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

Proceeding	91207848
Party	Plaintiff Rodeo Realty, Inc.
Correspondence Address	DOUGLAS H MORSEBURG SHELDON MAK & ANDERSON PC 100 CORSON STREET, 3RD FLOOR PASADENA, CA 90049 UNITED STATES william.d.bowen@gmail.com
Submission	Motion to Compel Discovery
Filer's Name	William D. Bowen
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Signature	/William D. Bowen/
Date	04/11/2014
Attachments	20140411 Motion to Compel (Final).pdf(69502 bytes) 20140411 Decl of WDB ISO Mtn to Compel (Final).pdf(28219 bytes) 20140411 Exhibit A.pdf(129726 bytes) 20140411 Exhibit B.pdf(213736 bytes) 20140411 Exhibit C.pdf(51399 bytes) 20140411 Exhibit D.pdf(162484 bytes) 20140411 Exhibit E.pdf(260319 bytes) 20140411 Exhibit F.pdf(1883847 bytes) 20140411 Exhibit G.pdf(274861 bytes) 20140411 Exhibit H.pdf(604125 bytes) 20140411 Exhibit I.pdf(208582 bytes)

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

Rodeo Realty, Inc.

Opposer

v.

William Ambrose Kennedy

Applicant

Serial No. 76710265

Opposition No. 91207848

Mark: Rodeo Realty

**OPPOSER’S MOTION TO COMPEL APPLICANT’S INITIAL
DISCLOSURES AND RESPONSES TO OPPOSER’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Opposer Rodeo Realty, Inc. (“Opposer”), by and through its attorneys, hereby moves the Board to Compel applicant William Ambrose Kennedy (“Applicant”) to serve Opposer with his initial disclosures, respond to Opposer’s interrogatories, and supplement his responses to Opposer’s requests for production.

I. INTRODUCTION

This motion has been brought after repeated efforts to get Opposer to comply with his discovery duties. Opposer has repeatedly reminded Applicant of his discovery obligations. Applicant repeatedly promised discovery would be forthcoming. Applicant and Opposer (collectively, the “Parties”) repeatedly extended the close of discovery to allow Applicant additional time to respond.

After all this, Applicant has failed to respond to *any* of Opposer’s interrogatories. He has failed to submit initial disclosures. His responses to document requests are insufficient. As a result of Applicant’s intransigence, Opposer has been forced to bring the instant motion.

II. FACTUAL BACKGROUND

This case commenced on November 5, 2012. Opposer answered the notice of opposition on December 7, 2012. Discovery opened on January 15, 2013.

On May 3, 2013, the parties held their discovery conference. Opposer served its initial disclosures on June 3, 2013. Applicant has never served any initial disclosures.

On August 15, 2013, Opposer served two sets of written discovery on Applicant, including a First Set of Interrogatories containing 15 questions and a First Set of Requests for Production of Documents which sought documents in 12 individual categories. Declaration of William D. Bowen in Support of Opposer's Motion To Compel ("Bowen Decl.") ¶ 2, Exs. A, B. Applicant failed to respond by the due date. Bowen Decl. ¶ 3.

On September 30, 2013, Opposer wrote Applicant to meet and confer regarding his discovery duties and remind him that his responses and initial disclosures were overdue. *Id.* ¶ 4, Ex. C. On October 2, 2013, Applicant produced three pages of documents to Opposer along with a perfunctory response. *Id.* ¶ 5, Ex. D.

Since then, Opposer has made repeated efforts to secure written responses to its interrogatories and to secure documents responsive to its Requests for Production, all to no avail.

Opposer wrote to Applicant on November 14, 2013 seeking an extension of discovery and requesting a meet and confer on his insufficient responses. *Id.* ¶ 6, Ex. E. After much back and forth, the parties held a telephonic meet and confer on January 14, 2014. *Id.* ¶ 7, Ex. F. The Parties discussed discovery issues at length and Applicant agreed to supplement his discovery. *Id.* ¶¶ 8-13. After months of follow up by Opposer, *id.* Ex. G, Applicant finally produced less than 20 pages of additional documents. *Id.* ¶ 13, Exs. G, H. Counsel for Opposer wrote a final time to get Applicant to comply with his discovery obligations, *id.* ¶ 14, Ex. I, and Applicant ignored the letter. *Id.* ¶ 15. The instant motion followed.

III. ARGUMENT

Applicant is deliberately avoiding his discovery obligations. Opposer's discovery efforts and diligent follow-up with Applicant have been met with minimal, inadequate responses.

Applicant has produced less than thirty pages of material responsive to at most one production request. Opposer's interrogatories have been totally ignored despite repeated reminders.

Applicant has had over a year to complete and serve his initial disclosures, but has not done so. It is high time for Applicant to be held accountable for his deficient discovery responses. The Board should grant the instant motion.

A. Applicant Should Be Ordered To Immediately Serve Initial Disclosures

Though it has been well over a year since discovery opened, Applicant still has not submitted his initial disclosures. Opposer is impeded in its ability to conduct effective discovery as it has had no notice of individuals likely to have discoverable information or documents Applicant plans to use to support his claims or defenses. *Guantanamera Cigar Co. v. Corporacion Habanos, S.A.*, 263 F.R.D. 1, 5 (D.D.C. 2009) (criticizing party for evasive initial disclosures on suit challenging TTAB decision, and noting "[t]he 1993 Advisory Committee Notes make it clear that the purpose of these disclosures is to 'assist other parties in deciding which depositions will actually be needed.'"). There is no excuse for failure to prepare *any* initial disclosures. *See id.* (citing Fed. R. Civ. P. 26(a)(1)(E) ("[A] party is not excused from making its disclosures because it has not fully investigated the case . . .")). But Applicant should be ordered to prepare and serve the initial disclosures he should have served long ago.

B. Applicant Should Be Ordered To Immediately Respond to Opposer's Interrogatories

Opposer served Applicant with interrogatories over six months ago, on August 15, 2014. Bowen Decl. ¶ 2, Ex. C. Despite the fact that Board rules allow 75 interrogatories, 37 C.F.R. § 2.120(d)(i), Opposer served Applicant with only 15 interrogatories to respond to on essential elements of its case. *Id.* Ex. C. Opposer's responses were due on September 16, 2013. Fed. R. Civ. P. R. 33(b)(2). Applicant's responses are more than six months overdue.

Interrogatories are an important discovery device. "The primary purpose of discovery is to 'make a trial less a game of blind man's bluff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent.'" *Barnes v. District of Columbia*, 283 F.R.D. 8

(D.D.C. 2012) (quoting *U.S. v. Procter & Gamble Co.*, 356 U.S. 677, 682, 78 S. Ct. 983, 2 L. Ed. 2d 1077 (1958)). Interrogatories are part of the discovery process and help litigants prepare for trial by narrowing issues and determining what evidence they will need at trial. *Id.* (citing 8B Charles Alan Wright, et. al., Fed. Prac. & Proc. § 2162 (3d Ed. 2012)); *see also O2 Micro Int'l Ltd. v. Monolithic Power Sys., Inc.*, 467 F.3d 1355, 1365 (Fed. Cir. 2006) (holding contention interrogatories are “useful in narrowing and sharpening the issues, which is a major purpose of discovery,” and they allow parties to “pin down [the other’s] theories of liability [and] theories of defense, thus confining discovery and trial preparation to information that is pertinent to the theories of the case.”) (citing *Hickman v. Taylor*, 329 U.S. 495, 501, 67 S. Ct. 385, 91 L. Ed. 451 (1947)).

By refusing entirely to answer Opposer’s interrogatories, Applicant is making this procedure a game of “blind man’s bluff.” In order to determine whether Applicant’s mark should be cancelled, Opposer needs information on the factual information relevant to assessing likelihood of confusion. “Likelihood of confusion is a question of law with underlying factual findings made pursuant to the *DuPont* factors.” *Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, No. 2013-1353, 2014 U.S. App. LEXIS 5511 (Fed. Cir. Mar. 26, 2014) (citing *M2 Software, Inc. v. M2 Commc’ns, Inc.*, 450 F.3d 1378, 1381 (Fed. Cir. 2006)). Assessing these factors requires information that is uniquely within Applicant’s possession, custody, or control, including but not limited to 1) the channels of trade the potential mark is being used in or will be used in, 2) the nature of the goods or services with which the applicant uses or plans to use the mark and, 3) the intended market for the potential mark and the characteristics of the buyers in that market. *See id.* (enumerating the factors in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973)): Without information from Applicant, Opposer is left to guess at the channels of trade, characteristics of buyers, and the nature of the goods and services Applicant intends to market and sell. Opposer cannot reasonably make its case in the absence of that information. This is why it propounded interrogatories aimed at learning information on these issues. *See Bowen Decl. Ex. C.*

Applicant should not be able to force Opposer to guess at information essential to its case. Applicant should be ordered to answer Opposer's interrogatories in full, under oath, and in writing, without objections. Fed. R. Civ. P. R. 33(b)(3),(4).

C. Applicant Should Be Ordered To Supplement His Responses to Opposer's Requests for Production

Unlike his other discovery duties, which were totally ignored, Applicant made a halfhearted effort to respond to Opposer's requests for production. He initially produced three pages, two weeks late. Bowen Decl. ¶ 5, Ex. D.

Applicant's initial discovery responses did not directly address the bulk of Opposer's discovery requests. He provided no objections nor indicated why no documents responsive to most of Opposer's discovery requests were produced. Applicant's supplemented responses which still consist of less than 30 pages of documents and a haphazard list of documents that are missing, are still insufficient. *See id.* Ex. H. Applicant's response must either state that documents will be produced "for each item or category," as required by the Federal Rules. *See* Fed. R. Civ. P. R. 34(b)(2).

Opposer's interrogatories are reproduced below, with an explanation of how Applicant's responses are deficient.

Request for Production No. 1.

Opposer requested as follows:

1. All documents and things relating to Your motivation and intent in choosing to use RODEO REALTY in conjunction with Your Products.

Applicant did not respond to this request, providing no indication as to whether there were any documents relating to his motivation and intent in choosing his proposed mark. There also appear to be no documents responsive to this request in his production. Opposer finds it difficult to believe Applicant has no documents responsive to this request. Such documents might include preliminary drafts of the script, pitches to studios, producers, financiers, talent, and

other participants in the production process, or emails regarding his motivation to use RODEO REALTY as the title of the script.

Opposer is entitled to request documents that are “reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P. R. 26(b)(1). This request is likely to lead to information on numerous *DuPont* factors, including Applicant’s intended market, channels of trade, and the nature of his goods and services. 476 F.2d at 1361. Applicant’s should be ordered to supplement his response and produce all documents responsive to this request in his possession, custody, or control.

Request for Production No. 7

Opposer requested as follows:

7. All documents and things supporting any contention by You that Opposer’s Products are dissimilar to Your Products.

Opposer cannot locate any documents responsive to this request and Applicant’s list of documents contains no statement that addresses this request. This request is reasonably calculated to lead to the discovery of admissible evidence as it goes to the heart of the second *DuPont* factors – similarity of goods. 476 F.2d at 1357. Applicant should be ordered to respond to this request and produce responsive documents or state that none exist.

Request for Production No. 9

9. All documents and things relating to how You initially became aware of Opposer’s Mark.

Opposer cannot locate any documents responsive to this request and Applicant’s list of documents contains no statement that addresses this request. This request is reasonably calculated to lead to the discovery of admissible evidence as it relates to whether Applicant intended there to be confusion between Applicant and Opposer’s mark, and thus the extent of likely confusion. 476 F.2d at 1357. Applicant should be ordered to respond to this request and produce responsive documents or state that none exist.

Request for Production No. 12

12. A copy of each opinion letter rendered to You concerning the availability for registration of the term RODEO REALTY.

Opposer cannot locate any documents responsive to this request and Applicant's list of documents contains no statement that addresses this request. This request is reasonably calculated to lead to the discovery of admissible evidence as it relates to whether Applicant selected his proposed mark believing there would be confusion between Applicant and Opposer's mark, and thus the extent of likely confusion. 476 F.2d at 1357. Applicant should be ordered to respond to this request and produce responsive documents or state that none exist.

Requests for Production Nos. 2-6, 8, 10-11

It appears to Opposer from the list of documents Applicant submitted that he is taking the position that there are no documents responsive to these requests in his possession, custody, or control. Bowen Decl. Ex. H. However, Applicant has not made clear what requests his statements apply to and for which requests he is unable to produce documents. As argued above, Applicant should be ordered to supplement his responses so that there is a clear response "for each item or category" requested by Opposer. Fed. R. Civ. P. R. 34(b)(2).

IV. REQUEST TO EXTEND SCHEDULE

Opposer respectfully requests that the Board extend the dates in this Opposition for 60 days from the date of the Board's ruling, Opposer has been unable to conduct any follow up discovery because of Applicant's failure to provide adequate responses and documents and to substantively respond to Opposer's interrogatories.

V. CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board grant Opposer's Motion to Compel, and order Applicant to 1) immediately prepare and serve initial disclosures on Opposer, 2) immediately respond to Opposer's interrogatories under oath, fully and completely, in writing, and without objections and 3) supplement his responses to Opposer's requests for production and produce additional documents responsive to the requests. Opposer

further requests that the board extend the dates in this proceeding, and particularly the close of discovery, for 60 days from the date of the Board's ruling.

Dated: April 11, 2014

Respectfully submitted,

SHELDON MAK & ANDERSON PC

By: William D. Bowen
William D. Bowen

Attorneys for Opposer Rodeo Realty, Inc.

STATEMENT PURSUANT TO 37 C.F.R. § 2.120(e)(1)

The undersigned attorney for Opposer made a good faith effort by correspondence to resolve this matter with Applicant, but the parties were unable to resolve their differences.

Dated: April 11, 2014

Respectfully submitted,

SHELDON MAK & ANDERSON PC

By: /William D. Bowen/
William D. Bowen

Attorneys for Opposer Rodeo Realty, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on the 11th day of April, 2014, a true copy of the foregoing Motion To Compel Applicant's Initial Disclosures and Responses To Opposer's Interrogatories and Requests for Production was served on the opposing party via email and via United States first class mail, postage prepaid, addressed as follows:

William Ambrose Kennedy
873 East Squantum Street
North Quincy, MA 02171

Email: billkenn@gmail.com

By: /William D. Bowen/
William D. Bowen

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

Rodeo Realty, Inc.

Opposer

v.

William Ambrose Kennedy

Applicant

Serial No. 76710265

Opposition No. 91207848

Mark: Rodeo Realty

**DECLARATION OF WILLIAM D. BOWEN IN SUPPORT OF
OPPOSER’S MOTION TO COMPEL APPLICANT’S RESPONSES TO
OPPOSER’S INITIAL DISCLOSURES, INTERROGATORIES, AND
REQUESTS FOR PRODUCTION**

I, William D. Bowen, declare as follows:

1. I am an attorney for opposer Rodeo Realty, Inc. (“Rodeo Realty” or “Opposer”), in this action and make this declaration in support of Opposer’s instant Motion to Compel. The below facts are within my personal knowledge and I am competent to testify to their truth if called as a witness.

2. On August 15, 2013, Opposer served two sets of written discovery on applicant William A. Kennedy (“Applicant”). Attached hereto as **Exhibit A** is a true and correct copy of the First Set of Interrogatories of Opposer Rodeo Realty, Inc.. Attached hereto as **Exhibit B** is a true and correct copy of the First Set of Requests for Production of Documents and Things of Opposer Rodeo Realty, Inc..

3. As of September 16, 2013, Applicant failed to respond to these requests.

4. On September 30, 2013, I wrote Applicant to meet and confer regarding his discovery duties and remind him that his responses and initial disclosures were overdue. Attached hereto as **Exhibit C** is a true and correct copy of an email from me to Opposer requesting to meet and confer regarding discovery deficiencies.

5. On October 2, 2013, Applicant produced three pages of documents. Attached hereto as **Exhibit D** is a true and correct copy of Applicant's Response To First Set of Requests for Production of Documents and Things of Opposer Rodeo Realty Inc.

6. After evaluating Applicant's responses, I wrote to Applicant on November 14, 2013 seeking an extension of discovery and requesting a meet and confer on the deficiencies in the responses. *Id.* Attached hereto as **Exhibit E** is a true and correct copy of that email chain.

7. After much back and forth, the parties held a telephonic meet and confer on January 14, 2014. *Id.* Attached hereto as **Exhibit F** is a true and correct copy of all the correspondence between the parties after November 14, 2014 and prior to the telephonic conference on January 14, 2014.

8. At the meet and confer, I explained to Applicant that no initial disclosures had been submitted and those needed to be served, that there had been no responses to Opposer's interrogatories, and that the responses to Opposer's document requests were insufficient.

9. During the meet and confer, among other things, Applicant refused to disclose the entire script of his proposed pilot, claiming it was not relevant.

10. I explained the necessity of examining the script to determining a likelihood of confusion, and that confidentiality concerns were not sufficient to withhold documents. I mentioned that, if necessary, documents could be shared under a protective order. Applicant indicated he would stand on his refusal.

11. I also mentioned that there was not a response to most of the document requests and that the document production appeared inadequate with respect to several other issues.

12. Applicant indicated he would be supplementing his responses to the requests for production and would send over interrogatories.

13. After months of following up with him (a true and correct copy of the follow-up communications are attached hereto as **Exhibit G**), Applicant finally produced less than 20 pages of additional documents. A true and correct copy of Applicant's supplemental response to Opposer's production requests is attached hereto as **Exhibit H**.

14. I evaluated Applicant's supplemental production, found several deficiencies, and wrote a final time to get Applicant to comply with his discovery obligations. Attached hereto as **Exhibit I** is a true and correct copy of the email communication dated April 3, 2014.

15. Since I wrote him the aforementioned letter, I have received no further response from Applicant.

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

Executed this 11th day of April, 2014 at Pasadena, California.

/s/ William D. Bowen

William D. Bowen

CERTIFICATE OF SERVICE

The undersigned certifies that on the 11th day of April 2014, a true copy of the foregoing DECLARATION OF WILLIAM D. BOWEN IN SUPPORT OF OPPOSER'S MOTION TO COMPEL APPLICANT'S RESPONSES TO OPPOSER'S INITIAL DISCLOSURES, INTERROGATORIES, AND REQUESTS FOR PRODUCTION was served on the opposing party via email and via United States first class mail, postage prepaid, addressed as follows:

William Ambrose Kennedy
873 East Squantum Street
North Quincy, MA 02171

Email: billkenn@gmail.com

By: William D. Bowen/
William D. Bowen

EXHIBIT A

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

In re Serial No. 76710265
Trademark: RODEO REALTY
Publication Date: 07/17/2012

Our Ref.: 21783.71

Rodeo Realty, Inc., Opposer, - against - William Ambrose Kennedy, Applicant.	Opposition No. 91207848
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**FIRST SET OF INTERROGATORIES OF OPPOSER RODEO REALTY,
INC.**

Pursuant to Trademark Rule of Practice 2.120 and Federal Rule of Civil Procedure Rule 33 as applicable, Opposer Rodeo Realty, Inc., (“Opposer”), requests that Applicant William Ambrose Kennedy (“Applicant”) answer under oath, separately and fully, in writing, the interrogatories set forth below within the time allotted by law.

DEFINITIONS

1. The term “Opposer” refers to Opposer Rodeo Realty, Inc.
2. The terms “You,” “Your,” and “Applicant” refer to William Ambrose Kennedy, an individual, and any persons or entities acting or purporting to act on his behalf.
3. The term “person” includes, but is not limited to, any natural person, corporation, partnership, sole proprietorship, or any other business or legal entity, or any employee, agent, or representative of any of the foregoing.
4. The term “document” as used herein means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, and includes all

documents and things as that term is defined in Rule 34(a) of the Federal Rules of Civil Procedure.

5. The term “Opposer’s Mark” refers to Opposer’s RODEO REALTY mark, which is the subject of United States Trademark Registration No. 3,268,452.

6. The term “Opposer’s Products” refers to the products, whether goods, services, or any combination thereof, associated with Opposer’s Mark, whether goods or services.

7. The term “Your Products” refers to the products, whether goods, services, or any combination thereof, that Applicant associates or intends to associate with the term RODEO REALTY.

INTERROGATORIES

1. Identify the general nature of Your business and state the history of Your business.

2. Identify with particularity the nature of the goods or services You intend to offer under the mark RODEO REALTY.

3. Identify the class or classes of persons to whom You intend to market Your Products.

4. Identify any persons associated with You that were responsible for, were authorized to select, or came up with the idea for using RODEO REALTY in association with Your Products.

5. State why You chose to use RODEO REALTY in conjunction with Your Products.

6. Identify each document containing the term RODEO REALTY that has been publicly used, displayed or distributed by You or on Your behalf in connection with any of Your Products.

7. Describe in detail the manner of advertising, the advertising media, and the advertising agencies through which you have advertised, are advertising or intend to advertise each of the products You have created, promoted, licensed, or sold in connection with the term RODEO REALTY.

8. State the total amount of money that You have spent to date advertising, marketing, or promoting Your Products in association with the term RODEO REALTY.

9. Identify each person involved with advertising, marketing, or promoting Your Products in association with the term RODEO REALTY.

10. Specify the price charged, if any, for licensure, sale, or distribution of any products created, promoted, licensed, or sold used in connection with RODEO REALTY and specify Your annual revenues associated with any such licensure, sale, or distribution.

11. Describe in detail all facts supporting any contention by You that Opposer's Products are dissimilar to Your Products.

12. Describe in detail the channels of trade and distribution of Your Products in connection with the term RODEO REALTY.

13. Describe in detail how You became aware of Opposer's Mark.

14. State whether, prior to the time Your application to register RODEO REALTY was filed, You conducted a trademark search to determine whether

RODEO REALTY was available for registration and, if so, state the date of each such search and identify all documents relating to each search.

15. State whether You have disseminated any scripts for any television programs that contain the term RODEO REALTY and, if so, identify each such script.

16. Identify every person who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person.

DATED: August 15, 2013

SHELDON MAK & ANDERSON PC

By: 
William D. Bowen
Sheldon Mak & Anderson PC
100 Corson Street, Third Floor
Pasadena, CA 91103
Attorneys for Opposer
RODEO REALTY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August, 2013, a true and correct copy of

FIRST SET OF INTERROGATORIES OF OPPOSER RODEO REALTY, INC.

has been served on the following by sending a copy via first-class U.S. Mail enclosed in a sealed envelope with proper postage thereon addressed to Applicant at the following address:

William Ambrose Kennedy
873 E. Squantum St.
Quincy, MA 02171-1226

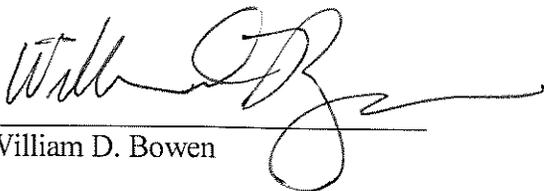
By: 
William D. Bowen

EXHIBIT B

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

In re Serial No. 76710265
Trademark: RODEO REALTY
Publication Date: 07/17/2012

Our Ref.: 21783.71

<p>Rodeo Realty, Inc., Opposer, - against - William Ambrose Kennedy, Applicant.</p>	<p style="text-align: center;">Opposition No. 91207848</p>
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**FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND
THINGS OF OPPOSER RODEO REALTY, INC.**

Pursuant to Trademark Rule of Practice 2.120 and Federal Rule of Civil Procedure Rule 34 as applicable, Opposer Rodeo Realty, Inc. (“Opposer”) requests that Applicant William Ambrose Kennedy (“Applicant”) respond to the following Requests for Production of Documents and Things, separately, fully and in writing within the time permitted by law and produce the documents and tangible things described in the following numbered paragraphs at the offices of Sheldon Mak & Anderson, 100 Corson St., Third Floor, Pasadena, California 91103 on September 19, 20113.

DEFINITIONS

1. The term “Opposer” refers to Opposer Rodeo Realty, Inc.
2. The terms “You,” “Your,” and “Applicant” refer to William Ambrose Kennedy, an individual, and any persons or entities acting or purporting to act on his behalf.

3. The term “person” includes any natural person, corporation, partnership, sole proprietorship, or any other business or legal entity, or any employee, agent, or representative of any of the foregoing.

4. The term “document” as used herein means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, and includes all documents and things as that term is defined in Rule 34(a) of the Federal Rules of Civil Procedure. The term includes but not is limited to all data, papers, and books, transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by hand or by some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, including written papers or memoranda which summarize oral conversations, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books; records; reports; contracts; agreements; video, audio and other electronic recordings; published or unpublished speeches or articles; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; schedules; diaries; calendars; desk pads; scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail); facsimiles; computer printouts; circulars; forms; pamphlets; instructions; specifications; notice; statements; journals; postcards; letters; telegrams; publications; inter- and intra- office communications; photocopies; microfilm; microfiche; maps; drawings; diagrams; sketches; plans; blueprints;

analyses; transcripts; charts; graphs; purchase orders; invoices; bills of lading; ledgers; financial statements; electronically stored information (ESI) and any other documents within defendant's possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English.

5. The term "Opposer's Mark" refers to the RODEO REALTY mark which is the subject of United States Trademark Registration No. 3,268,452.

6. The term "Opposer's Products" refers to the products, whether goods, services, or any combination thereof, associated with Opposer's Mark, whether goods or services.

7. The term "Your Products" refers to the products, whether goods, services, or any combination thereof, that Applicant associates or intends to associate with the term RODEO REALTY.

INSTRUCTIONS

1. To the extent that an objection is made to any request as overly broad or unduly burdensome, set forth the factual basis for that conclusion and, to the extent your answer is limited in any way, specify the scope to which it is limited and the reasons therefor.

2. To the extent that any request is objected to as vague or ambiguous, identify the particular words, terms or phrases that are asserted to make such interrogatory vague or ambiguous, and specify the meaning actually attributed by you to such words, terms, or phrases for purposes of your response to such interrogatory.

3. You are requested to produce documents in the form in which they are kept in the ordinary course of business. All documents that respond, in whole or in part, to any part

or clause of any paragraph of these document requests shall be produced in their entirety, including all attachments and enclosures. Documents shall be produced in their original labeled file folders, or placed in separate file folders labeled (or otherwise identified) identically to the original file folders, documents not retained in files or folders (such as documents specifically generated in response to any request) should be labeled or otherwise identified as to source.

4. If any information responsive to any of the following document requests is withheld on the basis that it is protected by the attorney/client privilege and/or the work-product doctrine, please provide information sufficient to establish the applicability of the claim of privilege, including:

- a. the type of document (e.g. letter, memorandum, contract, etc.);
- b. the date of the document and/or the date of its origination;
- c. an identification of any enclosures or attachments;
- d. the identity (name and title or position) of any person(s) who prepared, signed, authored, or originated the document;
- e. the identity (name and title or position) of the addressee(s) of the document;
- f. the identity (name and title or position) of any other person(s) who is known or believed to have received a copy of or otherwise seen such document;
- g. the nature of the privilege or immunity being invoked;
- h. the basis for the invocation of the privilege or immunity;
- i. a brief description of the general subject matter and contents of the document sufficient to enable a prima facie determination to be made as to the validity of the claim of privilege or immunity; and

j. the location of the document.

5. Pursuant to Fed. R. Civ. P. 26(e), you are under a duty seasonably to supplement any response to these requests in the event you learn that the response is in some material respect incomplete or incorrect and if the additional or corrective information and production has not otherwise been made known to us during the discovery process or in writing.

REQUESTS FOR PRODUCTION

1. All documents and things relating to Your motivation and intent in choosing to use RODEO REALTY in conjunction with Your Products.

2. Copies of each brochure, pamphlet, flier, mailer, advertisement, poster, playbill, program, and any other promotional material containing RODEO REALTY that has been publicly used, displayed or distributed by You or on Your behalf.

3. A copy of each treatment, script, plot summary and/or pitch for any program that has RODEO REALTY in the title or that makes reference to the term RODEO REALTY.

4. All documents and things relating to the manner of advertising, the advertising media, and the advertising agencies through which You have advertised, are advertising or intend to advertise each of the products You have created, promoted, licensed, or sold in connection with the term RODEO REALTY.

5. All documents and things relating to Your expenditures advertising, marketing, or promoting Your Products in association with the term RODEO REALTY.

6. All documents and things relating to any revenues from licensure, sale, or distribution of any products created, promoted, licensed, or sold used in connection with RODEO REALTY.

7. All documents and things supporting any contention by You that Opposer's Products are dissimilar to Your Products.

8. All documents and things relating to the channels of trade and distribution for Your Products in connection with the term RODEO REALTY.

9. All documents and things relating to how You initially became aware of Opposer's Mark.

10. Except for privileged communications You and Your attorney, all communications between You and any other person relating to this proceeding.

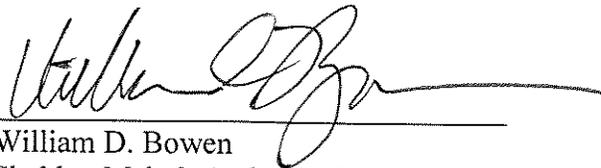
11. A copy of each report for any trademark searches You conducted or that were conducted on Your behalf regarding the availability for registration of the term RODEO REALTY.

12. A copy of each opinion letter rendered to You concerning the availability for registration of the term RODEO REALTY.

DATED: August 15, 2013

SHELDON MAK & ANDERSON PC

By: _____


William D. Bowen
Sheldon Mak & Anderson PC
100 Corson Street, Third Floor
Pasadena, CA 91103
Attorneys for Opposer
RODEO REALTY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of August, 2013, a true and correct copy of

FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS OF
OPPOSER RODEO REALTY, INC.

has been served on the following by sending a copy via first-class U.S. Mail enclosed in a sealed envelope with proper postage thereon addressed to Applicant at the following address:

William Ambrose Kennedy
873 E. Squantum St.
Quincy, MA 02171-1226

By:

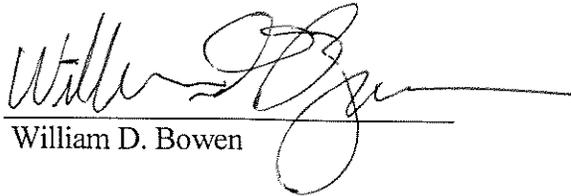

William D. Bowen

EXHIBIT C

From: William Bowen [William.Bowen@usip.com]
Sent: Monday, September 30, 2013 14:31
To: billkenn@gmail.com
Subject: Discovery Requests Meet and Confer

Dear Mr. Kennedy,

We write in regards to the discovery requests we served on August 15, 2013. According to the Federal Rules of Civil Procedure and the Trademark Rules of Practice, both your discovery responses and your initial disclosures are now overdue. See Fed. R. Civ. P. 33(b)(2); *Id.* R. 34(b)(2)(A); Trademark R. Prac. § 2.120(a)(1). This email will serve as a request to meet and confer regarding these responses prior to seeking a motion to compel. Trademark R. Prac. § 2.120(e). In addition, your initial disclosures, which were due by June 14, 2013 according to the TTAB's order, are now long overdue.

Please let us know when you are available to discuss your discovery responses.

Best Regards,

Will

William Bowen
100 Corson Street, Third Floor
Pasadena, California 91103-3842
(T) 626.796.4000 or 626.395.7338
(F) 626.795.6321
E-Mail: william.bowen@usip.com



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EXHIBIT D

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

In re Serial No. 76710265
Trademark: RODEO REALTY
Publication Date: 07/17/2012

Opposition No. 91207848

Rodeo Realty, Inc.,

Opposer,

- against -

William Ambrose Kennedy,

Applicant

**Response to First Set of Requests for Production of Documents and
things of Opposer Rodeo Realty, Inc.**

1. Exhibit "A" Writers Guild Registration of RODEO REALTY script.
2. Exhibit "B" Treatment (outline) of RODEO REALTY.

Complete scripts are never released to the general public.

The amount of moneys spent is less than \$10,000.

Writers Guild of America, west, Inc.
Intellectual Property Registry
7000 West Third Street
Los Angeles, California 90048-4329
Telephone: 323-782-4500
Fax: 323-782-4803

Documentation of Registration

The Writers Guild of America, west, Inc. issues this certificate to:
WILLIAM AMBROSE KENNEDY

for the material entitled:
RODEO REALTY

by the following:
WILLIAM AMBROSE KENNEDY - Writer

Registration #: 823678
Material Type: SCRIPT
Registered By: WILLIAM AMBROSE KENNEDY

Effective Date: 04/11/01
Expiration Date: 04/11/11

Exhibit "C"

0000000049.2006050511441922.0000000012

RODEO REALTY

W. Ambrose Kennedy

Act 1 & 2

EXT. PACIFIC COAST HIGHWAY-MORNING DRIVE

Claiborne Powell is loving life on a gorgeous spring morning enjoying the sights of P.C.H. (Malibu) while driving to his Beverly Hills office (Randy Newman's "I Love LA" playing on the car radio). Claiborne couldn't be happier. The real estate market is back strong and most of the real estate agents that he manages are making lots of money, without any major problems.

Making the 10/405-freeway connection, one sees Century City, Beverly Hills, and the Hollywood sign. Claiborne exits the 405 at Santa Monica Blvd proceeding to Beverly Hills past some gorgeous mansions into the commercial part of BH. At world famous Rodeo Drive he turns with his office in sight (Rodeo Realty). Some of his agents have beaten him to the office. Their cars are some of the finest money can buy (Mercedes Benz, Lexus, and Rolls Royce).

As Claiborne walks in, the receptionist Candy is putting on her make-up and appears a little disheveled. "Have a nice weekend, Candy?" She shakes her head while applying eyeliner with her mouth wide open, arms intertwined, with a pencil in one hand and a small mirror in another. "Did it just end a couple of minutes ago?" Candy sticks her tongue out at him. As he unlocks his office and turns the lights on he says to himself "I love real estate". Candy is cute as a button, full of life with a great personality, and has an awesome body that guys flip over.

INT. BEVERLY HILLS REAL ESTATE OFFICE

As the agents assemble, the chatter is all about what sold, who has an offer going, and all the latest Beverly Hills gossip...not in any particular order. Local realtors in Beverly Hills know more about what's going on in celebrities lives sometimes better than the celebrities know themselves. And selling homes to celebrities is so very, very exciting. Claiborne has been on the phone behind close doors but notices the agents are beginning to assemble and should get out there and greet them, motivate them, and be their cheerleader after another weekend in the trenches.

"Good morning" he says to each agent while inquiring into deals that he is aware of. He notices the door to his top agent, Myron Shapiro, has been closed since he arrived. "Anyone know what Myron is working on? Must be important because he hasn't shown his face." Claiborne decides its time to check on Myron. He knocks but gets no response. Then opens the door to find what appears to be a very dead body. (Yells loudly) "Holy shit! Candy. Call the paramedics."

"Exhibit A"

All the agents gather around to look at Myron. Lance, a very gay African American agent, says "Paramedics can't do anything for him. He be dead, dead." His office is in shock! There is a fellow realtor lying dead. One of Beverly Hills' pillars in the community and as a highly reputable real estate broker. Instead of being melancholy and respectful of a corpse in the office, the women in the office start to fight over who will get his office. Claiborne can't believe his eyes. His office has become utter chaos. No one seems to care about poor Myron. He has lost control of the office. Candy says... "Myron always said I could have his Rolls if anything ever happened to him." Claiborne loses it and has everyone out of the office. "Get out of the office...it is closed until further notice."

The office has turned into utter pandemonium. The morning has gone from utopia to total chaos. Out of which we see what Claiborne has to deal with...a group of self-obsessed, self-absorbed, money hungry Beverly Hills Realtors. All they care about is their where will the next commission come from. Claiborne has to dance a delicate dance with his agents because they are all independent contractors and he can't make them do anything...only make suggestions. They are not employees. At any given moment they could all leave and go to a competitor and he knows that. He comes across as someone full of confidence yet he hasn't been active in real estate sales in about 10 years and fears having to go back and start all over again.

His job is like a local fireman. He would like everything to run smoothly with everyone getting along with each other. And yet as soon as he gets one fire under control, another sparks up. It could be the deal from hell or personality disputes in the office. And invariably, Candy keeps everyone laughing with her comments. And she has no idea how funny she is.

EXHIBIT E

From: William Bowen [William.Bowen@usip.com]
Sent: Tuesday, November 12, 2013 15:18
To: William Kennedy
Subject: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Importance: High

Dear Mr. Kennedy,

I write based on our review of your responses to our discovery requests. By now, hopefully you should have received our responses to your discovery requests as well.

Your responses appear deficient in several respects. I would like to set up a time to meet and confer to determine whether we can resolve this informally without the need to file a motion to compel. I also note we have still not received initial disclosures from you. Please let us know the status on those disclosures. Again, we would prefer not to have to file a motion.

Since the close of the discovery period is approaching, I suggest requesting an additional extension from the TTAB so we can resolve these issues informally without the need for contested motions. Please let me know whether that will work for you, and if you consent, I will get a request on file immediately.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, April 30, 2013 6:07 AM
To: William Bowen
Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

sounds great.

On Tue, Apr 30, 2013 at 7:57 AM, William Bowen <William.Bowen@usip.com> wrote:

Great how about Friday at 2 PM EST (11 AM PST)?

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, April 30, 2013 4:45 AM

To: William Bowen
Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

anytime on Friday.

william kennedy

On Mon, Apr 29, 2013 at 5:13 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

Thanks for your reply and I am sorry for the communication difficulties in light of the events in Boston. I am glad to hear you are safe and were not harmed in them.

This week is open for me with the exception of Wednesday 1 PM- 2 PM PST and Thursday 11.30 AM-2 PM PST. What are the best times for you to conduct a conference and/or discuss settlement?

Thanks very much and I look forward to speaking with you soon.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]

Sent: Tuesday, April 23, 2013 8:01 AM

To: William Bowen

Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Sorry I have been busy working on a David Russell movie. And last week while you were sending me emails and phone messages, we (the City of Boston) were under siege by terrorists.

Nest week is wide open.

William Kennedy

On Fri, Apr 19, 2013 at 3:05 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

I recently left a message on your cell phone. I tried again today but was unable to get through to leave a message. Please let me know when you are available to discuss having a discovery conference and/or settlement of this matter. I am available all next week and am happy to accommodate your schedule to the extent possible. I look forward to speaking with you soon.

Best Regards,

Will Bowen

From: William Bowen
Sent: Monday, April 15, 2013 11:34 AM
To: Doug Morseburg; William Kennedy
Cc: Faith Kristiansen
Subject: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAEITY

Dear Mr. Kennedy,

Can you let me know when this week you may be available to hold a discovery conference? Thanks very much and I look forward to speaking with you soon.

Best,

Will

From: Doug Morseburg

Sent: Monday, April 08, 2013 2:02 PM

To: William Kennedy

Cc: William Bowen; Doug Morseburg; Faith Kristiansen

Subject: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Dear Mr. Kennedy:

Thank you for your email.

1. My apologies for not responding to your 2/6/13 email. I neglected to add something to my calendar about calling you.
2. Because I am busy with other matters.
3. Will Bowen.

Please let me know if you have any further questions.

Sincerely,

Doug Morseburg

Douglas H. Morseburg
Sheldon Mak & Anderson
100 Corson Street, 3rd Floor
Pasadena, California 91103
Tel. [626.796.4000](tel:626.796.4000)
Fax [626.795.6321](tel:626.795.6321)
Direct [626.356.1217](tel:626.356.1217)

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From: William Kennedy [<mailto:billkenn@gmail.com>]
Sent: Thursday, April 04, 2013 5:06 AM
To: Doug Morseburg
Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAEITY

Dear Mr Morseburg~

I am now receiving emails and phone calls from another attorney regarding RODEO REALTY trademark. Before I deal with this new attorney, I have a few questions for you...

1. Why did you not reply to my Feb. 6, 2013 reply regarding discovery?
2. Why have you taken yourself off this case?
3. What is the name of the new attorney?

Thank you,

William A. Kennedy

On Wed, Feb 6, 2013 at 7:43 AM, William Kennedy <billkenn@gmail.com> wrote:

Mr Morseburg~

Thursday before 4:30 eastern standard time (1:30 your time) or the following week.

William Kennedy

On Tue, Feb 5, 2013 at 6:23 PM, Doug Morseburg <douglas.morseburg@usip.com> wrote:

Dear Mr. Kennedy:

In connection with the above proceeding, we are required to have a conference to discuss matters such as discovery. Please let me know whether you are available to have the conference sometime this week?.

Sincerely,

Doug Morseburg

Douglas H. Morseburg
Sheldon Mak & Anderson
100 Corson Street, 3rd Floor
Pasadena, California 91103
Tel. [626.796.4000](tel:626.796.4000)
Fax [626.795.6321](tel:626.795.6321)
Direct [626.356.1217](tel:626.356.1217)

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EXHIBIT F

From: William Bowen [William.Bowen@usip.com]
Sent: Monday, January 13, 2014 13:05
To: William Kennedy
Subject: RE: Meet and Confer and Extension

Great! Talk then.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Monday, January 13, 2014 12:35 PM
To: William Bowen
Subject: Re: Meet and Confer and Extension

thanks. 4pm works fine.

On Mon, Jan 13, 2014 at 2:42 PM, William Bowen <William.Bowen@usip.com> wrote:

No problem. Now that we have the extension tomorrow is just fine. Does 1 PM PST (4 PM EST) work for you?

Thanks for letting me know and enjoy the game.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Monday, January 13, 2014 11:39 AM
To: William Bowen
Subject: Re: Meet and Confer and Extension

W-

I forgot my friend with the Houston Rockets is in town to play the Celtics tonight. Anytime t'mrow or Wednesday is fine. Today is not good.

From: William Kennedy [billkenn@gmail.com]
Sent: Monday, January 13, 2014 12:35
To: William Bowen
Subject: Re: Meet and Confer and Extension

thanks. 4pm works fine.

On Mon, Jan 13, 2014 at 2:42 PM, William Bowen <William.Bowen@usip.com> wrote:

No problem. Now that we have the extension tomorrow is just fine. Does 1 PM PST (4 PM EST) work for you?

Thanks for letting me know and enjoy the game.

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Sent: Monday, January 13, 2014 11:39 AM
To: William Bowen
Subject: Re: Meet and Confer and Extension

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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, January 13, 2014 11:42
To: William Kennedy
Subject: RE: Meet and Confer and Extension

No problem. **Now that** we have the extension tomorrow is just fine. Does 1 PM PST (4 PM EST) work for you?

Thanks for letting me **know and enjoy the game.**

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Monday, January 13, 2014 11:39 AM
To: William Bowen
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Sent: Monday, January 13, 2014 11:39
To: William Bowen
Subject: Re: Meet and Confer and Extension

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I forgot my friend with the Houston Rockets is in town to play the Celtics tonight. Anytime t'mrow or Wednesday is fine. Today is not good.

From: William Bowen [William.Bowen@usip.com]
Sent: Monday, January 13, 2014 10:02
To: billkenn@gmail.com
Subject: Meet and Confer and Extension

Hi Mr. Kennedy,

Please let me know when is a good time to speak today if today still works. If not let's find a time later this week so we can get this resolved. I filed a 30-day extension as we discussed on Friday.

Best,

Will

William Bowen
Sheldon Mak & Anderson
"Where Innovation Finds Protection"
100 Corson Street, Third Floor
Pasadena, California 91103-3842
(T) 626.796.4000
(F) 626.795.6321
E-Mail: william.bowen@usip.com

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, January 10, 2014 11:21
To: William Kennedy
Subject: RE: Follow Up Regarding Meet and Confer

Sounds good. Thank you!

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 10, 2014 11:14 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

fine with me.

On Fri, Jan 10, 2014 at 1:51 PM, William Bowen <William.Bowen@usip.com> wrote:

Hi Mr. Kennedy,

No problem. I am happy to accommodate and wait until Monday. However, since that is the last day to file a motion I will need to file another extension so we have adequate time if we cannot come to an agreement. Will you authorize me to file another extension of dates? Let's do 30 days this time only so we can get this wrapped up and move on; I agree it is dragging on too long.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 10, 2014 5:13 AM

To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Sorry I worked late in to the night last night and woke up early as I always do. Last night was physically grueling and I am in recovery mode today.

All next week I am off except Friday in which I'll be in NYC. I would like to get this over so can we shoot for Monday?

wk

On Thu, Jan 9, 2014 at 4:48 PM, William Bowen <William.Bowen@usip.com> wrote:

How about 1.30 PM EST (10.30 AM PST)?

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Saturday, January 04, 2014 3:47 AM

To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Friday afternoon is looking best.

On Fri, Jan 3, 2014 at 2:24 PM, William Bowen <William.Bowen@usip.com> wrote:

That sounds good. Thanks for the reply.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 03, 2014 11:15 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Mr Bowen-

I am awaiting my shooting schedule for next week. I have been told I will have it late today. After that, I will let you know.

WK

On Fri, Jan 3, 2014 at 1:07 PM, William Bowen <William.Bowen@usip.com> wrote:

Hi Mr. Kennedy,

I wanted to follow-up on your availability for a meet and confer. Can you give me some times next week when you will be available to speak?

Thanks very much.

Best,

Will

William Bowen

Sheldon Mak & Anderson

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Will

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Sheldon Mak & Anderson

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E-Mail: william.bowen@usip.com

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, January 10, 2014 10:52
To: William Kennedy
Subject: RE: Follow Up Regarding Meet and Confer

Hi Mr. Kennedy,

No problem. I am happy to accommodate and wait until Monday. However, since that is the last day to file a motion I will need to file another extension so we have adequate time if we cannot come to an agreement. Will you authorize me to file another extension of dates? Let's do 30 days this time only so we can get this wrapped up and move on; I agree it is dragging on too long.

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Will

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Sent: Friday, January 10, 2014 5:13 AM
To: William Bowen
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William Bowen

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, January 10, 2014 10:26
To: William Kennedy
Subject: Re: Follow Up Regarding Meet and Confer

Didn't hear back on time today. When works for you?

William Bowen
Sheldon Mak & Anderson
"Where Innovation Finds Protection"
100 Corson Street, Third Floor
Pasadena, California 91103-3842
(T) 626.796.4000
(F) 626.795.6321
E-Mail: william.bowen@usip.com

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On Jan 4, 2014, at 3:46 AM, "William Kennedy" <billkenn@gmail.com> wrote:

Friday afternoon is looking best.

On Fri, Jan 3, 2014 at 2:24 PM, William Bowen <William.Bowen@usip.com> wrote:

That sounds good. Thanks for the reply.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 03, 2014 11:15 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Mr Bowen-

I am awaiting my shooting schedule for next week. I have been told I will have it late today. After that, I will let you know.

WK

On Fri, Jan 3, 2014 at 1:07 PM, William Bowen <William.Bowen@usip.com> wrote:

Hi Mr. Kennedy,

I wanted to follow-up on your availability for a meet and confer. Can you give me some times next week when you will be available to speak?

Thanks very much.

Best,

Will

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From: William Kennedy [billkenn@gmail.com]
Sent: Friday, January 10, 2014 05:13
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Sorry I worked late in to the night last night and woke up early as I always do. Last night was physically grueling and I am in recovery mode today.

All next week I am off except Friday in which I'll be in NYC. I would like to get this over so can we shoot for Monday?

wk

On Thu, Jan 9, 2014 at 4:48 PM, William Bowen <William.Bowen@usip.com> wrote:

How about 1.30 PM EST (10.30 AM PST)?

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Saturday, January 04, 2014 3:47 AM

To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Friday afternoon is looking best.

On Fri, Jan 3, 2014 at 2:24 PM, William Bowen <William.Bowen@usip.com> wrote:

That sounds good. Thanks for the reply.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 03, 2014 11:15 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

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From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, January 09, 2014 13:48
To: William Kennedy
Subject: RE: Follow Up Regarding Meet and Confer

How about 1.30 PM EST (10.30 AM PST)?

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Saturday, January 04, 2014 3:47 AM
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Subject: Re: Follow Up Regarding Meet and Confer

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From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 03, 2014 11:15 AM
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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, January 06, 2014 12:34
To: William Kennedy
Subject: RE: Follow Up Regarding Meet and Confer

That works great. What time is best for you?

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Saturday, January 04, 2014 3:47 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Friday afternoon is looking best.

On Fri, Jan 3, 2014 at 2:24 PM, William Bowen <William.Bowen@usip.com> wrote:

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Subject: Re: Follow Up Regarding Meet and Confer

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, January 03, 2014 11:25
To: William Kennedy
Subject: RE: Follow Up Regarding Meet and Confer

That sounds good. Thanks for the reply.

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, January 03, 2014 11:15 AM
To: William Bowen
Subject: Re: Follow Up Regarding Meet and Confer

Mr Bowen-

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, January 03, 2014 10:08
To: billkenn@gmail.com
Subject: Follow Up Regarding Meet and Confer

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I wanted to follow-up on your availability for a meet and confer. Can you give me some times next week when you will be available to speak?
Thanks very much.

Best,

Will

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From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, December 26, 2013 09:41
To: William Kennedy
Subject: RE: Meet and Confer

Hi Mr. Kennedy,

My apologies; travel logistics proved more problematic than I had assumed. How does later this week or early next week look for you?

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Saturday, December 21, 2013 8:49 AM
To: William Bowen
Subject: Re: Meet and Confer

Will-

Never heard from you yesterday. Maybe Monday 12/23 same time...?

William Kennedy

On Tue, Dec 17, 2013 at 2:48 PM, William Bowen <William.Bowen@usip.com> wrote:

Sounds good. I look forward to speaking with you then.

I will actually be calling from mountain time (4 mst) as I will be home in Utah for the holidays. Talk to you then!

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, December 17, 2013 11:45 AM

To: William Bowen
Subject: Re: Meet and Confer

W-

6 est...3 pst

On Tue, Dec 17, 2013 at 2:22 PM, William Bowen <William.Bowen@usip.com> wrote:

Hi Mr. Kennedy,

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Best,

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Friday late afternoon is best for me this week.

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Hi Mr. Kennedy,

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Best,

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Sent: Monday, December 09, 2013 1:27 PM
To: 'William Kennedy'
Subject: RE: Meet and Confer

What time works for you?

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Sent: Monday, December 09, 2013 6:35 AM
To: William Bowen
Subject: Re: Meet and Confer

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On Tue, Nov 26, 2013 at 8:08 PM, William Bowen <William.Bowen@usjp.com> wrote:

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That sounds good. I hope you have a nice Thanksgiving.

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Dear Mr. Kennedy,

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On Tue, Nov 26, 2013 at 8:08 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

That sounds good. I hope you have a nice Thanksgiving.

Best,

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From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, November 26, 2013 11:46 AM
To: William Bowen
Subject: Re: Meet and Confer

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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, December 16, 2013 17:40
To: William Kennedy
Subject: RE: Meet and Confer

Hi Mr. Kennedy,

I never got a response to my email for a time. Are you available later this week? If so, what time works best for you?

Best,

Will

From: William Bowen
Sent: Monday, December 09, 2013 1:27 PM
To: 'William Kennedy'
Subject: RE: Meet and Confer

What time works for you?

From: William Kennedy [<mailto:billkenn@gmail.com>]
Sent: Monday, December 09, 2013 6:35 AM
To: William Bowen
Subject: Re: Meet and Confer

Will~

Can we plan on one week from today (Dec 16th) ? I am prepping another movie this week and its a bit hectic.

William Kennedy

On Tue, Nov 26, 2013 at 8:08 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

That sounds good. I hope you have a nice Thanksgiving.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, November 26, 2013 11:46 AM
To: William Bowen
Subject: Re: Meet and Confer

Will-

My schedule clears up next week so I will send an email Monday or Tuesday.

William Kennedy

On Mon, Nov 25, 2013 at 2:38 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

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Now that we have additional time, I wanted to meet and confer with you regarding your discovery responses and initial disclosures. Please let me know your availability over the next couple of weeks to discuss.

Thanks very much and I look forward to speaking with you soon.

Best,

Will

William Bowen

Sheldon Mak & Anderson

"Where Innovation Finds Protection"

100 Corson Street, Third Floor

Pasadena, California 91103-3842

(T) [626.796.4000](tel:626.796.4000)

(F) [626.795.6321](tel:626.795.6321)

E-Mail: william.bowen@usip.com

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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, December 09, 2013 13:27
To: William Kennedy
Subject: RE: Meet and Confer

No problem. If you're amenable let's also see if we can chat about settlement at that time.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Monday, December 09, 2013 6:35 AM
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From: William Kennedy [billkenn@gmail.com]
Sent: Monday, December 09, 2013 06:35
To: William Bowen
Subject: Re: Meet and Confer

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From: William Bowen [William.Bowen@usip.com]
Sent: Tuesday, November 26, 2013 17:09
To: William Kennedy
Subject: RE: Meet and Confer

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That sounds good. I hope you have a nice Thanksgiving.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, November 26, 2013 11:46 AM
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From: William Kennedy [billkenn@gmail.com]
Sent: Tuesday, November 26, 2013 11:46
To: William Bowen
Subject: Re: Meet and Confer

Follow Up Flag: Follow up
Flag Status: Flagged

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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, November 25, 2013 11:38
To: billkenn@gmail.com
CC: Doug Morseburg; Anna Tachner
Subject: Meet and Confer

Dear Mr. Kennedy,

Thank you very much for working with us on an extension of dates, which the TTAB has now granted. You should have received a copy of that order from our offices.

Now that we have additional time, I wanted to meet and confer with you regarding your discovery responses and initial disclosures. Please let me know your availability over the next couple of weeks to discuss.

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From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, November 14, 2013 13:04
To: billkenn@gmail.com
Subject: RE: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Thank you! Is 60 days ok? I will get on file.

-----Original Message-----

From: billkenn@gmail.com [mailto:billkenn@gmail.com]
Sent: Thursday, November 14, 2013 1:00 PM
To: William Bowen
Subject: Re: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

I consent to an extension

Sent from my Boost.

From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, November 14, 2013 12:34
To: William Kennedy
CC: Doug Morseburg
Subject: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Dear Mr. Kennedy,

I have not heard back from you regarding these issues. Please let me know if you will consent to an extension as soon as possible.

Best,

Will

From: William Bowen
Sent: Tuesday, November 12, 2013 3:18 PM
To: 'William Kennedy'
Subject: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY
Importance: High

Dear Mr. Kennedy,

I write based on our review of your responses to our discovery requests. By now, hopefully you should have received our responses to your discovery requests as well.

Your responses appear deficient in several respects. I would like to set up a time to meet and confer to determine whether we can resolve this informally without the need to file a motion to compel. I also note we have still not received initial disclosures from you. Please let us know the status on those disclosures. Again, we would prefer not to have to file a motion.

Since the close of the discovery period is approaching, I suggest requesting an additional extension from the TTAB so we can resolve these issues informally without the need for contested motions. Please let me know whether that will work for you, and if you consent, I will get a request on file immediately.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, April 30, 2013 6:07 AM
To: William Bowen
Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

sounds great.

On Tue, Apr 30, 2013 at 7:57 AM, William Bowen <William.Bowen@usip.com> wrote:

Great how about Friday at 2 PM EST (11 AM PST)?

From: William Kennedy [mailto:billkenn@gmail.com]

Sent: Tuesday, April 30, 2013 4:45 AM

To: William Bowen

Subject: Re: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

anytime on Friday.

william kennedy

On Mon, Apr 29, 2013 at 5:13 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

Thanks for your reply and I am sorry for the communication difficulties in light of the events in Boston. I am glad to hear you are safe and were not harmed in them.

This week is open for me with the exception of Wednesday 1 PM- 2 PM PST and Thursday 11.30 AM-2 PM PST. What are the best times for you to conduct a conference and/or discuss settlement?

Thanks very much and I look forward to speaking with you soon.

Best,

Will

From: billkenn@gmail.com

Sent: Thursday, November 14, 2013 13:00

To: William Bowen

Subject: Re: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

Attachments: RE: Opposition to Trademark Application No. 76/710,265 for RODEO RAELTY

I consent to an extension

Sent from my Boost.

EXHIBIT G

From: William Bowen [William.Bowen@usip.com]
Sent: Monday, March 17, 2014 09:51
To: William Kennedy
CC: Doug Morseburg
Subject: RE: Reminder Regarding Discovery

Hi Mr. Kennedy,

Thanks for the update. In accordance with my email, however, I am preparing the motion starting tomorrow and will be composing a letter detailing the deficiencies and our interactions. I know you have had a lot to deal with, but this has dragged on far too long.

If the materials you provide are sufficient, then hopefully we will not need to file the motion. I also think we could all avoid time, expense, and hassle by discussing the possibility of selecting a different name for your production. But if that is not in the realm of possibility, we need to get discovery wrapped up so we can proceed to trial on the opposition.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, March 14, 2014 3:36 AM
To: William Bowen
Subject: Re: Reminder Regarding Discovery

W-

Had family business in Vermont on Wednesday and they got 20 inches of snow. So I was stuck there to return late last night. Should have everything completed this afternoon.

WK

On Thu, Mar 13, 2014 at 7:39 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

This is a final reminder that we need you to supplement your discovery responses and submit initial disclosures to us by this week as promised. If we do not receive the materials you are obligated to provide this week, we will begin preparing a motion to compel. If you wish to settle this matter in lieu of providing us with responses, please let me know.

Best Regards,

Will

William Bowen

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From: William Bowen [William.Bowen@usip.com]
Sent: Tuesday, March 11, 2014 10:39
To: William Kennedy
Subject: RE: Discovery Materials

Hi Mr. Kennedy,

Thanks for the update and please do keep me posted.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Tuesday, March 11, 2014 5:45 AM
To: William Bowen
Subject: Re: Discovery Materials

Mr Bowen-

Sorry I have been busy with my mother's estate. T'mrow I have set aside a day to finish the RR discovery stuff. I will report to you and let you know as I have finished it.

WK

On Mon, Mar 10, 2014 at 2:20 PM, William Bowen <William.Bowen@usip.com> wrote:

Hi Mr. Kennedy,

I just wanted to follow up regarding the status of your discovery responses. Do you have updated information on when those will be forthcoming?

Thanks very much.

Will

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From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, March 13, 2014 16:40
To: billkenn@gmail.com
CC: Doug Morseburg
Subject: Reminder Regarding Discovery

Dear Mr. Kennedy,

This is a final reminder that we need you to supplement your discovery responses and submit initial disclosures to us by this week as promised. If we do not receive the materials you are obligated to provide this week, we will begin preparing a motion to compel. If you wish to settle this matter in lieu of providing us with responses, please let me know.

Best Regards,

Will

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From: William Bowen [William.Bowen@usip.com]
Sent: Monday, March 10, 2014 11:21
To: billkenn@gmail.com
Subject: Discovery Materials

Hi Mr. Kennedy,

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Thanks very much.

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From: William Bowen [William.Bowen@usip.com]
Sent: Wednesday, February 26, 2014 14:26
To: billkenn@gmail.com
Subject: RE: Discovery Documents

Thanks Mr. Kennedy.

-----Original Message-----

From: billkenn@gmail.com [mailto:billkenn@gmail.com]
Sent: Wednesday, February 26, 2014 2:24 PM
To: William Bowen
Subject: Re: Discovery Documents

I will get them to you next week

Sent from my Boost.

From: billkenn@gmail.com
Sent: Wednesday, February 26, 2014 14:24
To: William Bowen
Subject: Re: Discovery Documents
Attachments: Discovery Documents

I will get them to you next week

Sent from my Boost.

From: William Bowen [William.Bowen@usip.com]
Sent: Wednesday, February 26, 2014 12:51
To: billkenn@gmail.com
Subject: Discovery Documents

Dear Mr. Kennedy,

I write to discuss your discovery responses in the trademark opposition for RODEO REALTY. I appreciate that you are dealing with extraordinarily difficult family issues, and I wish the best to you and your family in a difficult time.

Unfortunately, though we will try to be as accommodating as possible, we do need responses to our interrogatories, additional documents that were not produced, and your initial disclosures. Hopefully given the extensions that we have mutually agreed to, you are able to make some time amidst your other duties to respond to the requests. Unfortunately, if we do not receive adequate responses by March 10, we will have no choice but to file a motion to compel.

Please let me know if there is any way I can assist you in understanding what we need. The best to you and your family in the meantime.

Sincerely,

Will

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From: William Bowen [William.Bowen@usip.com]
Sent: Friday, February 07, 2014 11:01
To: William Kennedy
Subject: RE: Documents and Extension

Hi Mr. Kennedy,

I'm sorry to hear about your family situation. That sounds incredibly difficult and I wish you well in handling it.

I may need to memorialize our conversations about discovery in writing from time to time. It is nothing personal and I know you are aware of what is discussed. I merely need to make a record in the event we do need to file a motion to compel. I am still hoping we can resolve any discovery issues without the need for intervention by the TTAB.

Again, I send my well wishes to you and your mother. I am happy to file an extension and understand the reasons for delay in light of the circumstances. Unless you object, I will kick deadlines out another 60 days. Please be well and I look forward to speaking with you soon.

Best,

Will

From: William Kennedy [mailto:billkenn@gmail.com]
Sent: Friday, February 07, 2014 5:16 AM
To: William Bowen
Subject: Re: Documents and Extension

Mr Bowen-

I am fully aware of what I said.

I also said that the reason I am in Boston is to be caregiver for my 90 year old mother. She suffered a stroke about 10 days ago I have been dealing with the end of life issues which accompany such a situation.

Please file an extension.

William Kennedy

On Thu, Feb 6, 2014 at 6:20 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

You said you would be sending over answers to interrogatories and additional documents when we met and conferred but as of yet, I have received none. Can we extend an additional 30 days? If you have any questions as to what additional material we need, please give me a call or send me an email and I am happy to confer with you further.

Best,

Will

William Bowen

Sheldon Mak & Anderson

"Where Innovation Finds Protection"

100 Corson Street, Third Floor

Pasadena, California 91103-3842

(T) 626.796.4000

(F) 626.795.6321

E-Mail: william.bowen@usip.com

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From: William Kennedy [billkenn@gmail.com]
Sent: Friday, February 07, 2014 05:16
To: William Bowen
Subject: Re: Documents and Extension

Mr Bowen-

I am fully aware of what I said.

I also said that the reason I am in Boston is to be caregiver for my 90 year old mother. She suffered a stroke about 10 days ago I have been dealing with the end of life issues which accompany such a situation.

Please file an extension.

William Kennedy

On Thu, Feb 6, 2014 at 6:20 PM, William Bowen <William.Bowen@usip.com> wrote:

Dear Mr. Kennedy,

You said you would be sending over answers to interrogatories and additional documents when we met and conferred but as of yet, I have received none. Can we extend an additional 30 days? If you have any questions as to what additional material we need, please give me a call or send me an email and I am happy to confer with you further.

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From: William Bowen [William.Bowen@usip.com]
Sent: Thursday, February 06, 2014 15:21
To: billkenn@gmail.com
Subject: Documents and Extension

Dear Mr. Kennedy,

You said you would be sending over answers to interrogatories and additional documents when we met and conferred but as of yet, I have received none. Can we extend an additional 30 days? If you have any questions as to what additional material we need, please give me a call or send me an email and I am happy to confer with you further.

Best,

Will

William Bowen
Sheldon Mak & Anderson
"Where Innovation Finds Protection"
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Pasadena, California 91103-3842
(T) 626.796.4000
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EXHIBIT H

William A. Kennedy
873 East Squantum St
North Quincy, MA 02171

March 14, 2014

William D. Bowen
SHELDON MAK & ANDERSON
100 Corson Street, Third Floor
Pasadena, CA 91103-3842

RE: Rodeo Realty, Inc. v. William Ambrose Kennedy
Opposition of the Application Serial No. 76/10,265
Opposition No 91207848

Dear Mr. Bowen,

Enclosed please find documents for production.

Yours truly,

A handwritten signature in black ink, appearing to read 'W.A. Kennedy', written in a cursive style.

William A. Kennedy

Documents for Production

See pilot script RODEO REALTY .

There are no brochures, playbills, fliers, etc.

Outline previously submitted.

Advertising will accompany any television show prior to airing.

Advertising expenditures will accompany the airing of the show.

All related licensing agreements will accompany pre-production expenditures.

Channels of trade will accompany television rights.

No other communications except for those relating to prior parallel trademark serial number 76/268434.

No related searches available. I went in person to the Trademark Office in Washington DC in January 2012 and went in to the office and inquired as to its availability.

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

In re Serial No. 76710265
Trademark: RODEO REALTY
Publication Date: 07/17/2012

Opposition No. 91207848

Rodeo Realty, Inc.,

Opposer,

- against -

William Ambrose Kennedy,

Applicant

**Response to First Set of Requests for Production of Documents and
things of Opposer Rodeo Realty, Inc.**

1. Exhibit "A" Writers Guild Registration of RODEO REALTY script.
2. Exhibit "B" Treatment (outline) of RODEO REALTY.

Complete scripts are never released to the general public.

The amount of moneys spent is less than \$10,000.

Documentation of Registration

Writers Guild of America, west, Inc.
Intellectual Property Registry
7000 West Third Street
Los Angeles, California 90048-4329
Telephone: 323-782-4500
Fax: 323-782-4803

The Writers Guild of America, west, Inc. issues this certificate to:
WILLIAM AMBROSE KENNEDY

for the material entitled:
RODEO REALTY

by the following:
WILLIAM AMBROSE KENNEDY - Writer

Registration #: 823678
Material Type: SCRIPT
Registered By: WILLIAM AMBROSE KENNEDY

Effective Date: 04/11/01
Expiration Date: 04/11/11

0000000049.2006050511441922.0000000012

Exhibit "C"

CR

Rodeo Realty

A situation comedy

By

William A. Kennedy

873 East Squantum St
North Quincy, MA 02171
310.722.1737
WGA# 823678

EXT. PACIFIC COAST HIGHWAY - MORNING RUSH HOUR

CLAIBORNE POWELL IS LOVING LIFE ON A GORGEOUS SPRING MORNING ENJOYING THE SIGHTS OF P.C.H. (MALIBU) WHILE DRIVING TO HIS BEVERLY HILLS OFFICE (RANDY NEWMAN'S "I LOVE L.A." PLAYING ON THE CAR RADIO).

CLAIBORNE COULDN'T BE HAPPIER. THE REAL ESTATE MARKET IS BACK STRONG AND MOST OF THE AGENTS THAT HE MANAGES ARE MAKING LOTS OF MONEY, WITHOUT ANY MAJOR PROBLEMS.

MAKING THE 10/405 FREEWAY CONNECTOR, ONE SEES CENTURY CITY, BEVERLY HILLS, AND THE HOLLYWOOD SIGN. HE EXITS THE 405 AT SANTA MONICA BLVD DRIVING PAST THE MANSIONS OF BEVERLY HILLS THEN TURNS INTO THE COMMERCIAL DISTRICT (WILSHIRE BLVD) TO RODEO DRIVE, CLAIBORNE TURNS LEFT ON RODEO AND HIS OFFICE (RODEO REALTY) IS IN SIGHT. INTO HIS PARKING LOT ENTRANCE YOU CAN SEE THAT SOME OF HIS AGENTS HAVE BEATEN HIM TO THE OFFICE THIS MONDAY MORNING... A SIGN OF A GOOD WEEKEND. HIS AGENTS CARS ARE SOME OF THE FINEST THAT MONEY CAN BUY (MERCEDES BENZ, ROLLS ROYCE, LEXUS, ETC.)

INT. REAL ESTATE OFFICE - BEVERLY HILLS
(CLAIBORNE, CANDY, DORIS, LANCE, TRACEY)

AS CLAIBORNE WALKS IN, THE RECEPTIONIST CANDY IS PUTTING ON HER MAKE-UP AND APPEARS A LITTLE DISHEVELED.

CLAIBORNE

Have a nice weekend, Candy?

CANDY SHAKES HER HEAD WHILE APPLYING EYELINER WITH HER MOUTH WIDE OPEN, ARMS INTERTWINED, WITH AN EYELINER PENCIL IN ONE HAND AND A SMALL MIRROR IN THE OTHER HAND.

CLAIBORNE (CONT'D)

Your weekend just end a couple of
minutes ago?

CANDY STICKS HER TONGUE OUT AT HIM

2.

CANDY

No. It ended last night.

AS CLAIBORNE UNLOCKS THE DOOR TO HIS OFFICE, HE SAYS UNDER HIS BREATH... "I LOVE REAL ESTATE" AND SHUTS THE DOOR BEHIND HIM. AS THE AGENTS ASSEMBLE, THE CHATTER IS ALL ABOUT WHAT SOLD OVER THE WEEKEND, AND ALL THE LATEST BEVERLY HILLS GOSSIP...NOT IN ANY PARTICULAR ORDER. CLAIBORNE HAS BEEN ON THE PHONE BEHIND CLOSED DOORS AND NOTICES THAT HIS AGENTS ARE BEGINNING TO ASSEMBLE AND HE SHOULD GET OUT THERE TO GREET THEM, MOTIVATE THEM, AND BE THEIR CHEERLEADER AFTER ANOTHER WEEKEND IN THE TRENCHES.

CLAIBORNE (loudly)

Good morning!

CLAIBORNE TALKS TO ALL HIS AGENTS AND INQUIRES INTO DEALS THAT HE KNOWS ARE IN PROGRESS.

CLAIBORNE

How's the Sunset Blvd deal going?

DORIS

It's at an impasse...over ten grand!

CLAIBORNE

You'll put it together, Doris. Just
be patient and persistent.

CLAIBORNE NOTICES THAT THE DOOR OF ONE OF HIS TOP AGENTS, MYRON SHAPIRO, HAS BEEN CLOSED.

CLAIBORNE (CONT'D)

Anyone know what Myron is working on?
Must be important because he hasn't
shown his face.

3.

CLAIBORNE DECIDES TO STICK HIS HEAD IN MYRON'S OFFICE AND
FINDS WHAT APPEARS TO BE A VERY DEAD BODY.

CLAIBORNE (CONT'D)

Holy shit! Candy, call the paramedics!

MANY AGENTS GATHER AROUND FOR A GLANCE AT MYRON. ONE WOMAN
FAINTS, ANOTHER SCREAMS AND THEN LANCE, A VERY GAY AFRICAN
AMERICAN AGENT IS SHOCKED BY WHAT HE SEES.

LANCE

Paramedics can't do anything for
Myron! He be dead, dead!

SUDDENLY, THE REALTORS IN THE OFFICE BEGIN TO ARGUE OVER WHO
WILL GET MYRON'S OFFICE. A CAT FIGHT ENSUES AND CLAIBORNE
CAN'T BELIEVE HIS EYES. THE OFFICE HAS TURNED INTO UTTER
CHAOS. PEOPLE ARE RAISING THEIR VOICES. CANDY DECIDES TO JUMP
INTO THE FRAY.

CANDY

Myron always said if anything ever
happens to him, I could have his
Rolls Royce.

CLAIBORNE

Everyone get out of the office until
further notice. Check your voicemails.

AS THE AGENTS FILE OUT ONE OF CLAIBORNE'S FAVORITE AGENTS,
TRACEY FITZGERALD, KNOCKS ON HIS DOOR.

TRACEY

Claiborne, you have a minute?

4.

CLAIBORNE

Yeh Tracey...come on in.

TRACEY

You know Claiborne that a while back you promised me a private office if I made over \$200,000.

CLAIBORNE

Yes I did. But things here in the office have change. Since we merged with LA Realtors, you are not as high up the totem pole.

TRACEY

So you are not going to keep your promise?

CLAIBORNE

The promise was made under different conditions. We are a different company now with a lot more agents, many who make more than you. Sorry Tracey, but I cant give you that office.

TRACEY

Then why didnt you say something to me?

CLAIBORNE

You mean that I should have told you that other people are doing better than you? Look Tracey, you know how this works. Its all based on who makes the most? And you are at the bottom of the top 3rd.

TRACEY

So who's going to get Myron's office?

CLAIBORNE

It'll be announced at Tuesday's sales meeting...which reminds me. (ON HIS INTERCOM) Candy..?

CANDY

Yes..?

CLAIBORNE

Make an announcement on the voicemail that next Tuesdays sales meeting we will have some very important announcements.

CANDY

Ok.

TRACEY

Well I am not real happy. I feel betrayed by you.

CLAIBORNE

Sorry.

INT. REAL ESTATE OFFICE - MORNING
(CANDY, LANCE, CHERISE)

CANDY

PHONE HEADSET ON. SOMETIMES YOU CAN TELL SHE'S ON THE PHONE AND SOMETIMES YOU CANT.

CANDY (CONT'D)

Good morning, Rodeo Realty, may I help you? Please hold. Adam, Adam, Adam, listen you moron! I didn't do anything with him. He does a lot of business here at Rodeo Realty and I went to a party at his house. Hold on a second.

AGENTS ARE COMING INTO WORK AND SAYING HELLO TO CANDY. EVERYONE LOVES CANDY. THEY ALL ACKNOWLEDGE HER AND IF SHE'S NOT ON THE PHONE, SHE SOMETIMES FILLS THEM IN ON HER OFTEN WILD WEEKENDS.

LANCE

I'm home---o. Whassup? Betcha my weekend was WILDER than yours.

CANDY (WHILE ON THE PHONE)

I bet you're right. You in love?

LANCE

Nope. In lust!

CANDY ROLLS HER EYES. SHE'S HEARD THAT ONE BEFORE.

CANDY

Good morning-Rodeo Realty-no sir,
would you like his voice mail? Okay.
Good morning Rodeo Realty-please
hold. Good morning Rodeo Realty-
please hold. Listen Adam, you bozo.
I didn't do anything with him. He's
a client of the firm. Yes...he's a
famous architect. Why was I there
alone? (PAUSE) Cause everyone else
left. Good Morning Rodeo Realty.

CHERISE (ON THE PHONE)

Mr. Fields, please. They are on their
way to your house. Take a quick dip
in the pool and you'll be fine.

EXT. JERRY FIELDS HOUSE - MORNING
(JERRY FIELDS, CHERISE, CLAIBORNE, CANDY)

JERRY FIELDS IS WAKING UP ON A LOUNGE CHAIR BY THE POOL. HE
RETURNED EARLY FROM A WINNING TRIP TO VEGAS WITH EIGHT
THOUSAND DOLLARS. HE'S HURTING BIG TIME.

JERRY FIELDS

I had a rough nite Cherise! OK, I'll
follow your advice.

CHERISE

Thanks. Let me know if you have any
other problems.

CHERISE GOES INTO CLAIBORNE'S OFFICE TO TELL HIM ANOTHER JERRY FIELDS STORY.

CLAIBORNE

You look like you have another Jerry Fields story...?

CHERISE

He just called and said that he's a mess...came home early from Vegas with 8 grand in his pocket. And Elton John wants to see his house at 10:15.

CANDY

Cherise...Mr. Fields is frantic and on line one.

CHERISE

Yes Jerry...whats up?

JERRY FIELDS

The eight grand in my pocket is soaking wet. Cancel the showing. I have to lay the money out in the sun to dry.

CHERISE

Put it in the microwave. I heard that works for drying money out.

(more)

CHERISE (CONT'D)

Then, get the hell outta there. Sid,
you do want to sell your house, don't
you?

JERRY FIELDS

Of course I do. You're a life saver,
Cherise. Thanks.

SID PLACES EIGHT THOUSAND DOLLRS IN THE MICROWAVE AND HITS
EIGHT MINUTES...ONE FOR EACH THOUSAND.AFTER FIVE MINUTES, HE
OPENS THE DOOR TO THE MICROWAVE AND CANT BELIEVE HIS EYES.

JERRY FIELDS (CONT'D)

I'm dead meat. Holy shit! What am I
gonna do? It's over!

JERRY FIELDS (ON THE PHONE)

Cherise. We have a problem.

CHERISE

Whats that Sid?

JERRY FIELDS

You owe me eight grand. The money is
well done. Cajun style. Yes, all
eight grand is destroyed. Call your
insurance company.

CHERISE

And you call yours.

INT. REAL ESTATE OFFICE - MORNING
(SALESMAN, CANDY)

IN WALKS A SALESMAN WITH A LARGE BRIEFCASE HUFFING AND
PUFFING. HE LOOKS LIKE HE HAD A DIFFICULT TIME GETTING THERE.

SALESMAN

I have an appointment with Claiborne
Powell.

CANDY

At what time, sir?

SALESMAN

Now...9:00am.

CANDY

Claiborne's not in yet. Actually not
due until 11:30. Does he know your
coming?

THE SALESMAN IS FUMING.

SALESMAN

Say what? Of course he does.

AS HE GOES OFF ON CANDY, SHE STANDS AND TAKES OFF HER JACKET
AND HE IS STUNNED BY HER LARGE PERFECT BREASTS. AND TOTALLY
LOOSES HIS CHAIN OF THOUGHT.

SALESMAN (CONT'D)

You mean to tell me that I race over
here almost getting into a car(SEEING
HER BREASTS) rack...eh, wreck and
he's not here.

CANDY

Sorry, but yes.

THE SALESMAN IS TOTALLY AT A LOSS OF WORDS BY CANDY AND
FRUSTRATED.

SALESMAN

I'll be back at 11:30.

CANDY

Can I tell Claiborne you were here?

SALESMAN

No.

INT. REAL ESTATE OFFICE - DAY
(BRADLEY, CLAIBORNE)

BRADLEY

Hey Claiborne. How are you?

CLAIBORNE

I'm fine. You must be busy because we havn't seen you around.

BRADLEY

I have been doing some serious work on myself.

CLAIBORNE

Really...?

BRADLEY

Yes. More inner child stuff. A John Bradshaw seminar.

CLAIBORNE

Yikes! I thought you were done with that stuff.

BRADLEY

Nope.

CLAIBORNE

Going back for more would be like deciding to have a root canal re-done. Good luck with it. I'd love to see you at Tuesday's sales meeting.

BRADLEY

I'll be there.

CLAIBORNE

Plus I've got some very exciting news.

INT. REAL ESTATE OFFICE - SALES MEETING
(CLAIBORNE, TRACEY, CANDY)

APPROXIMATELY 40 AGENTS HAVE ASSEMBLED ANXIOUSLY AWAITING THE ANNOUNCEMENT. SOME HAVE FIGURED WHAT THEY ARE ABOUT TO HEAR. OTHERS COULD CARE LESS.

CLAIBORNE

Good morning!

SOME AGENTS RESPOND WITH THEIR VERSION OF GOOD MORNING BUT NOT TO CLAIBORNES LIKING SO HE DECIDES TO TRY IT AGAIN

CLAIBORNE (CONT'D)

Good morning! There. Thats better. We have a very exciting salesmeeting this morning with some important announcements. Please turn off all cell phones or put them on vibrate. First of all the rumor that we merged with Premiere Realty is true.

AGENTS HAVE A RATHER MIXED REACTION. SOME LOOKED SOMEWHAT HAPPY. OTHERS QUITE DISMAYED. THEIR MAJOR COMPETITOR IS NO LONGER.

TRACEY

Oh my God! Are they all coming to this office?

CLAIBORNE

Some will be coming here and some will go to the Brentwood Office.

TRACEY

Are you going to tell us exactly who is going to which offices?

CLAIBORNE

Sure Tracey. With the addition of these agents our market share will go up to 75%. Why would you list your house with anyone but Rodeo Realty? We own the market.

TRACEY

And who is that good for? There were four major offices in this town a couple of years ago and now there is only one. I don't know if that is good or bad.

CLAIBORNE

Believe me, market share is the name of the game. It will get easier and easier to get listings with our dominance.

TRACEY

I hope so...

CLAIBORNE

We are lucky enough to be getting the
Cavanaugh's in this office. And they
will be taking over Myron's office.

A SHOCKING SILENCE PERMEATES THE OFFICE OVER THIS
ANOUNCEMENT. THE OFFICES' MAJOR LISTING COMPETITOR IS JOINING
THEM... A TENSE MOMENT. CANDY IS TAKING NOTES TO THE MEETING
AND OBSERVES THE CONCERNS OF THE AGENTS. SUDDENLY CANDY'S
CELL PHONE STARTS RINGING. THE PHONE IS IN A SMALL PURSE THAT
IS AROUND HER NECK AND SHE FRANTICALLY TRIES TO UNZIP IT AND
CANT. OUT OF TOTAL FRUSTRATION, CANDY TEARS THE PURSE FROM
AROUND HER NECK AND PROCEEDS TO STOMP ON IT UNTIL IT SLOWLY
STOPS RINGING.

CANDY

Damn it. I gotta break up with Adam.

CLAIBORNE

Good job Candy. I'll have to try
that.

THE OFFICE BREAKS OUT IN LAUGHTER. CLAIBORNE COULDN'T HAVE
TIMED THIS ANY BETTER. CANDY SAVES THE DAY!

EXHIBIT I

From: William Bowen
Sent: Thursday, April 03, 2014 11:40
To: billkenn@gmail.com
Cc: Anna Tachner; Faith Kristiansen
Subject: Discovery Responses

Dear Mr. Kennedy,

We are in receipt of additional documents in response to opposer Rodeo Realty, Inc.'s ("Rodeo") First Set of Requests for Production. We appreciate you sending additional documents. However, your discovery responses are still deficient in several respects. This email serves to further meet and confer with you regarding those deficiencies that we began discussing telephonically on January 14, 2014. Since then we have discussed supplementing your responses repeatedly via email to address those deficiencies.

First, I note that while a meager amount of documents have been produced, you have not yet served Rodeo with your initial disclosures nor responded to its first set of interrogatories. Please immediately submit your initial disclosures and respond to the interrogatories served on you August 15, 2013. It is over six months since these were served and your responses are long overdue. If Rodeo does not receive initial disclosures and responses to interrogatories by Monday April 7, it will move to compel. We are willing to accept electronic service of responses to expedite this process.

Secondly, your responses to Rodeo's First Set of Requests for Production remain unacceptable in several respects, and in other respects, clarification is needed. I address each Request below and the clarification or supplementation that is required for a full and complete response.

1. All documents and things relating to Your motivation and intent in choosing to use RODEO REALTY in conjunction with Your Products.

There appear to be no documents responsive to this request in your production. Such documents might include preliminary drafts of the script, pitches to studios, producers, financiers, talent, and other participants in the production process, or emails regarding your motivation to use this as the title of the script. Please confirm that you have produced all documents responsive to this request in your possession, custody, or control, or if it is your position that no such documents exist.

2. Copies of each brochure, pamphlet, flier, mailer, advertisement, poster, playbill, program, and any other promotional material containing RODEO REALTY that has been publicly used, displayed or distributed by You or on Your behalf.

We read your list of documents for production to state that no documents responsive to this request exist. Please confirm whether that is the case.

3. A copy of each treatment, script, plot summary and/or pitch for any program that has RODEO REALTY in the title or that makes reference to the term RODEO REALTY.

We read your responses and production to suggest that the only documents responsive to this request are the script and outline you have produced. Please confirm whether this is the case.

4. All documents and things relating to the manner of advertising, the advertising media, and the advertising agencies through which You have advertised, are advertising or intend to advertise each of the products You have created, promoted, licensed, or sold in connection with the term RODEO REALTY.

We read your list of documents for production to state that at present, no documents responsive to this request exist. Please confirm whether that is the case.

5. All documents and things relating to Your expenditures advertising, marketing, or promoting Your Products in association with the term RODEO REALTY.

We read your list of documents for production to state that at present, no documents responsive to this request exist. Please confirm whether that is the case.

6. All documents and things relating to any revenues from licensure, sale, or distribution of any products created, promoted, licensed, or sold used in connection with RODEO REALTY.

We read your list of documents for production to state that no documents responsive to this request exist. Please confirm whether that is the case.

7. All documents and things supporting any contention by You that Opposer's Products are dissimilar to Your Products.

There appear to be no documents responsive to this request and no statement as to whether any exist. Therefore, we read your response to suggest that no documents responsive to this request exist. Please confirm whether that is the case.

8. All documents and things relating to the channels of trade and distribution for Your Products in connection with the term RODEO REALTY.

We read your list of documents for production to state that at present, no documents responsive to this request exist. Please confirm whether that is the case.

9. All documents and things relating to how You initially became aware of Opposer's Mark.

There appear to be no documents responsive to this request and no statement as to whether any exist. Therefore, we read your response to suggest that no documents responsive to this request exist. Please confirm whether that is the case.

10. Except for privileged communications You and Your attorney, all communications between You and any other person relating to this proceeding.

We read your list of documents for production to state that no documents responsive to this request exist. Please confirm whether that is the case.

11. A copy of each report for any trademark searches You conducted or that were conducted on Your behalf regarding the availability for registration of the term RODEO REALTY.

We read your list of documents for production to state that no documents responsive to this request exist. Please confirm whether that is the case.

12. A copy of each opinion letter rendered to You concerning the availability for registration of the term RODEO REALTY.

There appear to be no documents responsive to this request and no statement as to whether any exist. Therefore, we read your response to suggest that no documents responsive to this request exist. Please confirm whether that is the case.

We look forward to receiving your supplemented responses and responses to our interrogatories by Monday. Please let me know if you have any questions in the interim.

Best Regards,

Will

William Bowen
Sheldon Mak & Anderson
"Where Innovation Finds Protection"
100 Corson Street, Third Floor
Pasadena, California 91103-3842
(T) 626.796.4000
(F) 626.795.6321
E-Mail: william.bowen@usip.com

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