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

Proceeding	91203541
Party	Plaintiff Andre D. Rossouw
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Date	07/06/2013
Attachments	Opposers objection to motion to compel.pdf(245088 bytes)

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

In the matter of Trademark Application No. 85358119

Mark: GOOGLEPLUS (GOOGLE +)

Andre Rossouw (Opposer)

vs.

Google Incorporated (Applicant)

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)
)
)
)

) Opposition No. 91203541

**PLAINTIFFS' RESPONSE TO MOTION TO COMPEL A DISCOVERY
RESPONSE TO INTERROGATORIES AND REQUESTS FOR
ADMISSIONS OF GOOGLE INCORPORATED.**

Applicant's Motion to Compel a response to its First Interrogatory and First requests for Admissions and Documents should be denied in general due to the following reasons:

1. That the motion was submitted without first discussing the intention to do so with opposer.
2. That opposer and applicant is still in the confer process and has the agreement that BOTH parties would reconsider their responses as BOTH parties claim inadequacy of responses to Interrogations and Requests.
3. That an extension of Discovery has been agreed upon by BOTH parties as to sufficiently address these concerns of inadequate responses to Interrogations and Requests.
4. That applicant has agreed, in order for opposer NOT too file this very motion to compel again (as opposer has done before) applicant would agree to re-visit Interrogations and Requests from opposer after confers, which still has not come to fruition.
5. That opposer is totally surprised by this motion seeing that opposer requested that applicant should also respond adequately in order for opposer to review opposer's responses again.
6. That opposer has agreed to respond with requested documents that pertains to this opposition when ALL documents were ready to present, as opposer has still to complete conducting surveys to facilitate opposer's case.
7. That this "Motion" by applicant is outside of the agreements between opposer and applicant to continue with the ongoing confers in an attempt for both parties to respond adequately and narrow the scope.
8. That opposer asked applicant to concur to BOARDS participation in order to achieve adequate responses and narrowing of scope by both parties, and yet is awaiting an answer.

9. That opposer agreed NOT to file a motion to compel till after ALL confers has been exhausted, and confers are still not exhausted.

10. Opposer has NOT refused to provide any discovery and as a matter of fact has kept applicant "up to date" on discovery issues throughout these proceedings, however in as much as applicant not yet received any documents or "proof" from opposer, opposer has not received ANY proof or documents from applicant as requested.

11. Opposer is in fact "mystified by this motion, and asks the BOARD to request proof that applicant has given ANY proof or documents to date to opposer, other than the same as what opposer supplied applicant, which is probable/ possible witnesses.

12. Further applicant is refusing opposer any documents asked for pertaining to various detrimental issues to opposers case, hence opposer agreed to more confers to attempt to remedy this bizarre behavior from applicant's counsel which apparently believes there is a different set of rules that applies to applicant.

13. Oposer has NO problem providing any information in opposer's custody however should also so expected by opposer from applicant, especially when the same type of documents are requested by opposer and refused by applicant, hence opposer suggested BOARD'S participation.

14. It seems rather that applicant, because of their status is demanding "different rules" for themselves and again has a false belief that the same rules they are trying to impose on opposer, does not apply to them.

15. It is obvious how applicant keeps referring to their "infamous" mark Google, as they have "rights" beyond the ordinary, hence the belief that only opposer is subjected to the BOARD'S rules and not themselves.

16. Opposer has indeed responded to all interrogatories and admissions in FULL, and even withdrew many interrogatories in an effort to narrow the scope and requested that both parties will respond more adequately, however opposer is still in confer with applicant on opposer's interrogatories and admissions to get applicant to respond with "adequate" responses and narrowing of scope as well.

17. In short, opposer has made diligent efforts to respond adequately and agreed to attempt to be more so IF applicant adheres to the same, and applicant has yet to do so, by producing adequate revisions of applicants responses.

18. In as much as opposer objects to many Interrogations and Requests, applicants responses are inadequately out of scope to opposers actual Interrogations and Requests to the extent that it equals if not worse than an objection.

19. Further applicant DENIES the obvious, for which evidence exist, as for instance: Google it" by public's perception means "search it" and this is DENIED by applicant, and applicant's response is that this calls for "legal conclusion", when "legal conclusion" is not what the request of admission is asking for, but is specifically asking for "public's perception"

20. Applicant continues in this manner throughout their admissions and responses, misconstruing and attempts to distort the facts, as for instance: the pronunciation of the mark Google+ is DENIED by applicant as pronounced "Googleplus" a singular pronunciation, yet NO space between the Google and the "+" symbol exists and evidence that applicant themselves are pronouncing the mark as a singular pronunciation has been presented to applicant.

21. Applicant objects to production of documents numerous times as being "private" and "invasion of privacy" and "out of scope" yet demands these same type documents from

opposer, which again goes to the point that applicant asserts they are NOT subjected to the same set of rules as opposer.

22. It seems rather that applicant has made an exasperated effort to “smother” and “harass” opposer with requests of burdensome, irrelevant, equally available, on the record information as well as repetitiveness and quite frankly to the point as seen by opposer as an effort to “force” a favorable outcome for applicant, attempting to dissuade opposer from this opposition, this includes threats of exposing opposer to “unlawful” practices of his business, a tactic clearly prohibited under California law, that in essence states that using threats of a criminal nature to assist yourself in a civil procedure is prohibited.

23. Opposer has NOT refused to identify persons involved, but rather has stated that the Discovery period has not ended and that all this information will be provided before then, and was not objected to by applicant, thus again this motion comes as a surprise.

As to applicant's Initial set of Interrogatories request 2-4

Opposer's has answered this part in full on the record AND during confers that the owner of the Googabox mark is one Andre Rossouw and that GWI has NOT held ANY licenses to the trademark and yet applicant INSIST on this interrogatory and will not withdraw it. The prove is on record to whom the owner of the mark is and NO documentation exists showing otherwise, yet applicant continues to “burden” opposer with this interrogatory. It was Andre Rossouw that filed the opposition and even though GWI was mentioned, it was explained during confer to applicant exhaustively that GWI was simply a one man operation at the time, ran and owned solely by Andre D. Rossouw and the “we” and “us” simply meant those immediate individuals supporting the cause and those whom has done work towards the

business model of Googabox. How they were compensated and how many workers is burdensome and irrelevant. GWI was intended to be the parent Company eventually however this did not come to fruition, however maybe will. All this was exhaustively explained during confers and yet applicant continues to question opposer with this in a clear attempt to burden.

As to applicant's Initial set of Interrogatories request 5

Again, this is almost an insulting interrogatory, to the point of “harassing” opposer with such juvenile questions. Is applicant insinuating opposer does not HAVE a Social Network? What are the merits to this interrogation? anyone actively online who does not know what a social network is comprised of, frankly they should not be online being a part of a Social Network. See opposer's response.

As to applicant's Initial set of Interrogatories request 7

Equally available online for applicant to see and any future uses and features is considered obvious Trade secret. Would applicant mind telling us what they plan next? Future services are “protected work product”

As to applicant's Initial set of Interrogatories request 8

2007 through 2013, equally available on record as opposer had to PROVE to the Trademark office he was “in business” to obtain the mark in first place, and plain for applicant to see opposer is still in business, and discussed during confer and as per opposers understanding applicant was satisfied to this interrogatory and expected by opposer to be withdrawn. All further insinuations by applicant must be charged and proven as otherwise, as opposer deems it enough prove as stated.

As to applicant's Initial set of Interrogatories request 11

People who Social Network in all elements of Social Networking. Opposer has a site for applicant to explore as applicant HAS done. There simply could be NO feasible add-on of information to what is already available for anyone to see by visiting the site. If applicant has any “charges” they'd like to make to justify such a request, then opposer needs to know what it is, to justify the relevancy. See opposers objection.

As to applicant's Initial set of Interrogatories request 12

See opposer's objection. It should be obvious that all competitors of applicant in the service of Social Networking is also the same as opposer. Applicant could never explain the relevance during confer as actually acceptable as being relevant.

As to applicant's Initial set of Interrogatories request 13

Does applicant “charge fees” for their services as a Social Network? If not then WHY is this relevant? See opposers objection.

As to applicant's Initial set of Interrogatories request 14

SEE GOOGABOX REQUEST FOR DOCUMENTS IN OPPOSERS Motion To Compel.

Opposer can merit all the same for opposers responses to the remainder of applicants interrogatories and requests, as applicant can not justify by justifiable or lawful argument pertaining to this instance specifically why these interrogatories are relevant to this case and if so opposer challenges the relevancy to be justified by any specific “charges” applicant wish to make in lieu of these Interrogatories and requests, by asking applicant “state the relevance for this particular case” which applicant thus far failed to do in opposers opinion, thus opposer asserts the BOARD should request the same from applicant so the BOARD can decide the

relevance and Scope perception to these, as opposer believes applicant to be “out of scope to the extreme and unlike opposer, rather than focus on relevant issues to confusion and first right of use applicant focus on issues plain and clear to see, wasting time for opposer and himself and allowing their counsel to “rack up” costs. Opposer has stated to applicant via confer OPPOSERS reasons for deeming these Interrogatories and Requests “out of scope” Irrelevant, burdensome, harassment etc. in viable ways.

In General Argument:

The fact that is totally missed here in this instance and NOT addressed by applicant, is that applicant KNEW about opposer's mark PRIOR to them filing for the Google+ (Googleplus) mark, and the “Googlebuzz” mark as well as other Google marks pertaining to Social Networking specifically, and thus far opposer has NOT been able to get applicant to provide any documentation to their practices of monitoring and searching of similar marks PRIOR to their decision to use the Google+ mark. If indeed applicant WAS aware of opposers mark before commencing use of the Google+ (Googleplus) mark, and opposer can prove with surveys that the marks are confusing, then obviously applicant has made no attempts doing surveys themselves and / or searched for similar sounding marks, which they are obliged to do prior to using their newly created mark. It seems that applicant's interrogatories and requests are more relevant if indeed it was applicant opposing OPPOSER. Applicant's affirmative defenses are also suggesting to be more relevant if applicant was opposing OPPOSER, and not the other way around, and has been conducted during this whole process thus far with the demeanor that opposer is being opposed by applicant. In fact applicant is opposed by OPPOSER. Further by implying relief based on the “Morehouse

Defense” as applicant is suggesting, it must be that applicant is of the belief indeed that the two marks pronounced “Googleplus/ Googabox” is of significant likeness in sound and / or appearance and /or overall impression as this is needed to enable the use of the “Morehouse Defense” and if so opposer asserts also the following:

“In order for the Morehouse doctrine to apply, whatever injury opposer may have sustained or may sustain from the registered mark (in this case the Google-formative marks referred to by applicant) cannot be increased by registration of a second mark “ Green Spot (Thailand) Ltd. v. Vitasoy International Holdings Limited, Opposition No. 91165010, (TTAB 2008)

Whether opposer will suffer added damage from registration of applicant's mark can be determined by comparing the appearance, pronunciation, meaning, and commercial impression of the marks. *Green Spot (Thailand) Ltd. v. Vitasoy International Holdings Limited, Opposition No. 91165010, (TTAB 2008)*

In this instance opposer is charging that indeed opposers mark will suffer “increasingly” and greatly so, by the new mark applying for Registration. Opposer's mark has already suffered “some” damage by applicant's use of the mark “Google Buzz” which was never filed for Registration however was abandoned a year later by applicant, not causing any further damage to opposers mark, and now the filing and use of the new much similar sounding mark mark Google+ pronounced “Googleplus” will greatly increase damage to opposers mark, pronounced (“Googleplus/ Googabox”) both Social Networks? thus opposer charges the “Morehouse defense” not applicable in this instance if indeed opposer can show that opposers mark will suffer substantial increasing damage. This opposer states because applicant is requesting to include the previous marks of applicant as their affirmative defense and thus opposer is classing requests and interrogatories from applicant regarding this, as “irrelevant” for defense. Opposer has ALREADY showed applicant with some surveys that confusion is very likely to be the case, which applicant now challenges the “legitimacy” of those surveys, and only if the BOARD should disagree that the 'Morehouse defense” can not

be applicable in this instance, those defenses becomes relevant. Opposer should not be forced to answer interrogatories opposer finds "irrelevant" with "good cause" All interrogatories and Requests for Admissions regarding previous marks of applicant should allow opposer to find those "not applicable" for good cause, and left to the BOARD to decide it's relevancy, after the BOARD has weighed opposers reasons for denying it's relevancy. Opposer has NOT (as claimed by applicant) *"waived any objections to discovery regarding GOOGLE-formative marks by serving discovery targeted at the GOOGLE mark and other GOOGLE-formative variations, BUT RATHER* opposer has stated that the ONLY discovery on these marks made by opposer is to SOLELY determine it's "relevancy", and has done so only because APPLICANT is charging that this is a relevant factor. Again applicant misconstruing by not revealing ALL the facts discussed and determined via confers. This proof of opposers statement here is seen in the Interrogatories WITHDRAWN by opposer that was anything other than "to determine relevancy" Also the question here is not whether or not "applicant" will suffer confusion and damage, but should be whether OPPOSER would suffer confusion and damage and goes much deeper as in further preventing opposers mark from developing. Further applicant keeps on citing Google's Registrations according to their table in the Motion to Compel, however FAIL to show the DATES of these Registrations which are most all AFTER the Registration of opposers mark, thus throughout this instance and proceedings applicant has attempted to MISCONSTRUE the facts of this opposition, such as they did in their original response to opposers oppositions by mentioning their marks "strength" based on all these marks they filed for Registration, suggesting they did so BEFORE opposer. The only mark concerning the ACTUAL use of the mark "Google" was Google Groups around 2002 and that mark was never promoted as a "Social Network" specifically or otherwise but rather a

“discussion forum” which now applicant is attempting to class as a “form of Social Networking” to justify the cause of using this mark as a defense as well. Misconstruing and failure to note all the facts seems to be the signature of applicant in this case. Applicant assert that “Google’s application for the GOOGLE+ mark is consistent with these broad rights” pertaining to the “Google” mark, and if true should only be so if this “right” applicant is referring to is just.

Citing Green Spot (Thailand) Ltd. v. Vitasoy International Holdings Limited, Opposition No. 91165010, (TTAB 2008) *The Court affirmed the refusal [of registration] despite the existence of a prior incontestable registration owned by applicant for the mark BLUE RIBBON for the same goods, because the marks BLUE RIBBON and CORDON BLEU "would not have the same significance to the American public [but would] create different commercial impressions." Continental Nut, 181 USPQ at 647.*

The fact is that applicant CAN NOT rely on the “Morehouse defense” as the the mark “Google “ and the mark “Google+ (Googleplus) has different commercial impressions. And perceived significantly as different by the public as opposer will show with his surveys. It was with this belief in 2007 that opposer did NOT find the mark Google an obstacle to the Registration application of the mark “Googabox” which opposer filed for in good faith, however seems that applicant asserts they far outweigh opposers rights no matter WHAT the circumstances, just because they have “famed” the mark “Google” in the service of overwhelmingly public's perception as a “search engine”. If however Google+ (Googleplus) was used as an “enhanced” version of the mark “Google” as in “search with a plus” or “extra search” or “enhanced search” service, THEN the two marks Google and Google+ would have had the same “commercial impression” and opposer would not have had a case. However the mark Google+ (Googleplus) in this instance is used for something ENTIRELY different, a Social Network. The fact is the parties have argued the relevancy to applicants interrogatories exhaustively in confers, opposer has shown sufficient claims and defenses to opposers

opinion of relevance however applicant does not seem to agree on the merits either way.

Applicant goes on to cite “The Boston Tea Party” vs “The Boston Sea Party” which first of all are not representing the exact same goods or such as in this case , a “Social Network” service literally on the same shelf (as the internet is the same shelf) If applicant asserts that the Google+ (Googleplus) mark is “distinguishable” in pronunciation as a Social Network, then it's distinguishable so only NOW after applicant spend “millions” on promoting it as a Social Network, AFTER opposers mark was already a Trademark in development.

Do not forget that applicant also presents the Google+ mark as “Googleplus” AND “Google Plus” in which case is also seen by the public this way adding “overall impression” to the equation, and If applicant claims that the mark “Google” is duly recognizable, it's only because of it being seen as a “search engine” in it's “standalone” form, and this is NOT the mark opposer is opposing. Further the Court probably ruled to the Boston Tea Party mark favorably because it was a “common” term, not a “coined” one. Both Google- formative and Googabox marks are “coined” terms and if applicant asserts that “Google” is now a common term because of it's familiarity, then they MUST agree that standalone the “Google” mark is common in being used as “search”, hence “Google it” means “search it” by public perception and “Google” by public perception means “search engine”. We must adhere to this as public perception is what is relied upon when claiming the “common use” of a word. Pronounced Googleplus, it's NOT a “common” term and a freshly “coined” term by applicant. In all, If opposer is of a different opinion with a set of claims such as has been shown here, opposer can not be forced to change that opinion if the merits thereto is arguable with the BOARD. Applicant is naturally bound to be “not satisfied” with responses that do not support their defense. Many arguments produced by opposer during confers are obviously “not included” in

applicant's record of confers, especially those going against applicant's affirmative defenses. Opposer was under the impression many of these interrogatories and requests has been properly diffused and expected many of them to be withdrawn by applicant, however obviously this is not the case. Opposer has in confers NOT just provided "boilerplate" and general objections when these were in fact discussed, and the fact is that applicant were not satisfied with the reasoning behind the objections via confers, such as has been raised here in this response, because it goes against applicant's defenses (their claim to rights because of their mark Google) Opposer will be more than happy to provide these again to applicant but in writing that is formal other than just via confers, and will forward these to the BOARD as evidence apart from this response. In other words the BOARD is not seeing a proper record of confers between opposer and applicant to view the proper merits thereof as the vast majority of these confers are NOT present in applicants Motion to Compel. Again it is opposers stance that most of these interrogatories are out of scope, harassment, unduly burdensome and repetitiveness, even though a point was discussed at length during confer, applicant insist to NOT narrow the scope of Discovery even though Opposer has shown adherence thereto by withdrawing many interrogatories. Applicant has not withdrawn any. Opposer is forced to withdraw ALL revised interrogatories because of this conduct of applicant regrettably so, and will follow this Response with a Motion To Compel of his own. Applicants assertions to the formal "Google" mark is NOT shared by opposer and opposer has his OWN sets of facts (as shown here) that goes against applicants assertions to defense in this instance. Applicant is trying to "force" opposer to go against opposers OWN sets of facts and to AGREE to applicants opinions.

The BOARD should decide the merits to whether or whether not interrogatories and requests

for admissions are relevant based on all parties sets of facts. Opposer has RESPONDED to ALL interrogatories and requests whether applicant likes the answer or not, the BOARD should decide the merits thereto. As far as production of documents are concerned, opposer is yet to receive ANY documents from applicant and though opposer asks for more or less the same documents from applicant, applicant refused production of documents and stated rather the following: "applicant will produce all relevant documents to it's defense" and this is perceived as "regardless of opposers requests for production" as applicant has refused ALL those. Yet applicant is asking opposer for the same type and class of documents, which again goes to the question of applicant's belief that they are under a different set of rules when it comes to DISCOVERY. Opposer has used the same objections applicant has used regarding production of documents, yet applicant attacks the same objections made by opposer to be "overuled" This can not be acceptable, and opposer is asking before the BOARD makes any decision pertaining to this motion, that the BOARD first reviews opposers own motion to compel, which will be filed together with this motion. Opposer is charging, that because opposer is "Pro Se" applicant's counsel is particularly taking advantage of that by attempts to "harass, smother, over burden and ignore opposers sets of opposition facts even though presented with those and equally available to applicant. This is further evident by applicant's counsel going as far as charging opposer with "criminal" misconduct on several occasions, in an attempt that can only be seen as to intimidate opposer into withdrawing his opposition, an act clearly against the Civil Code of California. Lastly applicant asserts "the GOOGLE mark is well-known among consumers as identifying Google's products and services, including social networking related services. Opposer charges this to be a complete misconstrued statement and NOT about the facts. The facts rather are, that opposer will show with the surveys, that

the mark Google is recognized “stand alone” as a search engine and nothing else, contrary to this ridiculous claim. The marks recognized as “related services, products and goods” have adopted annotations or connotations in addition to the mark Google, which includes Social Networking, such as “Google Earth” Google Wave” Google Buzz” Google Latitude” Google+” etc. and ALL of them are pronounced as “singular” pronunciations. Further applicant asserts in the same breath that, “ The Board has repeatedly recognized the strength of the GOOGLE mark” Opposer argues that this was always or MOST always in the capacity where applicant was the opposer, however in this instance applicant is BEING opposed, however it seems applicant is under the false belief they are also the “opposer” in this case. Applicant should refrain from stating misconstrued facts and claims as demonstrated throughout this Response to their Motion to Compel.

*(In Fits Corporation KK Serial No. 76501790) The Board found **LOVE PASSPORT** and **PASSPORT** confusingly similar for perfume, thus the Board rejected Applicant’s argument regarding the differing connotations of the marks.*

Although “Google” and “Googa” do sound very similar, Googabox as a whole sounds much different from “Google” and is Registered in a different class than Google, does NOT mean “search” and it’s meaning a part of an “expression of surprise” used as a “common phrase” in the English language “Googa Mooga”, however the Google+ (Googleplus) mark, first off has an added on non-descriptive phrase of “Plus” and now being in subjected in the SAME class as Googabox, and thus “Googleplus/ Googabox” now share the same first 4 letters, 3 syllables and ends in an “s” sound, much too close for both to pass as a Social Network and on the SAME shelf, the “Internet” competing against each other.

“GOOGLEPLUS / GOOGABOX” Both Social Networks?

Also see (*Wyeth vs Graham*, Opposition # **91124967**) (October 24, 2005) [not citing] In finding confusion likely, the Board provided an analysis of the similarities between the marks **ADVIL** for analgesics and **ADVALIFE** for vitamins, minerals, and nutritional supplements.

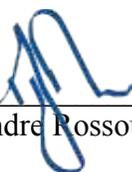
In Closing:

Opposer hereby **OBJECTS** to this motion filed by applicant and suggests **BOARDS** participation in the remainder of this Discovery period as it seems impossible to sway applicant from their belief that they are under a different set of rules and are allowed to deny evidential facts as they please which can only be perceived by opposer as because of their status as a well established Company. Opposer has made this very argument that protection of a Trademark should be for all, and that rules should apply to all, and that a certain status should not preclude you from being one and the same under the law, whether criminal or civil of nature. Opposer will show that applicant is apparently **NOT** of this belief and asks the **BOARD** to consider opposers own “Motion to Compel” in evidence thereof, to be filed with this motion.

Google Buzz (UNKNOWN CLASS)	Never filed (Abandoned one year later)
Google Goggles (Not class 045)	Filed 12/04/2009 Registered 08/23/2011
Google Wave (Not class 045)	Filed 06/19/2009 (Abandoned May 2012)
Google Talk (Not class 045)	Filed 08/23/2005 Registered 04/02/2013
Google Sidewiki (Not class 045)	Filed 09/21/2009 Registered 05/17/2011
Google TV (Not class 045)	Filed 08/23/2011 Registered 12/25/2012
Google Latitude (Class 045)	Filed 09/25/2009 Registered 06/21/2011
Google Currents (Class 045)	Filed 03/08/2012 Registered 03/19/2013
Google+ (Googleplus) (Class 045)	Filed 06/28/2011 Pending Opposition
Googabox (Class 045)	Filed 08/31/2007 Registered 12/02/2008

As one can see by this table, Googabox was filed around 2 years prior to ANY of these marks filed by applicant, and Registered 3 years or more BEFORE any of these marks, these marks are used by applicant to argue their case for their Right of Registration of the mark Google+ (Googleplus) "Google Checkout" is representing "financial services" and NOT a Social Network, thus Opposer has not included this mark as relevant for comparison, even though applicant insist it to be a part of the comparison, again an attempt to misconstrue. Also opposer HAS made an effort and supplied applicant with REVISED responses and has WITHDRAWN multiple Interrogatories and is yet to receive ANY revised Interrogatories OR admission Requests from applicant. Opposer has as well, as applicant claims exhausted himself on confers with applicant to narrow the scope and respond truthfully, however find applicant to be exceptionally uncooperative in this regard, even when applicant is presented with viable evidence of fact in certain issues, the result remains constant in applicants uncooperative demeanor. Opposer is requesting the Board to strike applicants motion to compel based on all of the above as well as misconstruing of facts by applicant, out of scope Interrogatories and relevance. Opposer was of the understanding that applicant was developing a willingness to compromise on Discovery scope however this is apparently not the case as evident by applicants motion to compel, so opposer is obliged to do the same.

So requested this 5th day of July 2013 by opposer (Pro se).



Andre Rossouw (Googabox) (Googabox.com)

Proof Of Service

I declare that:

I am over the age of eighteen years

I am the opposing party of Googabox (Googabox.com)

That I have:

*Served upon applicant by means of mutual agreement using “electronic” procedure
by sending a copy to applicant's e-mail address of record at the TTAB
at e-mail address “EBall@fenwick.com” and specifically to the attention of
Erik Ball (Counsel for applicant)*

Executed in Nashville, Tn

So stated under perjury as true and correct this day July 5th 2013 by opposer for opposer



Andre Rossouw (Googabox) (Googabox.com)