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

Proceeding	91204897
Party	Plaintiff John G. Marino
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Submission	Motion to Extend
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Signature	/Scott M. Behren/
Date	08/26/2013
Attachments	Marino Second Motion to Extend Cutoff.pdf(92468 bytes ) Marino Discovery Document.pdf(96575 bytes )

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

**In the matter of trademark application Serial No. 85411955  
For the mark LAGUNA LAKES Published in the Official Gazette on  
February 28, 2012**

**Consolidated Opposition No:**

91204897

91204941

**JOHN GERARD MARINO**

**v.**

**LAGUNA LAKES COMMUNITY ASSOCIATION, INC.**

**JOHN GERARD MARINO'S  
SECOND MOTION TO EXTEND DISCOVERY  
CUTOFF IN THIS MATTER**

John Gerard Marino (“Marino”), by and through his undersigned counsel hereby moves this Board for an Order Extending the Discovery Cutoff in this matter and states as follows:

1. This discovery cut-off in this matter is August 26, 2013.
2. On August 23, 2013, the undersigned took the deposition of the

corporate representative with the most knowledge of the areas pertinent to this matter. Unfortunately, the person tendered had little or no knowledge of most of the areas requested. Marino requests that discovery cutoff in this

matter be extended to require Laguna Lakes to produce a corporate representative who actually has knowledge of the areas requested. The

undersigned submits, and has advised this tribunal before, that it believes this person would be Donna Flammang, Esq., who was not only a board member at the relevant time, but was also the attorney who filed the relevant trademark applications.

3. In addition, Marino has still not received full discovery responses to the discovery served in this matter in on April 28, 2013. As requested by this tribunal in its most recent Order, the undersigned substantially narrowed down the issues as to outstanding discovery and e-mailed a break downs of each issue to opposing counsel. At the deposition on August 23, the undersigned continued to attempt to confer and asked to set up a phone conference with this tribunal to address the discovery deficiencies. In fact, at one of the depositions on August 23, the President of the Board confirmed that it had certain documents which were requested but not produced. To date, Marino still has not received full and complete discovery responses. Opposing counsel has refused our request to set up the necessary phone conference to address these issues.

4. Marino requests a discovery extension to obtain full and complete responses to discovery served in April 2013 and to obtain the deposition of a corporate representative who actually has knowledge of the areas requested.

WHEREFORE, Marino seeks an Order extending the current discovery

cutoff for sixty days and for any other relief this Court deems just and proper under the circumstances.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail on this 26 day of August 2013 to: Donna M. Flammang, Esq., Brennan Manna & Diamond, P.L., 3301 Bonita Beach

Road, Suite 100, Bonita Springs, FL 34134.

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By:/ Scott M. Behren/

Scott M. Behren

Fla. Bar 987786

## Request for Admissions

**3. Admit that the primary source of revenue for the LLCA is mandatory HOA fees.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This Request relates to whether or not LLCA is engaging in interstate commerce and the nature of its business

**5. Admit that for years previous to filing trademark application, Marino and other REALTORS have been using the subject name and logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request relates to Marino's claims of prior use and also whether other realtors use of the name and logo has become geographically descriptive.

**15. Admit that the approved minutes, including this motion, was posted on [www.lagunalakesassociation.com](http://www.lagunalakesassociation.com) but then removed.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**16. Admit that Mary Ann Cowart, who made this motion, is a licensed real estate agent also living in Laguna Lakes.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**17. Admit that Mary Ann Cowart has been a long-time critic of Gerard Marino, posting negative comments on the Laguna Lakes discussion board. (Discussion Board was terminated by LLCA).**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) is vague and ambiguous as worded.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**19. Admit that in a 2012 LLCA monthly meeting, this board was questioned by residents as to the benefits and/or reason for these trademark applications.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) is vague and ambiguous as worded.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**20. Admit that at that meeting, Mary Ann Cowart stood up and said, "So Gerard Marino can't use them" or words to this effect.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not

relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) is vague and ambiguous as worded.

Good Faith Attempt to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**23. Admit that [www.lagunalakes.com](http://www.lagunalakes.com) is not now nor has ever been owed by the Applicant.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) the phrase, "not now nor has ever been" is vague and ambiguous as worded.

Good Faith Attempt to Resolve: This is not a proper response to Request for Admissions. This request is clearly relevant since on the application to USPTO LLCA stated that it was the owner of this domain name.

**29. Admit that Applicant has no knowledge that Transeastern Homes, EH/ Transeastern or TOUSA ever objected to Marino's use of "Mr. Laguna Lakes", use of name and/or logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) is vague and ambiguous as to the referenced non-party entities; and (4) LLCA lacks personal knowledge of the actions of the referenced non-party entities.

Good Faith Attempt to Resolve: This is not a proper response to Request for Admissions. This request asks for personal knowledge of LLCA and is relevant to Marino's claims of first use.

**41. Admit that this board did not post, e-mail, ask for community feedback or otherwise formally notify Laguna Lakes' residents of their intent to file a trademark previous to 8/22/2011 when the entire board voted in favor of the motion made by real; estate agent and board member Mary Ann Cowart to file two trademarks for Federal Protection.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not

relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**46. Admit that Developer's own sales literature stated "...homes and coach homes reminiscent of Beverly Hills, Santa Barbara and Monterey...".**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence and (3) is vague and ambiguous as to the referenced non-party entities and as worded.

Good Faith Attempts to Resolve: This request may have bearing on Marino's claim of \_\_\_\_\_.

**58. Admit the current Laguna Lakes financial statement does not detail the cost of this trademark and the legal defense cost incurred to defend this application.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**FIRST SET OF INTERROGATORIES**

**11. State and document any harm to Applicant caused by Marino and/or other REALTORS concurrent use of the name and/or logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**12. State and document any harm to Laguna Lakes' Community caused by Marino and/or REALTORS concurrent use of the name and/or logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**13. State and document any harm to Laguna Lakes' Property Owners caused by Marino and/or other REALTORS concurrent use of the name and/or logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**22. Explain the benefit to Laguna Lakes' residents of hindering Marino's efforts to market Laguna Lakes by preventing him from using "Mr. Laguna Lakes" name and/or logo.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Admission on the grounds that: (1) It is not relevant to any party's claims or defenses in this Consolidated Opposition Proceeding; and (2) Is not reasonably calculated to lead to the discovery of admissible evidence.

Good Faith Attempts to Resolve: This is not a proper response to a Request for Admissions. This request could have bearing on Marino's claims of fraud and the bad faith conduct of LLCA.

**FIRST SET OF REQUEST FOR PRODUCTION**

**3. Copies of all trademark searches of the term LAGUNA LAKES conducted by you or any related entity since 2006.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is overly broad and unduly burdensome. LLCA further specifically objects on the basis that the documents sought may be protected by the attorney-client and/or privileges which are not within the scope of permissible discovery under the Court Rules. Subject to and without waiving the foregoing objections, LLCA states that no non-privileged documents exist.

Good Faith Attempts to Resolve: to the extent that privileged documents exist in response to this Request non privilege log has been produced and said objection is waived due to failure to produce a privilege log.

**4. Copies of any and all internal memoranda, e-mails, correspondence or other documents relating to your decision to utilize the term LAGUNA LAKES.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on ground that it is overly broad and unduly burdensome. LLCA further specifically objects on the basis that the documents sought may be protected by the attorney client privilege and/or other privileges which are not within the Scope of permissible discovery under the Court Rules. Subject to and without the foregoing objections, LLCS states that no non-privileged documents exist.

Good Faith Attempts to Resolve: to the extent that privileged documents exist in response to this Request non privilege log has been produced and said objection is waived due to failure to produce a privilege log.

**6. Any and all e-mail, intitial memoranda or other documents evidencing your internal discussions regarding the use of the terms LAGUNA LAKES since January 2006.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on ground that it is overly broad and unduly burdensome. LLCA further specifically objects on the basis that the documents sought may be protected by the attorney client privilege and/or other privileges which are not within the Scope of permissible discovery under the Court Rules. Subject to and without the foregoing objections, LLCS states that no non-privileged documents exist.

Good Faith Attempts to Resolve: to the extent that privileged documents exist in response to this Request non privilege log has been produced and said objection is waived due to failure to produce a privilege log.

**8. Any and all memoranda, e-mail, correspondence or other documents between you and your advertising agency pertaining to your use of the term LAGUNA**

**LAKES.**

RESPONSE: Ojection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished

**11. All documents relating to or referring to statements, inquiries, comments or other communications by or from any person, either written or oral, evidencing any confusion, suspicion, belief, mistake, deception, or doubt on the part of such person as to the relationship between Plaintiff and Defendant or Plaintiff's or Defendant's products associated with the mark LAGUNA LAKES.**

RESPONSE: Ojection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished

**12. All trademark search reports or other investigative reports, polls, consumer studies or surveys conducted which refer or relate to the use of the mark LAGUNA LAKES by you.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on ground that it is overly broad and unduly burdensome. LLCA further specifically objects on the basis that the documents sought may be protected by the attorney client privilege and/or other privileges which are not within the Scope of permissible discovery under the Court Rules. Subject to and without the foregoing objections, LLCS states that no non-privileged documents exist.

Good Faith Attempts to Resolve: to the extent that privileged documents exist in response to this Request non privilege log has been produced and said objection is waived due to failure to produce a privilege log.

**15. All documents sufficient to show the annual sales figures of each product sold or distributed by you in connection with the mark LAGUNA LAKES or otherwise sold or distributed by you under the mark LAGUNA LAKES since January 2006.**

RESPONSE: Ojection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the gronds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished

**17. All documents tending to show the class of purchasers or users of products sold or offered for sale by you under the mark LAGUNA LAKES.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**18. All documents tending to show the channels of trade of products sold or offered for sale by you under the mark LAGUNA LAKES.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**19. All documents which refer or relate to the marketing, sale or distribution of products sold or offered for sale by you in connection with the mark LAGUNA LAKES.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is

vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website (www.lagunalakesassociation.com) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**20. All documents sufficient to show the annual advertising and commercial expenditures by you for each product sold under the name LAGUNA LAKES or in connection with the trademark LAGUNA LAKES.**

RESPONSE: Ojection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished

**21. All documents which refer or relate to in any way to a grant by the Transeastern Homes or TOUSA or any related entity to you, of a license or other transfer, or any right to use the mark LAGUNA LAKES or any name, service mark or trademark which is comprised in whole or in part of the term LAGUNA LAKES or any similar terms.**

RESPONSE: Ojection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished.

**23. All documents, photographs, marketing information or advertising information which illustrates all items which you sold in connection with the mark LAGUNA LAKES since 2006 and/or otherwise.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the

foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**25. All documents tending to describe the nature and details of the services and/or goods which you perform or performed in connection with the LAGUNA LAKES mark.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**26. All documents showing and/or describing the goods and/or services sold or offered for sale by you in connection with the LAGUNA LAKES mark.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**28. All financial statements or other financial documents reflecting gross revenues and net profits of each product sold or offered for sale by you in connection with the LAGUNA LAKES mark to the present date.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is

vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished.

**29. All documents which refer or relate to the marketing or promotion plan for products sold or offered by sale you in conjunction with the LAGUNA LAKES mark.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer is non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**30. All agreements with any person to develop, create, use, advertise, market, promote or sell products associated with the LAGUNA LAKES mark.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished.

**31. All documents evidencing the classes of customers which purchase your LAGUNA LAKES products.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to

this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**34. All documents evidencing the geographic area in which your LAGUNA LAKES products are marketed or sold.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**35. All catalogues or other documents evidencing the lines of products sold by your and/or your affiliates.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**36. All documents evidencing the areas of distribution of your LAGUNA LAKES product**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to

this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**37. All documents evidencing annual sales and advertising figures for your LAGUNA LAKES product since January 1, 2006.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on the grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession.

Good Faith Attempts to Resolve: No responsive documents have been furnished

**38. All documents evidencing you (sic) use of LAGUNA LAKES since 2006.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

**39. All documents showing all registrations of all domain names for your business.**

RESPONSE: Objection. In addition to the foregoing General Objections, LLCA specifically objects to this Request for Production of Documents on grounds that it is vague, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, LLCA states that it will produce all responsive, non-privileged documents which are in its possession. In addition, LLCA directs John Gerard Marino to (1) its website ([www.lagunalakesassociation.com](http://www.lagunalakesassociation.com)) and (2) its two application files that are subject to this Consolidated Opposition Proceeding for documents responsive to this Request for Production.

Good Faith Attempts to Resolve: This Answer in non-responsive. Referring Marino to your application files and your web site does not respond to this Request.

