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

Proceeding	91207895
Party	Plaintiff Hokie Objective Onomastics Society LLC
Correspondence Address	KEITH FINCH THE CREEKMORE LAW FIRM PC 318 N MAIN STREET BLACKSBURG, VA 24060 UNITED STATES iplaw@creekmorelaw.com, keith@creekmorelaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Keith Finch
Filer's e-mail	keith@creekmorelaw.com
Signature	/Keith Finch/
Date	09/22/2016
Attachments	HOOS - Opposer Fifth Notice of Reliance with Attachments.pdf(4735145 bytes)

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

HOKIE OBJECTIVE ONOMASTICS)	
SOCIETY LLC,)	
)	
Opposer,)	
v.)	Opposition No. 91207895
)	
VIRGINIA POLYTECHNIC INSTITUTE)	Serial No. 85-531,923
AND STATE UNIVERSITY,)	
)	
Applicant.)	

OPPOSER’S FIFTH NOTICE OF RELIANCE

Pursuant to Rule 2.120(j) of the Trademark Rules of Practice, Opposer Hokie Objective Onomastics Society LLC hereby makes of record and notifies Applicant Virginia Polytechnic Institute and State University of its reliance on Applicant’s Supplemental Responses to Opposer’s Third and Fourth Discovery Requests, which Applicant previously filed in this action as Exhibits 8 and 9 to its Motion to Strike, and which are attached to this Notice.

HOKIE OBJECTIVE ONOMASTICS SOCIETY LLC

By:



Keith Finch (VSB No. 37599)
THE CREEKMORE LAW FIRM PC
Attorney for Opposer
318 N. Main Street
Blacksburg, Virginia 24060
(540) 443-9350 – Telephone
(540) 443-9352 – Facsimile
keith@creekmorelaw.com

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2016, I served the foregoing by first-class mail upon the following:

Norm J. Rich, Esq.; Robert S. Weisbein, Esq.
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10016



Keith Finch (VSB No. 37599)
THE CREEKMORE LAW FIRM PC
Attorney for Opposer
318 N. Main Street
Blacksburg, Virginia 24060
(540) 443-9350 – Telephone
(540) 443-9352 – Facsimile
keith@creekmorelaw.com

GENERAL OBJECTIONS

1. The present responses are based upon and reflect only Applicant's knowledge, information and belief formed after reasonable investigation to determine responsive information. These responses may be subject to change, correction or amplification on the basis of further facts, information or circumstances that may come to Applicant's attention. In addition, Applicant reserves the right to assert any additional or supplemental objections.

2. Applicant objects to each and every discovery request to the extent that it is inconsistent with or attempts to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure and the Rules of Practice in Trademark cases, 37 C.F.R. § 2.1, *et seq.* ("Trademark Rules").

3. Applicant objects to the "Definitions and Instructions" as set forth in Opposer's Third Set of Discovery Requests to the extent that they are inconsistent with or attempt to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure and the Trademark Rules. Applicant further objects to any definitions in these discovery requests to the extent that they purport to alter the plain meaning and/or scope of any specific discovery requests on the ground that such alteration renders the discovery requests vague, ambiguous, unduly broad and/or uncertain.

4. Applicant objects to Opposer's definition of the term "HOKIE Mark" to the extent that it includes marks other than "HOKIE."

5. Applicant objects to each and every discovery request to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or any other applicable privilege, immunity or doctrine, and specifically reserves the right to

withhold such information from Opposer. Nothing contained in these responses is intended to be, or in any way constitutes, a waiver of any such applicable privilege, immunity or doctrine.

6. Applicant objects to Opposer's discovery requests to the extent that they seek information that is not within Applicant's possession or knowledge, or that Applicant could not determine after conducting a reasonable investigation. In accordance with the requirements of the Federal Rules of Civil Procedure and the Trademark Rules, Applicant's responses are limited to information in their possession or knowledge.

7. Applicant objects to each and every discovery requests to the extent it seeks information that already is in Opposer's possession or knowledge, or that otherwise is publicly available to Opposer.

8. Applicant objects to Opposer's discovery requests to the extent that they are repetitive and duplicative of one another.

RESPONSES

REQUEST FOR ADMISSION NO. 1.

With respect to each item depicted in (a) pages HOKIE-2011-01-21-001734 through HOKIE-2011-01-21-001771 and HOKIE-2011-01-21-002271 through HOKIE-2011-01-21-002400 of the PDF file served with these requests entitled "Exhibit A-2 to Opposer's Third Set of Discovery Requests.pdf" ("Exhibit A-2) and (b) each item depicted in the PDF file served with these requests entitled "Exhibit C to Opposer's Third Set of Discovery Requests.pdf," ("Exhibit C") admit that VPI&SU authorized the use of the circle-r "©" registration symbol in connection with the singular HOKIE term on such item.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required

to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL OBJECTION:

Applicant further objects to this Request for Admission insofar as it relates to documents bearing Bates nos. 2011-01-21-002271—002280, entitled “Listing of Items Illegally Using the Federal Registration Symbol (“®”) With The Unregistered Term HOKIE,” which was presumably prepared by Opposer’s counsel, on the grounds that Applicant has no way to verify the accuracy of the information contained therein and therefore is not in a position to either admit or deny said Request for Admission.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit A annexed hereto for Applicant’s Supplemental Response.

REQUEST FOR ADMISSION NO. 2.

With respect to each item depicted in (a) pages HOKIE-2011-01-21-001734 through HOKIE-2011-01-21-001771 and HOKIE-2011-01-21-002271 through HOKIE-2011-01-21-002400 of Exhibit A-2 and (b) each item depicted in Exhibit C, admit that VPI&SU used the circle-r “©” registration symbol in connection with the singular HOKIE term on such item.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL OBJECTION:

Applicant further objects to this Request for Admission insofar as it relates to documents bearing Bates nos. 2011-01-21-002271—002280, entitled “Listing of Items Illegally Using the Federal Registration Symbol (“®”) With The Unregistered Term HOKIE,” which was presumably prepared by Opposer’s counsel, on the grounds that Applicant has no way to verify the accuracy of the information contained therein and therefore is not in a position to either admit or deny said Request for Admission.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit A annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 3.

With respect to (a) each item depicted in pages HOKIE-2011-01-21-001734 through HOKIE-2011-01-21-001771 and HOKIE-2011-01-21-002271 through HOKIE-2011-01-21-002400 of Exhibit A-2 and (b) each item depicted in Exhibit C, admit that a licensee of VPI&SU used the circle-r "©" registration symbol in connection with the singular HOKIE term on such item.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL OBJECTION:

Applicant further objects to this Request for Admission insofar as it relates to documents bearing Bates nos. 2011-01-21-002271—002280, entitled "Listing of Items Illegally Using the

Federal Registration Symbol (“®”) With The Unregistered Term HOKIE,” which was presumably prepared by Opposer’s counsel, on the grounds that Applicant has no way to verify the accuracy of the information contained therein and therefore is not in a position to either admit or deny said Request for Admission.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit A annexed hereto for Applicant’s Supplemental Response.

REQUEST FOR ADMISSION NO. 4.

With respect to each document at pages (a) HOKIE-2011-01-21-002265 through HOKIE-2011-01-21-002268 of Exhibit A-2, (b) HOKIE-2011-01-21-002623 of Exhibit A-2, (c) HOKIE-2011-01-21-002630 through HOKIE-2011-01-21-002681 of Exhibit A-2, and (c) HOKIE-2011-01-21-0021 00 through HOKIE-2011-01-21-002707 of Exhibit A-2, admit the following:

- (i) The documents are authentic and genuine copies of the original documents.
- (ii) The documents were made by VPI&SU in the regular course of business.
- (iii) The documents were made by a person in the course of his or her job duties, and who had a duty to make a true record.
- (iv) The documents are kept by VPI&SU in the ordinary course of business.
- (v) The documents are used and relied upon by VPI&SU in the transaction of business.
- (vi) The documents were made at or near the time of the events described therein.
- (vii) The documents were made by, or from information transmitted by, a person with knowledge of the facts contained therein.
- (viii) The custodian of the documents in fact has custody of them.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly

broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(viii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit B annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 5.

With respect to each document at pages (a) HOKIE-2011-01-21-001865 through HOKIE-2011-01-21-001866 of Exhibit A-2; (b) HOKIE-2011-01-21-001868 through HOKIE-2011-01-21-001872 of Exhibit A-2; (c) HOKIE-2011-01-21-001874 through HOKIE-2011-01-21-002015 of Exhibit A-2; (d) HOKIE-2011-01-21-002471 through HOKIE-2011-01-21-002473 of Exhibit A-2; and (e) HOKIE-2011-01-21-002531 through HOKIE-2011-01-21-002532 of Exhibit A-2; admit the following:

- (i) VPI&SU received a copy of the document in January 2011.
- (ii) In January 2011, the use of the HOKIE mark depicted in the document was not authorized by VPI&SU.
- (iii) Since receiving the document, VPI&SU has taken no action to confirm the use of the HOKIE mark depicted in the document.
- (iv) Since receiving the document, VPI&SU has taken no action to stop the use of the HOKIE mark depicted in the document.
- (v) Since receiving the document, VPI&SU has taken no action to require or request that the user of the HOKIE mark as depicted in the document obtain a license for such use from VPI&SU.
- (vi) The use of the HOKIE mark depicted in the document is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required

to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit C annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 6.

With respect to each document in the PDF file served with these requests entitled “Exhibit B-2 to Opposer’s Third Set of Discovery Requests.pdf,” admit the following:

- (i) VPI&SU received a copy of the document in February 2011.
- (ii) In February 2011, the use of the HOKIE mark depicted in the document was not authorized by VPI&SU.
- (iii) Since receiving the document, VPI&SU has taken no action to confirm the use of the HOKIE mark depicted in the document.
- (iv) Since receiving the document, VPI&SU has taken no action to stop the use of the HOKIE mark depicted in the document.
- (v) Since receiving the document, VPI&SU has taken no action to require or request that the user of the HOKIE mark as depicted in the document obtain a license for such use from VPI&SU.
- (vi) The use of the HOKIE mark depicted in the document is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit D annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 7.

With respect to the document at page HOKIE-2011-02-27-00030 in the PDF file served with these requests entitled "Exhibit D to Opposer's Third Set of Discovery Requests.pdf" ("Exhibit D"), admit the following:

(i) VPI&SU received a copy of the document in February 2011.

(ii) In February 2011, the use of the HOKIE mark depicted in the document was not authorized by VPI&SU.

(iii) Since receiving the document, VPI&SU has taken no action to confirm the use of the HOKIE mark depicted in the document.

(iv) Since receiving the document, VPI&SU has taken no action to stop the use of the HOKIE mark depicted in the document.

(v) Since receiving the document, VPI&SU has taken no action to require or request that the user of the HOKIE mark as depicted in the document obtain a license for such use from VPI&SU.

(vi) The use of the HOKIE mark depicted in the document is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit E annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 8.

With respect to each document at pages HOKIE-2011-04-26-000001 through HOKIE-2011-04-26-000050 in the PDF file served with these requests entitled "Exhibit E to Opposer's Third Set of Discovery Requests.pdf" ("Exhibit E"), admit the following:

(i) VPI&SU received a copy of the document in April 2011.

(ii) In April 2011, the use of the HOKIE mark depicted in the document was not authorized by VPI&SU.

(iii) Since receiving the document, VPI&SU has taken no action to confirm the use of the HOKIE mark depicted in the document.

(iv) Since receiving the document, VPI&SU has taken no action to stop the use of the HOKIE mark depicted in the document.

(v) Since receiving the document, VPI&SU has taken no action to require or request that the user of the HOKIE mark as depicted in the document obtain a license for such use from VPI&SU.

(vi) The use of the HOKIE mark depicted in the document is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit F annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 9.

With respect to each third party use identified at pages 5 through 36 of the PDF file served with these requests entitled "Exhibit A-1 to Opposer's Third Set of Discovery Requests.pdf" ("Exhibit A-1"), admit the following:

- (i) VPI&SU received a copy of Exhibit A-1 in January 2011.
- (ii) In January 2011, the third party use was not authorized by VPI&SU.
- (iii) Since receiving Exhibit A-1, VPI&SU has taken no action to confirm the third party use.
- (iv) Since receiving Exhibit A-1, VPI&SU has taken no action to stop the third party use.
- (v) Since receiving Exhibit A-1, VPI&SU has taken no action to require or request that the user of the third party use obtain a license for such use from VPI&SU.
- (vi) The third party use is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant

objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit G annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 10.

With respect to each third party use identified at pages 2 through 21 of the PDF file served with these requests entitled "Exhibit B-1 to Opposer's Third Set of Discovery Requests.pdf" ("Exhibit B- 1"), admit the following:

- (i) VPI&SU received a copy of Exhibit B-1 in February 2011.
- (ii) In February 2011, the third party use was not authorized by VPI&SU.
- (iii) Since receiving Exhibit B-1, VPI&SU has taken no action to confirm the third party use.
- (iv) Since receiving Exhibit B-1, VPI&SU has taken no action to stop the third party use.
- (v) Since receiving Exhibit B-1, VPI&SU has taken no action to require or request that the user of the third party use obtain a license for such use from VPI&SU.
- (vi) The third party use is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

- (i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.
- (ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit H annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 11.

With respect to the third party use identified at page 3 of Exhibit D, admit the following:

- (i) VPI&SU received a copy of Exhibit D in February 2011.
- (ii) In February 2017, the third party use was not authorized by VPI&SU.
- (iii) Since receiving Exhibit D, VPI&SU has taken no action to confirm the third party use.
- (iv) Since receiving Exhibit D, VPI&SU has taken no action to stop the third party use.
- (v) Since receiving Exhibit D, VPI&SU has taken no action to require or request that the user of the third party use obtain a license for such use from VPI&SU.
- (vi) The third party use is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit E annexed hereto for Applicant's Supplemental Response.

REQUEST FOR ADMISSION NO. 12.

With respect to each third party use identified at pages 3 through 21 of Exhibit E, admit the following:

- (i) VPI&SU received a copy of Exhibit E in April 2011.
- (ii) In April 2011, the third party use was not authorized by VPI&SU.
- (iii) Since receiving Exhibit E, VPI&SU has taken no action to confirm the third party use.
- (vi) Since receiving Exhibit E, VPI&SU has taken no action to stop the third party use.
- (v) Since receiving Exhibit E, VPI&SU has taken no action to require or request that the user of the third party use obtain a license for such use from VPI&SU.
- (vi) The third party use is not presently authorized by VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit,

considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, see Exhibit F annexed hereto for Applicant's Supplemental Response.

INTERROGATORY

INTERROGATORY NO. 1

Describe in detail the reasons for any denial of any of the above requests for admission, including the date and nature of any action taken to confirm or stop any third party use or of any action taken to cause a third party user to obtain a license for such use from VPI&SU.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(viii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(xi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL OBJECTION:

Applicant further objects to Interrogatory No. 1 on the ground that responding to this Interrogatory would require Applicant to, in essence, respond to more than seventy-five interrogatories, including subparts. Opposer has served twelve Requests for Admission, many of which have between six to eight separate requests for admission that pertain to many hundreds of documents. This Interrogatory calls for Applicant to describe in detail the reasons for its denial of any of the Requests for Admission. Given the number of Requests for Admission, including subparts, the many hundreds of documents relating thereto, and the numerous denials interposed by Applicant in response to the Requests for Admission, responding to this Interrogatory would exceed the seventy-five interrogatory limit imposed by Rule 405.3 of the Trademark Manual of Procedure. Consequently, Applicant need not respond to this Interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS NO. 1

Produce all documents and things supporting, or relied upon in making, any denial of any of the above requests for admission, or relied upon in responding to the above interrogatory, including any communications or agreements with third party users.

OBJECTION:

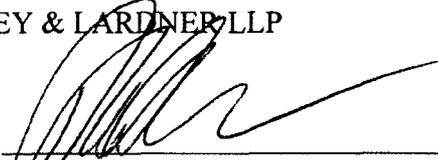
Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit,

considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

Dated: New York, New York
September 18, 2015

Respectfully submitted,

FOLEY & LARDNER LLP

By: 

Robert S. Weisbein
Norman J. Rich
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10016-1314
(212) 682-7474
(212) 687-2329

*Attorneys for Applicant Virginia
Polytechnic Institute and State University*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY'S SUPPLEMENTAL RESPONSES TO OPPOSER HOKIE OBJECTIVE ONOMASTICS SOCIETY LLC'S THIRD DISCOVERY REQUESTS, was served by first class mail on this 18th day of September, 2015, to Opposer's correspondent of record as follows:

Keith Finch, Esq.
The Creekmore Law Firm PC
318 North Main Street
Blacksburg, VA 24060



WILLIAM S. WALKER, JR.

EXHIBIT A

EXHIBIT A

RFA	Exhibit	Bates Nos.	Description	Admit VT authorized use of ®	Admit VT used ®	Admit VT licensee used ®
1,2,3	A-2	001734-001771	Primarily artwork for merchandise	DKI	DKI	DKI
		1734	Volunteer - Reasons to Hire a Hokie	Admit	Admit	DKI
	C-VT 009972	1735	Script Hokie Artwork	DKI	Deny	DKI
	C-VT after C-VT 011075	1736	VT Women Hokie Strong Since 1921	DKI	DKI	DKI
	C-VT 010775	1737	VT Athletics	Admit	Admit	DKI
		1738	All Roads Lead to HokieZone	DKI	Deny	DKI
	C-VT 009976	1739	Running Strong; Hokie Strong	DKI	DKI	DKI
		1740	14th Annual Hokie Classic	DKI	Deny	DKI
	C-VT 009978	1741	VT Environmental Science - Tree Hugging Hokie	Admit	DKI	DKI
		1742	Little Hokie Onsie	DKI	Deny	DKI
	C-VT 010042	1743	Hokie Girls - T-shirt drawings	DKI	Deny	DKI
	C-VT 010043	1744	Hokie Girl - T-shirt drawing	DKI	Deny	DKI
	C-VT 010040	1745	Lil' Hokie - Big Fan - t-shirt drawing	DKI	Deny	DKI
	C-VT 010447	1746	Hokie Zone	DKI	Deny	DKI
	C-VT 010580	1747	Hokie Girl - artwork for shot glass	Admit	Deny	Admit
	C-VT 010448	1748	Career Fair Volunteer - drawing for t-shirt	Admit	Admit	DKI
		1749	hokie girl (flowers) artwork	DKI	Deny	DKI
	C-VT 010308	1750	Hokie Ball (baseball)	Admit	DKI	DKI
	C-VT 010444	1751	MV Nets (related to Marching Virginians)	DKI	DKI	DKI
	C-VT 010142	1752	Virginia Tech Football Hokie Tradition artwork	DKI	Deny	DKI
	C-VT 010983	1753	Hokie Hops - Fridays with the Flock - left chest artwork	DKI	Deny	DKI
	C-VT 011027	1754	HokieDad Virginia Tech - full chest artwork	DKI	Deny	DKI
	C-VT 011075	1755	VT Concrete Canoe - Hokie Aggrenauts - artwork for t-shirts	DKI	Deny	DKI
	C-VT 013084	1756	VT What's a Hokie? I am T-shirt art	DKI	DKI	DKI
	C-VT 013108	1757	Hokie Strong. (HokieBird in camouflage)	DKI	DKI	DKI
	C-VT 013063	1758	VT What's a Hokie? I am T-shirt art (Orientation staff)	Admit	Admit	DKI
		1759	HokiePride VT - t-shirt	DKI	Deny	DKI
		1760	Virginia Tech Hokie Kids' Club	DKI	DKI	DKI
		1761	Virginia Tech Hokie Kids' Club - Proud sponsors	DKI	DKI	DKI
		1762	Official Member HKC	DKI	DKI	DKI
		1763	Official Member HKC	DKI	DKI	DKI
		1764	We're on Hokie Time (clock)	DKI	Deny	DKI
	C-VT 010531	1765	101 My First Text Board Book	Admit	Deny	Admit
		1766	B&Wphoto of "Hokie Pooch" dog tag	DKI	Deny	DKI
		1767	B&W photo of "Hokie Kitty" tag	DKI	Deny	DKI
		1768	Video cover - Hokie Nation "A Team, A town, etc...	Admit	Deny	Admit
	C-VT 012985	1769	I Wanna Grow Up To be a Hokie - T-shirt drawing	DKI	Deny	DKI
	C-VT 011673	1770	Mock up of driking up using Hokie	DKI	DKI	DKI
		1771	Mock up of Hokie Nation sweatshirt	DKI	Deny	DKI
		2271-2280	List of 65 items "illegally bearing registered mark."	See Objection	See Objection	See Objection
		2281	Screen shot from VT website	Admit	Admit	Deny
		2282	Blind Imagery	DKI	DKI	DKI
	C-VT 010111	2283	Sippy Cup with Baby Hokie Bird	Admit	Deny	Admit
		2284	Born a Hokie baby rattle	DKI	Deny	DKI
		2285-2286	It's Official I'm a Hokie cup	DKI	DKI	DKI
		2287	Sippy Cup using HokieBird	DKI	Deny	DKI
		2288	Hokie Nuts	Admit	Deny	Admit
		2289	Bag of Hokie Nuts	Admit	Admit	Admit
		2290	HokieWater	Admit	Admit	Admit
		2291-2292	It's a great day to be a HOKIE t-shirt	Admit	Deny	Admit
	C-VT 012968	2293	Hokie Nation decals	DKI	Deny	DKI
		2294	Hokie Dog water bowl	DKI	Deny	DKI
		2295-2296	Hokie Cheer banner?	DKI	Deny	DKI

EXHIBIT A

RFA	Exhibit	Bates Nos.	Description	Admit VT authorized use of ®	Admit VT used ®	Admit VT licensee used ®
		2297	Hokie Nation - notebook (map)	Admit	Deny	Admit
		2298	We're on Hokie Time (clock) - repeat of 1764	DKI	Deny	DKI
		2299	Hokie Water bottle	Admit	Admit	Admit
		2300-2301	My First Hokie Mug	DKI	Deny	DKI
		2302-2303	Hokie Nation Mug	DKI	Deny	DKI
		2304-2306	Once a Hokie Always a Hokie Banner	Admit	Deny	Admit
		2307-2308	Hokie Nation Banner	Admit	Deny	DKI
	C-VT 012172	2309-2314	Hokie Pride Catch It T-shirt and close ups	Admit	Deny	Admit
		2315	Absolutely Positively Without a Doubt VT (HOKIE is not used on this shirt)	Admit	Deny	Admit
		2316-2317	100% Hokie Fan & close up	Admit	Deny	Admit
		2318	Virginia Tech 2010 (Hokie not used on this shirt)	Admit	Deny	Admit
		2319-2320	HOKIE Football 2010 Tailgate Tour	DKI	Deny	DKI
		2321-2322	Hokie Love T-shirt	Admit	Deny	Admit
		2323-2324	Future Hokie (maternity top)	Admit	Deny	Admit
		2325-2326	When I Grow Up I want to be a hokie (onsie)	Admit	Deny	Admit
		2327-2328	Virginia Tech (jumper) - front and back	Admit	Deny	Admit
		2329-2330	Hokie Nation Hi t-shirt	Admit	Deny	Admit
		2331-2332	Hokie Nation White t-shirt	Admit	Deny	Admit
		2333-2334	Virginia Tech Hokie Sportsman	DKI	Deny	DKI
		2335-2336	Reelin in the Competition Hokie Sportsman	DKI	Deny	DKI
		2337-2338	Blacksburg Hokie Country	DKI	Deny	DKI
		2339	Hokie Girl Hat	DKI	Deny	DKI
		2340	Baby hokie hat	DKI	Deny	DKI
		2341	Announcing the Newest Hokie - baby announcement	DKI	Deny	DKI
		2342-2343	Hokie Nation Video	Admit	Deny	Admit
		2344	If God isn't a Hokie why do the leaves turn...	DKI	Deny	DKI
		2345-2346	VT Hokie Country	DKI	Deny	DKI
		2347-2348	Hokie Nation t	Admit	Deny	Admit
	C-VT 011531, C-VT 011073	2349-2350	I am a Hokie	Admit	Deny	Admit
	C-VT 011531	2351-2352	Hokie Nation t	Admit	Deny	Admit
	C-VT 010405	2353-2354	Hokie Nation t	Admit	Deny	Admit
	C-VT011483	2355-2356	Hokie Nation T	DKI	Deny	Admit
		2357-2358	Little Hokie t	Admit	Deny	Admit
		2359-2361	VT Hokie jumper	Admit	Deny	Admit
		2362-2362	VT Hokie jumper	Admit	Deny	Admit
		2364	repeat of 2361	Admit	Deny	Admit
		2365-2266	Hokie Girl	Admit	Deny	Admit
	C-VT 010446	2367-2368	Hokie Girl hoodie	Admit	Deny	Admit
	C-VT 010443	2369	Hokie shorts	Admit	Deny	Admit
		2370	Hokie hat	Admit	Deny	Admit
		2371-2372	Old Hokie Clothing Co	Admit	Deny	Admit
		2373-2374	Old Hokie Trademark	Admit	Deny	Admit
		2375	Hokie Fans Parking sign	Admit	Deny	Admit
		2376-2377	VT Hokie Hoops	Admit	Deny	Admit
		2378-2379	Little Hokie jumper	Admit	Deny	Admit
		2380	VT Hokie Country snowman	Admit	Deny	Admit
		2381-2383	Est VT 1872 - Be Hokie Proud	Admit	Deny	Admit
		2384-2385	Hokie Football Perfection	Admit	Deny	Admit
	C-VT 011672	2386	It's official I'm a Hokie Keytag	DKI	Deny	DKI
	C-VT 012893	2387-2388	VT Hokie Nation Softball	Admit	DKI	Admit

EXHIBIT A

RFA	Exhibit	Bates Nos.	Description	Admit VT authorized use of ®	Admit VT used ®	Admit VT licensee used ®
	C-VT 012870	2389-2390	Maroon + Orange = Hokie Nation	Admit	Deny	Admit
	C-VT 012894	2391-2392	Virginia Tech Hokie Nation	Admit	Deny	Admit
	C-VT 012905	2393-2394	Virginia Tech Hokie Nation	Admit	Deny	Admit
		23945-2396	VT Hokie Football	Admit	DKI	Admit
		2397-2398	VT Hokie Football	Admit	DKI	Admit
		2399-2400	Hokie * Nation	DKI	Deny	DKI
1,2,3	C					
		VT 010101	VT Hokie Football - I "heart" Virginia Tech Hokie Football	DKI	Deny	DKI
		VT 010112	Baby Hokie Bird newborn hat	DKI	Deny	DKI
		VT 010119	VT 2008 Hokie Schedule	DKI	Deny	DKI
		VT 010120	Virginia Tech 2008 Hokie Schedule	DKI	Deny	DKI
		VT 010123	Virginia Tech Junior Hokie with Baby Hokie Bird	DKI	Deny	DKI
		VT 010174	Hokie Bird White	DKI	Deny	DKI
		VT 010174	Hokie Bird Red	DKI	Deny	DKI
		VT 010182	This is VT Hokie Country - VT The Pride of Virginia	DKI	Deny	DKI
		VT 010184	VT Hokie Girl - Sweeter Than Sweet Tea	DKI	Deny	DKI
		VT 010186	VT Hokie Girls Always in Style	DKI	Deny	DKI
		VT 010233	VT Little Hokie	DKI	Deny	DKI
		VT 010234	VT Little Hokie	DKI	Deny	DKI
		VT 010242	VT Little Hokie	DKI	Deny	DKI
		VT 010287	Getting on Track What's a Hokie I am	DKI	DKI	DKI
		VT 010295	Getting on Track What's a Hokie I am	DKI	DKI	DKI
		VT 010297	Hokie F6 The First Six Weeks GT	DKI	DKI	DKI
		VT 010303	Virginia Tech Hokie Classic	DKI	DKI	DKI
		VT 010304	UUSA The Center of Hokie Community	Admit	DKI	Deny
	C-VT 010295	VT 010305	Getting on Track What's a Hokie I am	Admit	DKI	DKI
		VT 010319	VT Hokie Tennis	Admit	DKI	DKI
		VT 010331	Hokie	DKI	Deny	DKI
		VT 010438	15th Annual Hokie Classic	DKI	Deny	DKI
		VT 010441	Fall focus Career Fair - I hired a Hokie	Admit	Admit	DKI
		VT 010442	Advancing Hokie Health - Schiffert Health Center	Admit	DKI	DKI
		VT 011473	Hokie Hi VT Virginia Tech Hokies	DKI	Deny	DKI
		VT 011478	Virginia Tech Football Action Packed	DKI	Deny	DKI
		VT 011482	Hokies 2009 Football - New Sheriff In Town 12 Most Wanted	DKI	Deny	DKI
		VT 011575	Hokie Nation	DKI	Deny	DKI
		VT 011657	Hokie Girl	DKI	Deny	DKI
		VT 011664	Hokie Mom	DKI	Deny	DKI
		VT 011665	Hokie Girl	DKI	Deny	DKI
		VT 011666	Hokie Dad	DKI	Deny	DKI
		VT 011667	Hokie Alumni	DKI	Deny	DKI
		VT 011721	Hokie Kids' Club Official Member	DKI	DKI	DKI
		VT 011860	This Guy Is A Hokie	DKI	Deny	DKI
		VT 011889	VT Hokie Couture	DKI	Deny	DKI
		VT 012355	VT Hokie Nation	DKI	Deny	DKI
		VT 012371	Virginia Tech, VT Hokie Onesie	DKI	Deny	DKI
		VT 012390	VT HokieBird, Peace, Hope & Love	DKI	Deny	DKI
		VT 012482	VT Hokie Girl	DKI	Deny	DKI
		VT 012592	Hokie Tradition Virginia Tech Football	DKI	Deny	DKI
		VT 012655	Hokie Pride White Background	DKI	Deny	DKI
		VT 012682	Hokie Pride Maroon Background	DKI	Deny	DKI
		VT 012694	Virginia Tech VT Hokie Nation	DKI	Deny	DKI
		VT 012859	Virginia Tech Hokie Girl	DKI	Deny	DKI
		VT	Virginia Tech VT Hokies - Hokie Nation	DKI	Deny	DKI
		VT 012875	Virginia Tech Basket Ball - Hokie Nation	DKI	Deny	DKI

EXHIBIT A

RFA	Exhibit	Bates Nos.	Description	Admit VT authorized use of ®	Admit VT used ®	Admit VT licensee used ®
		VT 012895	Virginia Tech Soccer - Hokie Nation	DKI	Deny	DKI
		VT 012900	Virginia Tech Baseball - Hokie Nation	DKI	Deny	DKI
		VT 012902	Virginia Tech Football - Hokie Nation	DKI	Deny	DKI
		VT	Virginia Tech Hokie Athletics	DKN	Deny	DKI
		VT 013065	Hokie F6 The First Six Weeks GT	DKI	DKI	DKI
		VT 013081	25th Annual Hokie Celebration Major Sponsor	DKN	DKN	DKI
		VT 013085	Hokie F6 The First Six Weeks GT	DKI	DKI	DKI
		VT 013087	Hokie F6 The First Six Weeks GT	DKI	DKI	DKI
		VT 013110	Kiss Me, I'm A Hokie	DKI	Deny	DKI
		VT 013114	Delta Gamma Hokie Girls	DKI	Deny	DKI
		VT 010766	Virginia Tech Member Hokie Nation	DKI	Deny	DKI
		VT 010892	My Kid And My Money Go To Virginia Tech, Hokie Nation	DKI	Deny	DKI
		VT 010920	Hokie Hottie	DKI	Deny	DKI
		VT 010922	Hokie Hottie - Virginia Tech	DKI	Deny	DKI
		VT 010927	VT - Hokie Parent	DKI	Deny	DKI
		VT 010932	Hokie Girl	DKI	Deny	DKI
		VT 010946	Another NonSmoking Hokie	Admit	DKI	DKI
		VT 010947	Helping Our Mother Earth	DKI	Deny	DKI
		VT 010949	VitaminWater Hokie Open 2009	DKI	DKI	DKI
		VT 010950	VitaminWater Hokie Open 2009	DKI	DKI	DKI
		VT 010953	VitaminWater Hokie Open 2009	DKI	DKI	DKI
		VT 010957	Hokie F6 The First Six Weeks GT	DKI	DKI	DKI
		VT 010959	Team Hokie - VT Go Greek	DKI	Deny	DKI
		VT 010962	Hokie Wellness	Admit	Admit	DKI
		VT 010971	Hilton Garden Inn - Hokie Invitational	DKI	DKI	DKI
		VT 010974	Virginia Tech Women's Basketball - Hokie Hardwood Club	DKI	DKI	DKI
		VT 010977	Hokie By Birth	DKI	Deny	DKI
		VT 010981	Kiss Me, I'm A Hokie	DKI	Deny	DKI
		VT 010982	Great Things Start With H - Hokie 4H	DKI	DKI	DKI
		VT 010984	Grey Storm - Hokie Camp	DKI	DKI	DKI
		VT 010987	Gilbert Linkous Elementary Hokie Night	DKI	Deny	DKI
		VT 010990	Virginia Tech Hokie Crew	DKI	Deny	DKI
		VT 010992	VT Hokie Basketball	DKI	Deny	DKI
		VT 010996	Never Divided Always A Hokie	DKI	Deny	DKI
		VT - no #	16th Annual Hokie Classic	DKI	DKI	DKI
		VT 011079	That's What It's All About - The Hokie Pokie	DKI	Deny	DKI
		VT 011080	VT Teachers	DKI	Deny	DKI
		VT - no #	I Only Kiss Hokie Fans	DKI	Deny	DKI
		VT - no #	I Only Kiss Hokie Fans	DKI	Deny	DKI
		VT 011170	Future VT Hokie - Color Me Hokies	DKI	Deny	DKI
		VT 011202	VT - Future VT Hokie	DKI	Deny	DKI
		VT 011257	Junior VT Hokie	DKI	Deny	DKI
		VT 011258	Daddy's #1 - Little Hokie	DKI	Deny	DKI

EXHIBIT A

RFA	Exhibit	Bates Nos.	Description	Admit VT authorized use of ®	Admit VT used ®	Admit VT licensee used ®
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EXHIBIT B

EXHIBIT B

RFA	Exhibit	Pages	Description	(i) authentic and genuine copies	(ii) made by VT in ordinary course of business	(iii) made by person in course of duties	(iv) kept in ordinary course of business	(v) used/relied upon in trans of bus.	(vi) made at/or near time of event described	(vii) made by or from information transmitted by a person with knowledge of facts	(viii) custodian has custody
4	A-2	2265-2266	Cover and inside page of Hokie Hokie Hokie Hy	Admit	Admit	Admit	Admit	Admit	DKI	Admit	Admit
		2267	Capaldo letter to HRE citing registration # for Hokies	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2268	2nd capaldo letter to HRE	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2623	Hokiesports.com page "What's a Hokie?"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2630-2669	2010 style guide	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2670	web page with LTA info (from 2010) -	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2671-2687	Boilerplate agreement used when with LRG --	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2700-2701	1994 Agreement with Hokie House	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2702-2703	1994 Agreement with Hokie Spokes	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2704-2705	2000 Agreement with Hokie Hair	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2706-2707	2000 Agreement with Hokie Beach	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit

EXHIBIT C

EXHIBIT C

RFA	Exhibit	Pages	Description	(i) Received copy in January 2011	(ii) In 2011, Hokie mark not authorized	(iii) Since receipt have taken no action to confirm use	(iv) Since receipt have taken any action to stop use	(v) since receipt taken no action to have user obtain a license	(vi) use of Hokie not presently authorized by VT
5	A-2	1865	Hokie Travel HQ	Admit	Admit	Deny	Admit	Admit	Admit
		1866	Hokie Memorabilia Sign	Admit	Deny	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1868-1869	Moe's Hokie Snack,	Admit	Admit	Deny	Admit	Admit	Admit
		1870	Hokie Hogie at sub place	Admit	Admit	Deny	Admit	Admit	Admit
		1871-1872	sign on front of building for GobblerGear -	Admit	Deny	N/A	N/A	N/A	N/A
		1874-1875	Hokie Planet	Admit	Admit	Deny	Admit	Admit	Admit
		1876	Campus Emporium	Admit	Deny	N/A	N/A	N/A	N/A
		1877-1888	Hokie Aquatics	Admit	Deny	Deny	Deny	Deny	Deny
		1879-1880	The Cellar - Hokie Ham & Cheese	Admit	Admit	Deny	Admit	Admit	Admit
		1881-1882	Alejandro's - El Big Hokie	Admit	Admit	Deny	Admit	Admit	Admit
		1883-1884	PK's --	Admit	Admit	Deny	Admit	Admit	Admit
		1885-1888	Hokie House - Hokie Nachos, Hokie Rueben, Hokie Burger (also using Hokie Bird)	Admit	Admit	Deny	Admit	Admit	Admit
		1889-1893	Kobe - Hokie Sauce, Hokie Chicken, Hokie Fish	Admit	Admit	Deny	Admit	Admit	Admit
		1894-1895	Poor Billy's - Hokie Roll (note Sushi place is now closed)	Admit	Admit	Deny	Admit	Admit	Admit
		1896-1897	Wikiteria - Hokie (turkey sandwich)	Admit	Admit	Deny	Admit	Admit	Admit
		1898-1901	El Gran Rodeo - Hokie Special	Admit	Admit	Deny	Admit	Admit	Admit
		1902-1909	Rams Head Tavern - Hokie Melt	Admit	Admit	Deny	Admit	Admit	Admit
		1910- 1913	Tiger Town Tavern - ACC Sandwiches - Hokie Melt	Admit	Admit	Deny	Admit	Admit	Admit
		1914	Sake House - Hokie Roll	Admit	Admit	Deny	Admit	Admit	Admit
		1915-1916	Ben Gui Sushi - Hokie (Trust me Rolls)	Admit	Admit	Deny	Admit	Admit	Admit
		1917-1918	Spry's BBQ - Hokie Burger	Admit	Admit	Deny	Admit	Admit	Admit
		1919-1920	American Tap Room - Hokie Burger	Admit	Admit	Deny	Admit	Admit	Admit
		1921	Leesburgers - Hokie Burger	Admit	Admit	Deny	Admit	Admit	Admit
		1922-1924	Kabuki - Hokie Roll	Admit	Admit	Deny	Admit	Admit	Admit
		1925-1928	Solstice Tavern - Hokie Croissant	Admit	Admit	Deny	Admit	Admit	Admit
		1929	Mascot Gallery - The Hokie Gallery ??	Admit	Admit	Deny	Admit	Admit	Admit
		1930-31	Home Search of the New River Valley - Hey Hokie Fans	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1932	The Hokie Realtors of Choice (Gillispie)	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.

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		1933-1934	Gillisple - Go Hokies	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1935-1936	Repeat of 1932	Admit	Admit	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1937	Hokie Corner - Women's Basketball update	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Admit	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1938-1939	Gillespie - Go Hokies	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Admit	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1940&1942	HokieCash	Admit	Admit	Deny	Deny	Deny	Deny
		1941&1943	Firestone - Hokie car care package (appears to be part of Hokie Cash package)	Admit	Admit	Admit	Admit	Admit	DKI
		1944-1945	NRV Current cover page 12/15/10 and inside page containing ad from Best Wishes listinf "Hokie Gifts"	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Admit	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1946-1947	NRV Current 12/19/10	Admit	Deny	N/A	N/A	N/A	Deny
		1948-1951	Hokie Consulting	Admit	Admit	Deny	Admit	Admit	Admit
		1952	Smith Mountain Lake Wellness and Fitness - www.hokiedigitalcommunity.com	Admit	Admit	Deny	N/A	N/A	N/A
		1953-1954	Hokiediverdeals.com	Admit	Admit	Deny	Admit	Admit	Admit
		1955	Hokieflying.com - Hokie Flying Club	Admit	Admit	Deny	Admit	Admit	Admit

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		1956-1957	Rich Tandler - Hokie Games - history of Virginia Tech Football	Admit	N/A	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		1958-1959	hokiegiftshop.com	Admit	DKI	Deny	Admit	Admit	Deny
		1960	Hokie Hard	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1961-1962	SnowshoeMountain - Hokie Haus (private home for rent now on VRBO)	Admit	Admit	Deny	Admit	Admit	Admit
		1963	hokiehelpers.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1964	HokieHideaway.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1965	Hokie Hill.com	Admit	Admit	Deny	Admit	Admit	Admit
		1966	Fiddler's Green bringthehokiehome.com	Admit	Admit	Deny	Admit	Admit	Admit
		1967	hokiehotels.com and hokiehotel.com forwards to talk2tanya.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1968-1970	Hokiehut.com	Admit	Admit	Deny	Admit	Admit	Admit
		1971	Hokiejerseys.com or jerseyfinestllc.com	Admit	DKN	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1972	myhokieiland.com - handwritten note indicates this forwards to turmanlandsales.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1973	hokielistings.com (Fresno???)	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1974	hokieliving.com	Admit	Admit	Deny	Admit	Admit	Admit
		1975	riseofthehokienation.com	Admit	Deny	Deny	Deny	Deny	Deny
		1976	hokienest.com	Admit	Admit	Deny	Deny	Admit	Deny
		1977	youareahokienow.com	Admit	Deny	N/A	N/A	N/A	N/A
		1978-1980	hokieopen.com	Admit	N/A	Deny	Admit	Admit	N/A
		1981	hokiephotos.com forwards to replayphotos.com	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Deny
		1982	hokiepokiegifts.com	Admit	Admit	Deny	Admit	Admit	Admit

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		1983	hokierentals.com (Fresno)	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1984	hokierenting.com (Hayward CA)	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1985	hokieretreat.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1986-1987	Hogsforhokies.org	Admit	Deny	Deny	Admit	Admit	Deny
		1988	blacksburghokie.com forwards to johnskelton.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1989	casahokie.com	Admit	Admit	Deny	Admit	Admit	Admit
		1991-1993	footballfanatics.com	Admit	Deny	N/A	N/A	N/A	Deny
		1994-1996	heyhokieblogspot.com	Admit	Deny	Admit	Admit	Admit	Deny
		1997	hungryhokie.com	Admit	Deny	Deny	Admit	Admit	Deny
		1998	shophokie.com	Admit	DNK	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		1999	smlhokie.net	Admit	Deny	Admit	Admit	Admit	Deny
		2000	trihokie.com	Admit	Admit	Deny	Admit	Admit	Admit
		2001-2009	hokiebabyclothes.com	Admit	Deny	Deny	Admit	Admit	Deny
		2010-2011	hokiebikes.com	Admit	Admit	Deny	Admit	Admit	Deny
		2012	techsideline.com	Admit	Deny	Deny	Admit	Admit	Deny
		2013	The Hokie Chiropractor (Tilley Chiropractic)	Admit	Admit	Deny	Admit	Admit	Admit
		2014	hokiecondos.com forwards to talk2tanya.com	Admit	Admit	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
		2015	hokiepokey.com	Admit	Admit	Deny	Admit	Admit	Admit
		2016	hokiepokiebus.com	Admit	Deny	Deny	Admit	Admit	Deny
		2017-2018	richtandler.com ---- hokie games	Admit	N/A	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
		2531-2532	A Hokie Tradition since 1986	Admit	Deny	Deny	Admit	N/A	Deny

EXHIBIT D

EXHIBIT D

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6	B-2		1 Blacksburg Eye Associates -	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			2 Description of Hokie daylily	Admit	Deny	Deny	Admit	Admit	Deny
			3 hokiehaven.com	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			4-5 Sign near First Piedmont Corporation - Remember VT There is a Hokie Heaven	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			6 Main Auto Spa - Hokie Special	Admit	Admit	Deny	Admit	Admit	Admit
			7 Hokie Flat Bread	Admit	Admit	Admit	Admit	Admit	Admit
			8 Tailgatefever.com	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			9 theVTinn.com	Admit	DNK	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			10 Hokies for Hooters	Admit	Admit	Deny	Admit	Admit	Deny
			11-12 Fighting Gobbler Menu with Hokie Cheese Sticks	Admit	Admit	Deny	DKI	DKI	DKI

EXHIBIT E

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7	D	30	Defendant's Third Supplemental Responses to Plaintiff's First Set of Discovery Requests	Admit	DNK	Deny	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.
11	D	3	Hokie Girl - Bull and Bones	Admit	DNK	Deny	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no use is being made of the mark HOKIE. Thus, no admission or denial is required.

EXHIBIT F

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RFA	Exhibit	Pages	Description	(i) Received copy in April 2011	(ii) In 2011, Hokie mark not authorized	(iii) Since receipt have not taken no action to confirm use	(iv) Since receipt have not taken any action to stop use	(v) since receipt taken no action to have user obtain a license	(vi) use of Hokie not presently authorized by VT
8	E	1-50	Hokie Real Estate's Fourth Supplement to VPI&SU's First Set of Discovery Requests						
12	E	3-21	Amsoilhokie.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			angry hokies - android app	Admit	Admit	Deny	Admit	Admit	Admit
			chathokies.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny
			dailyhokie.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny
			Go Hokies "theclassicbaby"	Admit	DKI	Deny	DKI	DKI	DKI
			Hokieboards.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokiecrafter.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokieforums.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny
			hokiepokerclub.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokies "sucreandspice"	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokies.info	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokies24060 (Desi Sowers)	Admit	Admit	Deny	Admit	Admit	Admit
			Hokies4hens.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokiesabroad.com	Admit	Deny	Deny	N/A	N/A	Deny

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			Hokiesdaily.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokieselite.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokiesfootballtickets.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokie Gobbler Pro	Admit	Admit	Deny	Admit	Admit	Admit
			Hokiesherald.com	Admit	DKI	Deny	Admit	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokie hottie; hokie girl	Admit	Admit	Deny	Deny	Deny	Deny
			Hokie Huddle	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Hokiehurler.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokie Sluts; Hokie Bride; Go Hokies "Kathy 1910"	Admit	Admit	Deny	Deny	Deny	Deny
			Hokieshoos.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Hokiesportsnow.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokiespringbreak.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Hokies Rule! Annaart 72	Admit	DKI	Deny	To the best of Applicant's knowledge, no reference to HOKIES mark. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no reference to HOKIES mark. Thus, no admission or denial is required.	To the best of Applicant's knowledge, no reference to HOKIES mark. Thus, no admission or denial is required.
			Hokiestickets.com	Admit	Deny	Deny	Admit	Admit	Deny
			Hokiestrippers.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.

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			Hokiesvshoos.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Hokietesxbooks.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokietickets.net	Admit	Admit	Deny	Admit	Admit	Admit
			hokietracks.net	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			hokievolleyball.com	Admit	Admit	Deny	Deny	N/A	Deny
			hungryhokie.com	Admit	DKI	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Pawsitivelyhokies.com	Admit	DKI	Deny	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.	Site no longer active. Thus, no admission or denial is required.
			Virginia Hokies AAU; VA Hokies AAU; Vahokiesaau.com	Admit	Admit	Deny	Admit	Admit	DKI
			Taiwan Studio - VT Hokies Football app	Admit	Admit	Deny	Admit	Admit	Admit
			VT Hokies app - udroid games	Admit	DKI	Deny	DKI	DKI	DKI
			VTHokiefans.com	Admit	Deny	Deny	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny
			Genwi LLC VT Hokie Fans - app	Admit	Admit	Deny	Admit	Admit	Admit
			VT Hokies "virginiadareboutique"	Admit	DKI	Deny	No reference to HOKIES mark. Thus, no admission or denial is required.	No reference to HOKIES mark. Thus, no admission or denial is required.	No reference to HOKIES mark. Thus, no admission or denial is required.
			Yayhokies.com	Admit	DKI	Deny	DKI	DKI	DKI

EXHIBIT G

EXHIBIT G

RFA	Exhibit	Pages	Description	(i) Received copy in January 2011	(ii) In 2011, Hokie mark not authorized	(iii) Since receipt have not taken no action to confirm use	(iv) Since receipt have not taken any action to stop use	(v) since receipt taken no action to have user obtain a	(vi) use of Hokie not presently authorized by VT	Comments
9	A-1	5-36	Hokie Travel Headquarters - Martin Travel							See response to #5
			Hokie Memorabilia - Original Frameworks							See response to #5
			Hokie Lightning; Hokie Snack - Moe's							See response to #5
			Hokie Hoagie - Market Place							See response to #5
			Your Hometown Hokie Headquarters - Gobler Gear							See response to #5
			Hokie Pokie Charter Bus Lines							Hokiepokiebus.com - See response to #5.
			Hokie Planet Where Hokie Fans Shop! We have Hokie Spirit!; Hokieplanet.com							See Response to #5
			Your online Hokie Shop, etc...	Admit	Deny	Deny	N/A	N/A	Deny	
			N2Oties							See response to #5 Hokie Aquatics
			Hokie Ham and Cheese							See response #5 The Cellar
			Various Hokie House entrees							See response to #5
			Hokie Roll Special							Poor Billy's - See response #5
			Hokie							Market Wikiteria - See response #5
			Hokie Special							El Gran Rodeo- See response #5
			Hokie Melt							Ramshead Tavern- See response #5
			The Hokie							Tiger Town Tavern- See response #5
			Hokie Roll							Sake House- See response #5
			Hokie Burger							Spry's BBQ- See response #5
			Hokie Burger							America's Tap Room- See response #5
			Hokie Burger	Admit	Admit	Deny	Admit	Admit		Sparky's
			Hokie Roll							Kabuki - - See response #5
			Hokie Croissant							Solstice Tavern - - See response #5
			Hokie Gallery	Admit	DNK	Deny	DKI	DKI	DKI	
			Hokie Realtors of Choice , Go Hokies							Kerry Gillispie - - See response #5
			Hokie Corner	Admit	DNK	Deny	DKI	DKI	DKI	
			HokieCash							licensed - See response to #5
			Hokie Car Care Package							Firestone - See response to #5
			Hokie Consulting; Hokie Consultants							See response to #5
			hokiedigitalcommunity.com							See response to #5
			hokiediverdeals.com							See response to #5
			Hokie Flying Club; Hokieflying.com							See response to #5
			HokieGames.com							See response to #5
			Hokiegiftshop.com							See response to #5
			Hokie Hard - pipelinebaseball.com							See response to #5
			Hokie Haus Cabins							See response to #5
			HokieHelpers.com							See response to #5
			HokieHideaway.com							See response to #5
			BringteHokieHome.com							See response to #5
			Hokiehotels.com; hokiehotel.com; hokiecondos.com							See response to #5
			HokieHut.com							See response to #5
			HokieJerseys.com or jerseyfinestllc.com							See response to #5
			myhokieand.com							See response to #5
			hokieistings.com							See response to #5
			hokierentals.com; hokierenting.com; hokieiliving.com;							See response to #5, Bates Nos. 1974, 1984 and 1983
			hokie living							
			riseofthehokienation.com							See response to #5
			hokienest.com							See response to #5
			Youreahokienow - Miriam Rich							See response to #5
			hokiephotos.com forwards to replayphotos.com							See response to #5
			hokiepokiegifts.com							See response to #5
			hokieretreat.com							See response to #5
			hogg4hokies.com							See response to #5, Bates Nos. 1986-1987
			blacksburghokie.com forwards to johnskelton.com							See response to #5
			cssahokie.com							See response to #5
			Virgila Tech Hokies Shop							See response to #5
			heyhokieblogspot.com							See response to #5
			hungryhokie.com							See response to #5
			Shop Hokie							See response to #5
			smihokie.net							See response to #5
			trihokieimages or trihokie.com							See response to #5
			hokiebabyclothes.com							See response to #5
			hokiebikes.com							See response to #5
			hokiecentral.com	Admit	N/A	Admit	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	
			Thehokiechiropractor.com							See response to #5
			hokeypokey.com							See response to #5

EXHIBIT H

EXHIBIT H

RFA	Exhibit	Pages	Description	(i) Received copy in February 2011	(ii) In 2011, Hokie mark not authorized	(iii) Since receipt have not taken no action to confirm use	(iv) Since receipt have not taken any action to stop use	(v) since receipt taken no action to have user obtain a license	(vi) use of Hokie not presently authorized by VT
10	B-1	2-21	Air Hokie, LLC	Admit	Admit	Deny	Deny	Deny	Deny
			Hokies						
			Hokie Honda; Duncan's Hokie Honda	Admit	Admit	Deny	Deny	Deny	Admit
			Emerald Hokie	Admit	Admit	Deny	Admit	Admit	Admit
			Golden Hokies, LLC	Admit	DKI	Deny	Admit	Admit	DKI
			Hokie Soccer Academy	Admit	DKI	Deny	DKI	DKI	DKI
			Hokie Airco	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Associates, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Bear Partners	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Condo, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie FC, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Haven, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Hill Road, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Hoo, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Hospitality, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie House, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Investments, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Land Holdings, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Mining Company	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Properties, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Towers, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Rentals, LLC - Newport News	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie Rentals, LLC - Glen Allen	Admit	Admit	Deny	Admit	Admit	Admit
10			NWH Hokies, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			Iguana Hokies, LLC	Admit	Admit	Deny	Admit	Admit	Admit
			HOKIETUDE (know Play Apparel, Inc)	Admit	DKI	Deny	DKI	DKI	DKI
			Lynchburg Hokie Club, Inc	Admit	Deny	Deny	N/A	N/A	Deny
			Hokie Special	Admit	Admit	Deny	Admit	Admit	Admit
			Hokie	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Richmond Hokie Club	Admit	Deny	Deny	N/A	N/A	Deny
			Roanoke Valley Hokie Club	Admit	Deny	Deny	N/A	N/A	Deny
			Hokies for Hoopers	Admit	Admit	Deny	N/A	N/A	Deny
			Tidewater Hokie Club	Admit	Deny	Deny	N/A	N/A	Deny
			Hokie Update - TF Ventures, LLC	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.
			Hokie Colored Daylilly	Admit	Deny	Deny	Admit	Admit	Deny
			Hokie Haven, LLC	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.	Deny	Admit	Admit	Given the fair use nature of the use, no authorization is required. Therefore, Applicant neither admits nor denies this Request.

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

-----X	:	
HOKIE OBJECTIVE ONOMASTICS	:	
SOCIETY LLC,	:	
	:	
Opposer,	:	Opposition No. 91207895
	:	
v.	:	Serial No.: 85-531,923
	:	
VIRGINIA POLYTECHNIC INSTITUTE	:	
AND STATE UNIVERSITY,	:	
	:	
Applicant.	:	
-----X		

**APPLICANT VIRGINIA POLYTECHNIC INSTITUTE AND STATE
UNIVERSITY’S SUPPLEMENTAL RESPONSES TO OPPOSER HOKIE
OBJECTIVE ONOMASTICS SOCIETY LLC’S FOURTH DISCOVERY REQUESTS**

In accordance with Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules, 37 C.F.R. § 2.120, Applicant Virginia Polytechnic Institute and State University (“Virginia Tech” or “Applicant”), by and through its undersigned attorneys, hereby responds to Opposer’s First Discovery Requests, as set forth below, subject to the objections set forth below.

DEFINITION

The term “DKI” when used in these responses means that Applicant lacks knowledge or information sufficient to be able to either admit or deny the Request for Admission notwithstanding having made a reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny said Request for Admission.

GENERAL OBJECTIONS

1. The present responses are based upon and reflect only Applicant's knowledge, information and belief formed after reasonable investigation to determine responsive information. These responses may be subject to change, correction or amplification on the basis of further facts, information or circumstances that may come to Applicant's attention. In addition, Applicant reserves the right to assert any additional or supplemental objections.

2. Applicant objects to each and every discovery request to the extent that it is inconsistent with or attempts to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure and the Rules of Practice in Trademark cases, 37 C.F.R. § 2.1, *et seq.* ("Trademark Rules").

3. Applicant objects to the "Definitions and Instructions" as set forth in Opposer's First Set of Discovery Requests to the extent that they are inconsistent with or attempt to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure and the Trademark Rules. Applicant further objects to any definitions in these discovery requests to the extent that they purport to alter the plain meaning and/or scope of any specific discovery requests on the ground that such alteration renders the discovery requests vague, ambiguous, unduly broad and/or uncertain.

4. Applicant objects to Opposer's definition of the term "HOKIE Mark" to the extent that it includes marks other than "HOKIE."

5. Applicant objects to each and every discovery request to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or any other applicable privilege, immunity or doctrine, and specifically reserves the right to

withhold such information from Opposer. Nothing contained in these responses is intended to be, or in any way constitutes, a waiver of any such applicable privilege, immunity or doctrine.

6. Applicant objects to Opposer's discovery requests to the extent that they seek information that is not within Applicant's possession or knowledge, or that Applicant could not determine after conducting a reasonable investigation. In accordance with the requirements of the Federal Rules of Civil Procedure and the Trademark Rules, Applicant's responses are limited to information in their possession or knowledge.

7. Applicant objects to each and every discovery requests to the extent it seeks information that already is in Opposer's possession or knowledge, or that otherwise is publicly available to Opposer.

8. Applicant objects to Opposer's discovery requests to the extent that they are repetitive and duplicative of one another.

RESPONSES

REQUEST FOR ADMISSION NO. 1:

With respect to each document in the PDF file served with these requests entitled "Exhibit A to Opposer's Fourth Set of Discovery Requests.pdf" admit the following:

- (i) The document is an authentic and genuine copy of the original document.
- (ii) The document was made by VPI&SU in the regular course of business.
- (iii) The document was made by a person in the course of his or her job duties, and who had a duty to make a true record.
- (iv) The document is kept by VPI&SU in the ordinary course of business.
- (v) The document is used and relied upon by VPI&SU in the transaction of business.
- (vi) The document was made at or near the time of the events described therein.

(vii) The document was made by, or from information transmitted by, a person with knowledge of the facts contained therein.

(viii) The custodian of the document in fact has custody of it.

(ix) VPI&SU previously produced the document to a third party pursuant to a discovery request..

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(viii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(xi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections, and the specific objections above, see Exhibit A annexed hereto for Applicant's Supplemental Responses.

REQUEST FOR ADMISSION NO. 2:

With respect to each document among the copies of issues of the VPI&SU student newspaper and copies of editions of the VPI&SU yearbook served together with Opposer's Responses to Applicant's First Request for Production of Documents and Things (dated September 30, 2013), admit the following:

- (i) The document is an authentic and genuine copy of the original document.
- (ii) The document was made by VPI&SU in the regular course of business.
- (iii) The document was made by a person in the course of his or her job duties, and who had a duty to make a true record.
- (iv) The document is kept by VPI&SU in the ordinary course of business.
- (v) The document is used and relied upon by VPI&SU in the transaction of business.
- (vi) The document was made at or near the time of the events described therein.

(vii) The document was made by, or from information transmitted by, a person with knowledge of the facts contained therein.

(viii) The custodian of the document in fact has custody of it.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(viii) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

(i) Subject to and without waiving the General Objections and the specific objections above, Applicant admits that the copies of the pertinent issues of the VPI&SU student newspaper and copies of the pertinent editions of the VPI&SU Bugle Yearbook appear to be authentic and genuine.

(ii) Subject to and without waiving the General Objections and the specific objections above, Applicant admits that the copies of the pertinent issues of the VPI&SU student newspaper and copies of the pertinent editions of the VPI&SU Bugle Yearbook were created and published by student organizations under the auspices of VPI&SU, but denies this Request in all other respects.

(iii) Subject to and without waiving the General Objections and the specific objections above, Applicant admits that the copies of the pertinent issues of the VPI&SU student newspaper and copies of the pertinent editions of the VPI&SU Bugle Yearbook were created and published by student organizations under the auspices of VPI&SU, but denies that the newspaper issues

and Bugle Yearbooks were made by an employee of VPI&SU in the course of his or her job duties, and who had a duty to make a true record.

(iv) Subject to and without waiving the General Objections and the specific objections above, Applicant admits this Request.

(v) Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

(vi) Subject to and without waiving the General Objections and the specific objections above, Applicant admits that the copies of the pertinent issues of the VPI&SU student newspaper and copies of the pertinent editions of the VPI&SU Bugle Yearbook were made at or near the time of the events described therein.

(vii) Subject to and without waiving the General Objections and the specific objections above, Applicant lacks knowledge or information sufficient to be able to either admit or deny this Request for Admission notwithstanding having made a reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny said Request for Admission.

(viii) Subject to and without waiving the General Objections and the specific objections above, Applicant admits that the pertinent copies of the VPI&SU student newspaper and pertinent copies of the VPI&SU Bugle Yearbook are maintained in the University's library on microfiche.

REQUEST FOR ADMISSION NO. 3:

With respect to the document at pages HOKIE-201 1-01-21-002269 through HOKIE-2011-01-21-002269 of the PDF file served with Opposer's Third Set of Discovery Requests requests entitled "Exhibit A-2 to Opposer's Third Set of Discovery Requests.pdf," admit that VPI&SU received a copy of the document in March or April 2010.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Request for Admission on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, Applicant denies this Request.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the General Objections and the specific objections above, Applicant supplements its response admitting this Request.

INTERROGATORY

INTERROGATORY NO. 1

Describe in detail the reasons for any denial of any of the above requests for admission.

OBJECTION:

Applicant specifically incorporates and repeats by reference each of its General Objections. Applicant further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome and harassing in that to respond to this Request, Applicant is required to

review hundreds of pages of documents produced in an unrelated litigation, *Virginia Polytechnic Institute and State University v. Hokie Real Estate, Inc.*, 7-10-CV-00466 (W.D. Va. 2010), and is not likely to lead to the discovery of admissible evidence. Furthermore, Applicant objects to this Request because the burden to Applicant to respond outweighs the likely benefit, considering the needs of the case, the nature of the controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

SUPPLEMENTAL OBJECTION:

Applicant further objects to Interrogatory No. 1 on the ground that responding to this Interrogatory would require Applicant to, in essence, respond to more than seventy-five interrogatories, including subparts. Opposer has served three Requests for Admission, two of which have between eight to nine separate requests for admission that pertain to many hundreds of documents. This Interrogatory calls for Applicant to describe in detail the reasons for its denial of any of the Requests for Admission. Given the number of Requests for Admission, including subparts, the many hundreds of documents relating thereto, and the numerous denials interposed by Applicant in response to the Requests for Admission, responding to this Interrogatory and Interrogatory No. 1 from Opposer's Third Set of Discovery Requests would

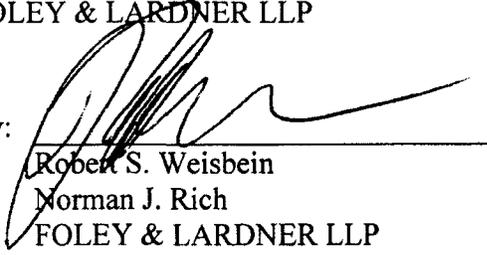
exceed the seventy-five interrogatory limit imposed by Rule 405.3 of the Trademark Manual of Procedure. Consequently, Applicant need not respond to this Interrogatory.

Dated: New York, New York
September 18, 2015

Respectfully submitted,

FOLEY & LARDNER LLP

By:



Robert S. Weisbein

Norman J. Rich

FOLEY & LARDNER LLP

90 Park Avenue

New York, NY 10016-1314

(212) 682-7474

(212) 687-2329

Attorneys for Applicant Virginia

Polytechnic Institute and State University

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY'S RESPONSES TO OPPOSER HOKIE OBJECTIVE ONOMASTICS SOCIETY LLC'S FOURTH DISCOVERY REQUESTS, was served by first class mail on this 18th day of September, 2015, to Opposer's correspondent of record as follows:

Keith Finch, Esq.
The Creekmore Law Firm PC
318 North Main Street
Blacksburg, VA 24060


WILLIAM S. WALKER, JR.

EXHIBIT A

EXHIBIT A

RFA	Exhibit	Pages	Description	(i) authentic copy	(ii) made by VT	(iii) Made in course of duties	(iv) kept by VT in course of bus	(v) used and relied upon	(vi) made at or near time described	(vii) person with knowledge of facts	(viii) custodian has custody	(ix) VT previously produced to 3rd party
1	a	459-471	Baden Sports, Inc license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		1727-1738	Duncan Automotive license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2081-2092	Fossil Inc - addendum & orig license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2405-2421	Harbour Graphics - license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2501-2512	Hey Wow Productions (Miriam Rich) - add & orig license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		2793-2804	Jerseys Finest - add & license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		3896-3904	Campus Emporium - add & license	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		6226	Addendum to VT Services agreement	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16096--16098	Letter to Will Student re: stop using hokiecentral.com & related emails	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15916	Hyatt memo re: banking proposal	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16467	listing of businesses using Hokie	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16118-16119	10/2000 email from Phil Bushanan concerning url use	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16128-16132	Rosenbaum letter re fan sites and pages from hokieupdate.com	Admit	Deny	Deny	Admit	Admit	Admit	DKI	Admit	Admit
		two unnumbered pages	old licensing brochure	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15466-15525	1997 Letter transmitting Sony Interactive Licensing Agreement and related documents between LRG and VT	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15774-15577	Random pages from "The Forum"	DKI	Deny	Deny	Admit	DKI	DKI	DKI	DKI	Admit
		15527-15529	letter and accounting voucher for 1997 compliance review	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15550-15555	Compliance review of Legends Enterprises - 1997	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15708-15709	1995 Amended Royalty report Image Wear	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		15850-15857	1996 lettersto various licensees re audit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16192-16193	1999 memo White to Hincker - Internet recommendations	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16206-16207	2000 email regarding Hokies for Allen	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16230-16237	Listing of URLs	DKI	DKI	DKI	DKI	DKI	DKI	DKI	DKI	Admit
		15932-15933	Letters from Athletics granting NC and Texas Youth Football Leagues approval to use Hokies	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16629-16632	emails regarding Football Fanatics	Admit	Deny	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16519-16526	Notes re:protecting the marks	Admit	DKI	DKI	Admit	Admit	DKI	DKI	Admit	Admit
		16532-16536	1993 Trademark meeting notes	Admit	DKI	DKI	Admit	Admit	DKI	DKI	Admit	Admit
		16540-16542	urls using Hokie	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16543	1993 Trademark meeting notes	Admit	DKI	DKI	Admit	Admit	DKI	DKI	Admit	Admit
		16697-16698	Two copies of 2000 trademark meeting summary notes	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16748-16754	url infringement letters	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16755-16774	url infringement letters list and additional urls	Admit	DKI	DKI	Admit	Admit	DKI	DKI	Admit	Admit
		17099-17104	letters to Hokie House and Hokie Spokes2001	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18090-18092	notes from Rebecca Lalli 1999 re: marketing	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		16857-16858	Brochure about HokieBall	DKI	Deny	DKI	Deny	Deny	DKI	DKI	DKI	Admit
		16906-16907	Hokie Hockey Express	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		14739-14741	Compliance review CC Creations	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18578	2010 emails Hokie Wine	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18540-18543	2007 emails Collegiate Inn "Hokie Spirit Lives Here"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18719-18726	emails with HokieSingles.com with listing of URLs using Hokie or Hokies	Admit	Deny	DKI	Admit	DKI	DKI	DKI	DKI	Admit
		18115-18116	College republicans and democrats - can't use marks 2010	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18446	Hokie Homes/Hokie Stone	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18563-18564	Emails re: ICANN's resolution policy - Jackson recommends not pursuing virginiatech.com	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18572-18564	2007 emails re: Hokie Restaurant idea of Locke's	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18138-18139	2010 Request to use Hokie Express - White responds try VTExpress	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit

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		18627-18629	Hokie Hanky correspondence 2005 Warren Olsen	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18630-18631	Hokie-Sports.com Infringement email - Olsen 2002	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18229-18236	Hokie Homes Correspondence	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18140-18141	Hokie Nest vs VT Nest	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18643	2006 HokieMania letter	DKI	Deny	Deny	Admit	Admit	DKI	DKI	DKI	Admit
		18764-18766	2009 Disapproval HokieTron t-shirts	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18467	appendix 1 Licensee information sheet	DKI	Admit	Admit	Admit	Admit	DKI	Admit	Admit	Admit
		18484-18509	Licensing Procedures manual	Admit	Admit	Admit	Admit	Admit	DKI	Admit	Admit	Admit
		18767-18775	FY 09-10 strategic plan; FY 10-11 Strategic Plan	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18522-18538	Generic licensing agreement	Admit	Admit	Admit	Admit	Admit	DKI	Admit	Admit	Admit
		18541	2007 Collegiate Inn	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18549-18550	List of Hokie xxxxx with agreements - indicates Hokie Honda said they would not use. 2002	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		19712-18713	FireHouse Pizza infringement - magnets	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18746	Hokies for Hooters	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		19033-19050	1998 Taco Bell artwork "Use TM with all Marks"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		18856-18863	Big East Participation Agreement 1996	Admit	Deny	Deny	Admit	Admit	Admit	Admit	Admit	Admit
		18857-19958	Dudding email to LRG TM vs r for Hokie vs Hokies	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		19971-19972	2010 TM vs R for Hokie vs Hokies	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20365-20371	1996 Big East Participation Agreement	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		19999-20000	email to student re: RSOs only can use marks	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20006-20007	hold up on h2okies shirt 2010	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20022-20026	2010 emails with Sarah Marshall re: ads re: Learning Football with the HokieBird	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20046-20049	Blacksburg Partnership "Hokie Hoedown"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20050	2007 Bumper sticker "OBX Hokie" now want bumper sticker for Hokie Hope	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20079-20081	Bookstore request to sell Hokie Stone in lucite - 2007	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20263-20264	1989 letter to retailers and mgrs about licensing program	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20316-20318	1989 memo to deans, directors & department heads with licensing brochure	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20157-20159	2010 email Hokie Nation TM needed	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20175-20177	2010 email with student about TMs	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20209-20210	Hokie Burger 2007 emails	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20218	2007 Hokie Chips - Utz	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20244	2007 email Hokie Festival - Alumni Association	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20538-20540	2010 adding items to license - ornaments	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20463--20465	2010 emails about various urls	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20475-20477	2010 trademark Hokie Zone	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20616	Gumby's using "Let's Go Hokies!" in an ad	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20630	We do not waive royalties if not affiliated with a group	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20651-20652	2010 HokieBikes.com	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20657-20658	2010 email	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20670	2010 email to Steve Mouras re: use of Hokie by the BT	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20692-20694	2007 disapprove use of fighting gobbler	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20755-20758	artwork approval requests	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20500-20501	Hokie Dokie - licensing process 2010	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20780-20782	one time approval for hokiebird cake	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20783-20800	autonomous vehicle adding VT to shirts	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20801-20806	licensee use of logo on website and other licensing issues	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20824	duplicate about not waiving royalties for non-student group	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20847-20849	University not using Hokie Spirit for the Hokie daylily	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20894	H2OKies artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit

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		20898-20900	Correspondence with ISP Sports re: use of Hokies	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20920-20921	HokieBikes.com 2010 email to call them and tell them to remove bike since they are not licensed	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20940-20941	2009Blacksburg Eye - Custom Oakley	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		21203-21206	1992 Correspondence 11 West - implementing licensing program	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22108, et all (not sequential)	Various artwork through LRG's system or with "Licensor Notes" typed in	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22709-22710	2008Email re: royalty exemptions. References Hokie House not being exempt from royalties	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22718-22720	email re: wsls coverage - Armored Hokie	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22739-22740	Huff Ford and VT golf cart - is it licensed?	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22741	2009 email from Locke White re: Hokie Water	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22758-22759	Blacksburg Eye Associates ad with the Hokie Bird in it	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22762-22763	Hokie Garden - Locke's proposal to Lowe's	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22816	2009 email to Lock re: naming a farm Hokie Hills. Locke says no	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22819-22820	Lock approves Kroger using "Home of the Hokies" because they're a "Hokie Retailer"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22856-22858	emails with Gobbler Gear referensing using logos on signage and websites	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22645	Locke's pitch to name the HokieBird	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22662-22663	Lunchpaiddefense - approve; no refer to Foster	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22666-22667	2009 Company wants to use hokiesrock.com to start shirt business. Lock's email tells Sharon we can't stop him.	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22684-22685	Duplicate of Hokie Nation question	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23355-23357	emails regarding listing on ebay involving VT tragedy - Locke stating we can do nothing about it	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23513-23515	2010 emails re Nike products in bookstore bearing gobbler	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23556-23557	2008 email invent the Future	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23563-23564	2003 emails re site names not likely to be dilution	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23568-23569	Bookstore - not waive royalties for Hokie Stone	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23580-23582	2009 Mini Helmet being turned into a bong. Discussion about confiscation	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23642-23643	2010 email "Gobbler gets a TM"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23708-23709	2007 email "all our marks are registered"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23236-23238	Hokie Fan documentary	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		23251	Hokie Hooley - not to market until spring	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25212-25251	Multimedia Rights Package contract	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24548	Locke email re: use of logos by retailers. Makes reference to TechBookstore and "I think I will say We allowed it"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24551	Larry's response to above email 2004. need policy	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24552	student use of Hokie in website - didn't know any better	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24554	Locke to Larry - list of websites - 99% inactive or fan sites. Sites Warren's position that non-targets	Admit	Admit	Admit	Admit	Admit	Admit	Admit	DKI	Admit
		24650-24651	2007 emails Hokie Retailer contracts - automatic renewals	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24418-22419	2010 email to LRG remove HokieBird with the R	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24431	2009 email to Locke from Sharon - here is what I found in the back in those brown folders - i.e., the registration files	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit

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		24464-24466	2008 Hokietalk can continue but can't use marks on the site	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24497	2008 email from CB Townside - Hokie in name	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24685-24688	Sauce recall	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24703-24706	Web page "what is a hokie"	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24826-24827	2009 News Release O.M. Stull recognized for creating the Hokie Nation	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24908-24912	2008 HokieMania artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		24913-24923	various artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25006-25007	Hokie artwork 2008	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25011-25013	2009 hokie artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25067-25069	2009 hokie artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25084-25085	2009 hokie artwork	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25099	hokies chopsticks	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25133-25134	Lunchbox with VT - t-shirt 2008	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		25153-25155	2008 student print center	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		19014-19018	1999 Participation agreement - national championship	Admit	Deny	DKI	Admit	Admit	Admit	DKI	Admit	Admit
		18976-18977	Hokie Girls Buttered Biscuits 2008	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		20466-20470	Use of logos in ads - yes on products; varies depending on investment	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit
		22418-21813 (not sequential)	Several duplicate pieces of artwork with licensor comments	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit	Admit