Form 10K	419
29	Statement of Use	423
30	Response to Office Action	424

EXHIBIT M

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

In the Matter of Serial No. 85319594
For the mark "EAST WEST BRIDGE FORUM"

In the Matter of Registration No. 3448481
Registered on June 17, 2008
For the mark "EAST-WEST BUSINESS BRIDGE"

EAST WEST BANK,	)	
	)	
Petitioner,	)	Opposition No.: 91203410
	)	
v.	)	*[Consolidated with]*
	)	
THE PLUBELL FIRM, LLC	)	Cancellation No.: 92053712
	)	
Respondent.	)	
	)	

PETITIONER'S RESPONSES AND OBJECTIONS TO RESPONDENT'S REVISED SECOND SET OF INTERROGATORIES, NOS. 1-15

PROPOUNDING PARTY: The Plubell Firm, LLC

RESPONDING PARTY: East West Bank

SET NO.: Two

Pursuant to 37 C.F.R. §2.120 and Rule 33 of the Federal Rules of Civil Procedure, Petitioner East West Bank ("Petitioner," "East West Bank" or "Responding Party"), by and through its attorneys, hereby responds to Respondent The Plubell Firm LLC's ("Respondent," "Plubell" or "Propounding Party") Revised Second Set of Interrogatories, Nos. 1-15 to Petitioner as follows:

GENERAL OBJECTIONS

Petitioner responds to each of the Respondent's interrogatories subject to the following General Objections. These objections form a part of and are specifically incorporated into each

of Petitioner's Objections and Responses to Respondent's Second Set of Interrogatories, even though they may not be specifically referred to in each and every Response to each interrogatory. Failure to specifically refer to any of these General Objections in any specific Response should not be construed as a waiver of same.

1. Petitioner objects generally to the interrogatories to the extent those interrogatories potentially seek information that is protected from compelled disclosure by the attorney/client privilege, the attorney work-product doctrine, or any other applicable privilege.

2. Petitioner objects generally to the interrogatories to the extent that they require disclosure of confidential information or otherwise invade the privacy of Petitioner and/or any other third party. Petitioner will disclose such information only subject to the protective order currently in place between the parties in this lawsuit.

3. Petitioner objects generally to the interrogatories to the extent that they are vague, ambiguous, unclear, overbroad, vexatious, and/or unduly burdensome in their potential scope, and/or susceptible of more than one meaning.

4. Petitioner objects generally to the interrogatories to the extent that they call for information irrelevant to the subject matter of these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence.

5. Petitioner objects to the interrogatories to the extent that they do not state with reasonable particularity the information which is requested.

6. Petitioner objects to the interrogatories to the extent they seek the disclosure of information not required to be disclosed under the Federal Rules of Civil Procedure, the Code of Federal Regulations, or any other Rule or guidance published by the Trademark Trial and Appeals Board.

7. Petitioner objects to the interrogatories on the ground that they are not limited to a

specific time period, and, therefore, are overly broad and unduly burdensome, vague, and seek information that is not reasonably calculated to lead to the discovery of admissible evidence.

8. Petitioner objects to the interrogatories to the extent that they seek information already within Respondent's knowledge or control, or equally or more easily available to it, on the grounds that such interrogatories are unduly burdensome or oppressive.

9. Petitioner objects to the interrogatories to the extent that they call for the disclosure of materials prepared in preparation for trial.

10. Petitioner's responses to categories of information requested by Respondent's interrogatories are not, and shall not be construed as, an admission by Petitioner that such information exists.

11. Petitioner's responses to the interrogatories are hereby made without in any way waiving or intending to waive, but rather, to the contrary, by preserving and intending to preserve:

a. All questions as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

b. The right to object on any ground to the use of any such information, or the subject matter thereof, in any aspect of this or other judicial proceeding, or other administrative proceeding or investigation;

c. The right to object at any time for any further response to this or any other request for information or production of documents;

d. The right to rely on information discovered or generated subsequent to these responses; and

e. The right at any time to supplement these responses.

12. Petitioner objects to the use of specially defined terms in the "Definitions" section of the interrogatories on the ground that such use violates the requirement of Rule 33 of the Federal Rules of Civil Procedure that each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The words of the interrogatories are herein construed as having their ordinary meaning where ascertainable. Petitioner specifically objects to the term "EAST WEST BANK" as being overbroad and renders the interrogatories vague, ambiguous and uncertain, particularly to the extent that such words are defined as including any predecessor, subsidiary, parent (i.e., including, but not limited to East West Bancorp, Inc.), affiliate, employee, officer, director, principal, accountant, agent, counsel, and/or any third party acting on East West Bank's behalf and/or attorneys. Petitioner will respond to interrogatories which reference "EAST WEST BANK", "YOU," or "YOUR" as meaning the Petitioner only.

13. Petitioner has not fully completed its investigation of the facts in relation to this proceeding, its discovery and its preparation for the cancellation testimony period. All responses and objections contained herein are based only upon such information and such documents which are presently available to and specifically known to Petitioner after conducting a reasonably diligent investigation. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal conclusions all of which may lead to changes to the responses set forth herein. The foregoing objections and following responses are made without prejudice to Petitioner's right to produce evidence of any subsequently discovered documents. Accordingly, without assuming any obligation to do so, and without waiving the objections asserted herein, Petitioner reserves the

right to amend and/or supplement these responses as and when additional facts are discovered or ascertained. The responses herein are made without prejudice to the right of Petitioner to provide evidence at the time of the cancellation testimony period.

These general objections are incorporated by reference into each of the responses below:

PETITIONER'S RESPONSES AND OBJECTIONS TO RESPONDENT'S REVISED SECOND SET OF INTERROGATORIES, NOS. 1-15

INTERROGATORY NO. 1:

Describe any services provided by You for the period January 2003 to the present under Your EWB Mark or Your BB Mark, which are not included in the Petitioner's Services as defined herein.

RESPONSE TO INTERROGATORY NO. 1:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being unreasonably burdensome insofar as it asks Petitioner to compile a list of all tasks performed by Petitioner's hundreds of employees over a 9.5 year period under the EWB and/or BB Marks, and determine which, if any, are "not included in the Petitioner's Services as defined herein." Petitioner further objects to this Interrogatory as vague and ambiguous as to the phrase "included in the Petitioner's Services as defined herein," as such phrase is broad in potential scope. Petitioner further objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence. The question of whether a particular service rendered by Petitioner is encompassed within the defined term "Petitioner's Services" (that Respondent has authored and defined for purposes of its interrogatories) may call for a legal conclusion, and Petitioner sees no relevance as to its own understanding of whether certain services it renders

under the Marks do or do not fall within Respondent's defined term "Petitioner's Services."

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Respondent examined Petitioner and its Rule 30(b)(6) witness for several hours related to the services rendered by East West Bank under its EWB Marks and its BB Mark, which testimony Petitioner incorporates herein by reference. Petitioner interprets Respondent's defined term "Petitioner's Services" as sufficiently broad to encompass the services that it understands to be most directly related to the services identified by Plubell in its "EAST WEST BUSINESS BRIDGE" trademark registration, including: Petitioner's facilitating for certain of its United States commercial customers their conducting of business transactions, including business transactions between their businesses on the one hand, and persons or entities located in China, on the other hand; providing business information to Petitioner's commercial customers and consulting with those customers about their businesses; Petitioner's regularly organizing and sponsoring educational seminars, speeches, meetings and other events, both on and off-site, related to topics of interest to its current and prospective commercial customers; and the other services set forth in Petitioner's Response to Interrogatory No. 2 below. Petitioner renders each of these exemplary services under its marks, including its EWB Mark and its BB Mark.

INTERROGATORY NO. 2:

Describe any consulting services provided by You for the period January 2003 to the present under Your EWB Mark or Your BB Mark.

RESPONSE TO INTERROGATORY NO. 2:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being vague and ambiguous as to the phrase "any

consulting services" as such phrase is undefined, unclear, and broad in potential scope. Petitioner objects to this Interrogatory to the extent that it seeks information protected by the attorney-client communication and/or attorney work product privileges, information that contains East West Bank's trade secrets and/or other highly sensitive information, and information that contains third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows:

Petitioner's relationships with its existing and potential customers involve Petitioner's managers, senior managers and relationship managers' frequent consultations with their business customers about those customers' needs and goals. The forms this consultation can take are many variations as there are customers of Petitioner, and this subject was extensively covered during the 30(b)(6) deposition of Petitioner on January 30, 2012 and March 7, 2012. For purposes of illustration, Petitioner provides business information to its commercial customers and consults with those customers about their businesses. For example, Petitioner consults with its business customers in helping to analyze the customer's target market, or reviewing a business plan, or assisting in locating professionals that may be able help the customer with their needs that fall outside of Petitioner's areas of expertise (e.g. accounting, legal services). Petitioner's consulting also takes the form of facilitating for certain of its United States business customers their conducting of business transactions, including business transactions between their United States businesses on the one hand, and persons or entities located in China, on the other hand. Petitioner also regularly organizes and sponsors educational seminars, speeches, meetings and other events, both on and off-site, related to

topics of interest to its current and prospective commercial customers. Further, in conjunction with Petitioner's affiliate, East West Insurance Services, Petitioner consults with its customers as to their insurance needs in order to help their customers select the proper type of policy, level of coverage and provider.

INTERROGATORY NO. 3:

Describe any services provided by You for the period January 2003 to present under Your EWB Mark of Your BB Mark which "go beyond banking" as that phrase was used by Your Chairman and CEO Dominic Ng on October 21, 2011 during Your third quarter earnings call with shareholders. See, Transcript East West Bancorp, Third Quarter Earnings Call, Seeking Alpha.com news service, October 21, 2011, attached hereto as Exhibit A.

RESPONSE TO INTERROGATORY NO. 3:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Interrogatory as vague and ambiguous as Registrant's definitions of the phrases "Your EWB Mark" and "Your BB Mark" refer to *any trademark, whether registered or not*, that contains or is comprised of the terms "EAST WEST BANK" and "BUSINESS BRIDGE", respectively, and such phrases are undefined, unclear, and broad in potential scope. Petitioner also objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: See Petitioner's Responses to Interrogatory No. 1 and 2.

INTERROGATORY NO. 4:

Describe any plans to expand the present use of Your EWB Mark or Your BB Mark to other products or services.

RESPONSE TO INTERROGATORY NO. 4:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Interrogatory as vague and ambiguous as Registrant's definitions of the phrases "Your EWB Mark" and "Your BB Mark" refer to *any trademark, whether registered or not*, that contains or is comprised of the terms "EAST WEST BANK" and "BUSINESS BRIDGE", respectively, and such phrases are undefined, unclear, and broad in potential scope. Petitioner further objects to this Interrogatory as vague and ambiguous as to the phrase "any plans" as such phrase is undefined, unclear, and broad in potential scope. Petitioner objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client communication and/or attorney work product privileges, information that contains East West Bank's trade secrets and/or other highly sensitive information, and information that contains third party confidential information and/or any other proprietary information.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: To the extent Petitioner's services under its marks are held to be not related to Respondent's identified services, customers would believe that Respondent's identified services are within Petitioner's logical zone of expansion, and Respondent's

identified services would reasonably be expected to be provided by Petitioner in the normal expansion of its business. See, e.g., EWB01492-EWB01612. See also Petitioner's Responses to Interrogatory No. 1 and 2.

INTERROGATORY NO. 5:

Identify the Persons most knowledgeable about any plans of Petitioner to expand the present use of Petitioner's Marks to other products or services.

RESPONSE TO INTERROGATORY NO. 5:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner objects to this Interrogatory as vague and ambiguous as Registrant's definitions of the phrases "Your EWB Mark" and "Your BB Mark" refer to *any trademark, whether registered or not*, that contains or is comprised of the terms "EAST WEST BANK" and "BUSINESS BRIDGE", respectively, and such phrases are undefined, unclear, and broad in potential scope.

Petitioner objects to this Interrogatory as vague and ambiguous as to the phrase "any plans" as such phrase is undefined, unclear, and broad in potential scope. Petitioner objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence. Petitioner objects to this Interrogatory to the extent that it is compound. Petitioner further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client communication and/or attorney work product privileges, information that contains East West Bank's trade secrets and/or other highly sensitive information, and information that contains third party confidential information and/or any other proprietary information.

Petitioner objects to this Interrogatory on the grounds that it seeks the disclosure of information not required to be disclosed under the Federal Rules of Civil Procedure, the Code of Federal Regulations, or any other Rule or guidance published by the Trademark Trial and Appeals Board. Petitioner further objects to this Interrogatory to the extent that it seeks to circumvent the Board's rulings about the sufficiency of Emily Wang as a 30(b)(6) witness for Petitioner, including as to "Petitioner's past or present plans for expansion of its goods/services."

INTERROGATORY NO. 6:

Describe in full Chairman and CEO Dominic Ng's intended meaning when he used the phrase "we have the ability to beyond banking" on October 21, 2011 during Your third quarter earnings call with shareholders. See, Exhibit A.

RESPONSE TO INTERROGATORY NO. 6:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence.

Subject to the foregoing General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Mr. Ng's comments during the October 21, 2011 speak for themselves, and the plain meaning of those statements does not require elaboration, to wit: "[O]ur value proposition of being that bridge between the East and the West and having branches in China that can assist unique customers who have the need for it worked out just fine for us. So there are always going to be business that we can go after

because we have ability to go beyond banking. There are services that we can provide in terms of helping them to learn how to do business in China and then helping the Chinese business or investors who come into the United States to make investment in the U.S., a lot of those extra services that we provide to the customers get us the loans and get us the deposits."

INTERROGATORY NO. 7:

State whether by Your CEO and Chairman Dominic Ng's use of the phrase "we have the ability to go beyond banking" during Your October 21, 2011 third quarter earnings call with shareholders, You intended to inform shareholders that You currently provide income generating services other than Petitioner's Services. See, Exhibit A.

RESPONSE TO INTERROGATORY NO. 7:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being vague and ambiguous as to "income generating services" and as to "income generating services other than Petitioner's Services." Petitioner further objects on the grounds that its executives did not have in mind the definition of "Petitioner's Services" set forth by Respondent in its Revised Second Set of Interrogatories, in part because such Interrogatories had not been prepared or served on Petitioner at the time of the October 21, 2011 third quarter earnings call, and therefore, it does not make sense for Petitioner to have been informing shareholders that it provides any certain services that fall within or without "Petitioner's Services" as subsequently defined by Respondent. See also Petitioner's Responses to Interrogatory No. 1 and 2.

INTERROGATORY NO. 8:

Identify all of Your competitors which You contend provide any consulting services.

RESPONSE TO INTERROGATORY NO. 8:

Petitioner incorporates by reference its General Objections as if set forth fully herein.

Petitioner further objects to this Interrogatory as vague and ambiguous as to the phrase "consulting services." Petitioner also objects to this Interrogatory to the extent that it calls for speculation as to the activities of Petitioner's competitors .

INTERROGATORY NO. 9:

Describe in full the proceedings of any meeting of Your Board of Directors to discuss offering services other than Petitioner's Services, as defined herein.

RESPONSE TO INTERROGATORY NO. 9:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, including both as to time and as to the request that a meeting of the Board of Directors be "described in full." Petitioner further objects to this Interrogatory as being unduly burdensome lacking in foundation. Petitioner objects to this Interrogatory as vague and ambiguous as to the phrase " services other than Petitioner's Services." Petitioner also objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence.

INTERROGATORY NO. 10:

Describe in full the proceedings of any meeting of the Your Board of Directors related to the decision that no public disclosure is required to advise interested persons that You provide services other than banking services within East West Bank, a wholly-owned bank-chartered subsidiary of East West Bancorp.

RESPONSE TO INTERROGATORY NO. 10:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, including both as to time and as to the request that a meeting of the Board of Directors be "described in full." Petitioner

further objects to this interrogatory as being unduly burdensome and lacking in foundation. Petitioner objects to this Interrogatory as vague and ambiguous as to the phrase " services other than banking services within East West Bank." Petitioner also objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence.

INTERROGATORY NO. 11:

State whether You have timely filed documents required to be filed with the SEC reporting any income derived directly from fees charged for providing any service described by Chairman and CEO Ng to a "Chinese business or investors who come into the United States to make investments in the U.S." See, Exhibit A hereto.

RESPONSE TO INTERROGATORY NO. 11:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being vague and ambiguous as to "timely," "derived directly," "derived directly from fees charged for providing any service," and "derived directly from fees charged for providing any service described by Chairman and CEO Ng to a 'Chinese business...'" Petitioner further objects to this Interrogatory as assuming facts and/or the existence of legal requirements without any foundation. Petitioner further objects to this Interrogatory as possibly calling for a legal conclusion or expert opinion.

Subject to the foregoing General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Petitioner has no information to indicate or suggest that it has done anything other than file with the SEC any and all documents that agency requires in a timely manner, and Petitioner emphatically denies the implication to the contrary in Respondent's Interrogatory.

INTERROGATORY NO. 12:

Describe in full the specific services Chairman Dominic Ng intends shareholders to understand when he said "A lot of those extra services that we provide to customers get us the loans and get us deposits." See, Exhibit A hereto.

RESPONSE TO INTERROGATORY NO. 12:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being overly broad, unduly burdensome and/or unreasonable to the extent that its scope includes subject matter not relevant to this proceeding. Petitioner also objects to this Interrogatory to the extent that it seeks information that is neither relevant nor likely to lead to the discovery of relevant evidence.

Subject to the foregoing General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: Mr. Ng's comments during the October 21, 2011 "Exhibit A" Conference speak for themselves, and the plain meaning of those statements is clear and does not require any gloss or elaboration, to wit: "[O]ur value proposition of being that bridge between the East and the West and having branches in China that can assist unique customers who have the need for it worked out just fine for us. So there are always going to be business that we can go after because we have ability to go beyond banking. There are services that we can provide in terms of helping them to learn how to do business in China and then helping the Chinese business or investors who come into the United States to make investment in the U.S., a lot of those extra services that we provide to the customers get us the loans and get us the deposits."

INTERROGATORY NO. 13:

State whether You charge any direct fee for providing any specific services that "go

beyond banking" such as "helping them to learn how to do business in China and then helping the Chinese business or investors who come into the United States to make investments in the U.S." as Chairman and CEO Dominic Ng described to shareholders October 21, 2011. See, Exhibit A hereto.

RESPONSE TO INTERROGATORY NO. 13:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as being vague and ambiguous as to the phrases "charge any direct fee" and "specific services that 'go beyond banking'" as such phrases are undefined, unclear, and broad in potential scope.

Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds as follows: When an East West Bank employee consults with a client or potential client of the Bank, the employee's time and the costs associated with the consultation are recouped when the client purchases or subscribes to a particular product or service. The consultations between East West Bank and its clients are an integral part of Petitioner's value proposition and provide a strong foundation for long-lasting mutually beneficial relationships that Petitioner and its clients have built.

INTERROGATORY NO. 14:

Identify the Persons most knowledgeable of Your provision of business consultation services. For avoidance of doubt, this Interrogatory refers to Petitioner's counsel's representation at Ms. Wang's deposition of March 7, 2012 that the identification of such persons would be a proper subject for written discovery. (see, Deposition transcript at page 273).

RESPONSE TO INTERROGATORY NO. 14:

Petitioner objects to this Interrogatory as seeking the disclosure of information not required to be disclosed under the Federal Rules of Civil Procedure, the Code of Federal Regulations, or any other Rule or guidance published by the Trademark Trial and Appeals Board. Petitioner further objects to this Interrogatory to the extent that it seeks to circumvent the Board's rulings about the sufficiency of Emily Wang as a 30(b)(6) witness for Petitioner, including the many topics related to Petitioner's provision of consulting services. Petitioner further objects to this topic as vague and ambiguous as to "business consultation services." Petitioner further objects to this topic as misstating the comments of Petitioner's counsel during the March 7, 2012 deposition.

INTERROGATORY NO. 15:

Concerning Your alleged provision of business consultation services, identify the first such customer.

RESPONSE TO INTERROGATORY NO. 15:

Petitioner incorporates by reference its General Objections as if set forth fully herein. Petitioner objects to this Interrogatory as vague and ambiguous as to the phrase "business consultation services." Subject to the General and Specific Objections set forth above and incorporated herein, and reserving the right to supplement this response following further investigation, Petitioner responds that it has provided business consultation services to its customers since it first began offering business banking services, but it is impossible to

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identify the first customer or potential customer with whom Petitioner provided business consultation services.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: August 2, 2012

By: _____
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CERTIFICATE OF SERVICE

I certify that **PETITIONER'S RESPONSES AND OBJECTIONS TO RESPONDENT'S REVISED SECOND SET OF INTERROGATORIES, NOS. 1-15** is being served on Respondent by e-mailing a true and correct copy to the attorneys of record, this Thursday, August 2, 2012 to the following e-mail address:

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VERIFICATION

I have read the foregoing **PETITIONER'S OBJECTIONS AND RESPONSES TO RESPONDENT'S REVISED SECOND SET OF INTERROGATORIES, NOS. 1-15** and know of its contents.

I am an officer of EAST WEST BANK, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2 day of August 2012, at Pasadena, California.

Douglas Krause