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Filing date: **06/26/2014**

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

Proceeding	91210813
Party	Defendant Mike Ghorbani
Correspondence Address	PAYAM MORADIAN MORADIAN LAW 10880 WILSHIRE BLVD, SUITE 1101 LOS ANGELS, CA 90077 UNITED STATES sepehr@daghighian.com, P@moradianlaw.com
Submission	Motion to Compel Discovery
Filer's Name	Payam Moradian
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Date	06/26/2014
Attachments	motion_exhibits_Reduced.pdf(4194057 bytes)

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

SATA GmbH & Co. KG)	
	)	Mark: EURO & Design
Opposer)	
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91210813
)	
Applicant)	

APPLICANT’S MOTION TO COMPEL

I. INTRODUCTION

The Applicant has served Opposer a first set of interrogatories and a first request for production of documents. In many instances the Opposer has completely failed to respond to the Applicant’s discovery requests, and has made no good faith attempt to supplement its responses after being notified of their deficiency. Therefore, the Applicant hereby seeks an order compelling Opposer to (a) answer fully the interrogatories set forth in “Applicant Mike Ghorbani’s Interrogatories to Opposer”, and to (b) provide written responses to “Applicant’s Mike Ghorbani’s First Request for the Production of Documents and Things” and comply with the Board rules to fully produce documents responsive to those Requests.

II. FACTUAL BACKGROUND

Applicant Mike Ghorbani (hereinafter “Applicant”) seeks to register the mark EURO for the goods recited in the subject application. Opposition was brought by SATA GmbH & Co. KG (hereinafter “Opposer” or “Sata”) seeking to prevent registration of the mark.

On December 9, 2013, the Applicant served on the Opposer “Applicant’s Mike Ghorbani’s Interrogatories to Opposer.” The Opposer responded on February 12, 2014. The Applicant’s interrogatories and the Opposer’s response are attached as Exhibit A.

On January 2, 2014, the Applicant served on the Opposer “Applicant’s Mike Ghorbani’s First Request for the Production of Documents and Things.” The Opposer responded on February 6, 2014. The Applicant’s request and the Opposer’s response are attached as Exhibit B.

On March 19, 2014, the Applicant sent a Deficiency Letter to the Opposer setting forth the specific deficiencies in the Opposer’s discovery responses. The Deficiency Letter is attached as Exhibit C.

On April 18, 2014, the Opposer responded to the Deficiency Letter. However, the Opposer failed to supplement its discovery responses to remedy these deficiencies. Opposer’s response is attached as Exhibit D.

On May 2, 2014, the Applicant requested a meet and confer with the Opposer. The email exchange regarding the meet and confer is attached as Exhibit E. The Opposer sent a list of discovery deficiencies on part of the Applicant which included many alleged

deficiencies on the expert discovery (Exhibit E). The Applicant requested a rescheduling of the meet and confer to supplement its expert discovery responses. (Exhibit E). The Applicant was under the impression that another meet and confer would be scheduled after the expert report was supplemented. However, on June 17, 2014, the Opposer filed a Motion to Compel without first requesting a meet and confer (Document 12, Opposer's Motion to Compel).

On June 6, 2014, as part of discovery correspondence, the Applicant asked the Opposer again to supplement its discovery. The email exchange is attached as Exhibit F. In this email exchange, Applicant had stated to Opposer, "Please take this time to reconsider your position to refuse to answer our ROGs and produce relevant documents regarding 1) where each component of Sata's spray guns are made, 2) information on competitors of Sata and market share in the US. We plan to move for a motion to compel on these issues if our meet and confer is not successful" (Exhibit F).

On June 11, 2014, the Opposer stated that "We will, as you have requested, further consider our stance in connection with the market share and location of manufacture issues you have raised." This exchange is attached as Exhibit G.

On June 23, 2014, the Applicant sent a follow-up email to the Opposer regarding Opposer's promise in its June 11, 2014 email (Exhibit G), the Applicant stating "We have not received any documents from you since your email of June 11, 2014. We expect you to produce any additional documents that we requested by end of business day tomorrow. We plan to move for a motion to compel on Wednesday the 25th." (Exhibit G). The

Opposer responded to Applicant on June 25, 2014, stating “we do not intend to make the further production of documents you requested.” (Exhibit G).

The above facts show that the Applicant has met its burden to compel Opposer to remedy the discovery deficiencies. Applicant has repeatedly requested that Opposer remedy its deficiencies to no avail, Applicant has attempted to have a meet and confer with Opposer but instead received Opposer’s motion to compel, and Applicant has inquired that Opposer supplement its discovery responses numerous times with no result.

III. SPECIFIC MATTERS IN DISPUTE

A. Interrogatories 9, 15, and, 22 and Related Production Requests 5 and 11

Applicant’s Interrogatories 9, 15 and 22 are reproduced as follows:

INTERROGATORY NO. 9:

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

INTERROGATORY NO. 15:

For each product requested to be identified in Interrogatory No. 2, identify the market share of any competitors known or estimated by you.

INTERROGATORY NO. 22:

Describe any studies, tests, or surveys related to the United States market share, performance, and quality of products (which compete with products you identified in response to Interrogatory No. 2) sold by Anest Iwata USA, Inc. in the United States.

In response to Interrogatory 9 (identity of competitors), 15 (market share of competitors), and 22 (Information on Anest Iwata USA (one of the competitors of Sata)), as well as Production Requests 5 and 11, the Opposer stated that these Interrogatories are irrelevant and refused to provide an answer. In response to the Applicant's Deficiency Letter of March 19, 2014 (Exhibit C), the Opposer refused to supplement the Interrogatories.

The requested information on Sata's competitors is relevant because it may discredit Sata's position that purchasers of spray guns prefer European manufactured spray guns and that any confusion regarding the mark Euro would be detrimental to Sata. For example, one of Opposer's competitors, Anest Iwata USA, is believed to manufacture its spray guns outside of Europe. The market share of spray guns, and any quality tests on competitors' products, such as Anest Iwata USA, are relevant to the issue of whether consumers have a material preference for European made spray guns.

Additionally, Sata brought up its competitors in the Notice of Opposition and cannot now allege that the identity of these competitors and their market share is somehow irrelevant. In the Notice of Opposition, Sata alleged that Sata's paint spray guns are the "benchmark by which competitor's goods might be measured." (Document 1, Notice of Opposition, page 2).

Lastly, the requested discovery is narrowly tailored. It only focuses on products identified by the Opposer in interrogatory 2, which are solely four products manufactured by Sata.

B. Interrogatories 13 and 20, and Related Production Request 9

Applicant's Interrogatories 13 and 20 are reproduced below:

INTERROGATORY NO. 13:

Describe in detail each incident, known to you, of actual confusion between your products, and products available under the name EURO.

INTERROGATORY NO. 20:

Describe in detail each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. which was believed to be from Europe.

In response to Interrogatory Nos. 13 and 20, and Production Request No. 9, requesting evidence of actual confusion, Sata provides a vague answer based "upon information and belief" and does not cite to specific evidence. Specifically, Sata responds as follows:

Answer:

Upon information and belief customers have expressed confusion to SATA's exclusive authorized importer, Dan-Am. Upon information and belief potential customers have made inquiries of Dan-Am for the purpose of determining whether there exists a relationship between SATA and the EURO guns offered by Applicant.

The Opposer further declined to supplement its answer after being sent the Deficiency Letter of March 19, 2014 (Exhibit C), the Opposer having stated "we stand by

our answers to these interrogatories.” (Exhibit D). Evidence of confusion is highly relevant in this proceeding where the Opposer has taken the position that consumers would confuse a spray gun with the mark EURO as originating from Europe. In fact, the Opposer has had several discovery requests regarding evidence of confusion. For example, Opposer’s Interrogatory 20 in Exhibit 1 of Opposer’s Motion to Compel states: “Describe in detail all facts upon which Applicant bases its contention that purchasers of spray guns are sophisticated and unlikely to be confused, as asserted by Applicant in Paragraph 17, Applicant's Affirmative Defenses.” (Document 12, Opposer’s Motion to Compel, page 23). It is requested that the Opposer be ordered to produce any evidence that it has regarding actual confusion.

C. Interrogatory 19, and Production Request 15

Interrogatory 19 is reproduced as follows:

INTERROGATORY NO. 19:

For each product requested to be identified in Interrogatory No. 2, identify the county where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

Sata’s answer to Interrogatory 19 and Production Request No. 15 are non-responsive. Interrogatory 19 asks Sata to identify where each part of Sata’s products are manufactured. Sata advertises its spray guns as manufactured or engineered in Germany

(Exhibit H). Evidence that Sata hides from consumers the location of the manufacture of its parts for its spray guns in European countries outside of Germany is probative to the issue that consumers have no material appreciation for a European made spray gun. The Applicant has the right to know where each part of the guns are manufactured, including each part listed in Interrogatory 19.

D. Interrogatories 14, 24, and 25, and Production Requests 10

Applicant's Interrogatories 14, 24, and 25 are reproduced below:

INTERROGATORY NO. 25:

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in Europe for the corresponding product sold in Europe.

INTERROGAORY NO. 24:

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

INTERROGATORY NO. 14:

For each product requested to be identified in Interrogatory No. 2, identify your market share in the United States.

In response to Interrogatory 14, 24, and 25, as well as Production Request 10, (Sata's market share), Sata states that these Interrogatories are irrelevant and refuses to provide an answer. The requested information on Sata's market share is relevant because it may discredit Sata's position that purchasers of spray guns prefer European

manufactured spray guns and that any confusion regarding the mark Euro would be detrimental to Sata.

E. Production Requests 4

Applicant's Interrogatory 4 reproduced below:

REQUEST NO. 4:

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

Moreover, in response to Production Request No. 4, Sata refuses to provide documents relating to its advertisement. These documents are relevant to Sata's contention in the Notice of Opposition that spray guns sold under the name Euro are sold in the same channel of trades as Sata's spray guns. (Document 1, Notice of Opposition, page 2). In addition, Sata has had multiple discovery requests on advertisements, and cannot now state that discovery requests on advertisements are irrelevant. For example, see Interrogatories 10, 12 and 21 in Exhibit 1 of Opposer's Motion to Compel (Document 12, Opposer's Motion to Compel, pages 20-21, 24).

IV. Conclusion

Applicant requests an Order compelling Opposer to fully respond to Interrogatories 9, 13, 14, 15, 19, 20, 22, 24, and 25 and Production Requests 4, 5, 9, 10 and 15.



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Certificate of Service

I hereby certify that a true and correct copy of the “APPLICANT’S MOTION TO COMPEL,” “DECLARATION OF PAYAM MORADIAN, ESQUIRE,” and EXHIBITS A-H” appended thereto has been duly served on June 26, 2014 by E-mail to tv@hvslc.com and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MD 20854

By: 
Payam Moradian
Moradian Law

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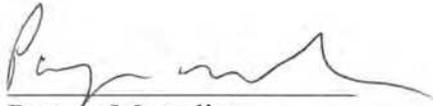
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SATA GmbH & Co. KG)	
	)	Mark: EURO & Design
Opposer)	
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91210813
)	
Applicant)	

DECLARATION OF PAYAM MORADIAN, ESQUIRE

1. The undersigned, Payam Moradian, is counsel for Applicant, Mike Ghorbani, in connection with Trademark Opposition Proceeding No. 91210813, captioned SATA GmbH & Co. KG v. Mike Ghorbani.
2. Attached hereto as Exhibit A is a redacted version of a true and accurate copy of Applicant's First Set of Interrogatories bearing a Certificate of Service dated December 9, 2013 as well as a true and accurate copy of Opposer's Responses thereto evidencing service on February 12, 2014. The confidential responses of the Opposer have been redacted.
3. Submitted herewith as Exhibit B is a true and accurate copy of Applicant's First Set of Requests for Production of Documents and Things with a certificate evidencing service on January 2, 2014 and also a true and accurate copy of Opposer's Responses thereto with a Certificate of Service dated February 6, 2014.

4. Submitted herewith as Exhibit C is a true and accurate copy of Applicant's Deficiency Letter to Opposer on March 19, 2014 setting forth the specific deficiencies in the Opposer's discovery responses.
5. Submitted herewith as Exhibit D is a true and accurate copy of Opposer's response on April 18, 2014 to Applicant's Deficiency Letter evidencing Opposer's failure to remedy the deficiencies raised in Applicant's Deficiency Letter.
6. Submitted herewith as Exhibit E is a true and accurate copy of email correspondence commencing on May 2, 2014 between the Applicant and the Opposer.
7. Submitted herewith as Exhibit F is a true and accurate copy of email correspondence commencing on June 6, 2014 between the Applicant and the Opposer.
8. Submitted herewith as Exhibit G is a true and accurate copy of email correspondence commencing on June 11, 2014 between the Applicant and the Opposer.
9. Submitted herewith as Exhibit H is a true and accurate copy of a publication by Opposer describing that its SATA spray guns are exclusively developed and manufactured in Germany.
10. The undersigned has made a good faith effort through multiple items of correspondence, to resolve with Opposer's counsel the issues presented in this motion. This Declaration is made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.



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EXHIBIT A

RECEIVED
FEB 18 2014

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

-----)	
SATA GmbH & Co. KG)	
	Opposer	)	Mark: EURO & Design
v.		)	Serial No.: 85/712789
Mike Ghorbani		)	Opposition No. 91210813
	Applicant)	
-----)	

**OPPOSER SATA GMBH & CO. KG'S ANSWERS TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

Opposer SATA GmbH & Co. KG has not completed its investigation in this matter. All responses to Interrogatories are based upon the information presently known to Opposer and are given without prejudice to its right to adduce evidence discovered or analyzed subsequent to the date of these answers. Opposer expressly reserves the right to revise and supplement its answers to these Interrogatories in the event that its continuing investigation of the facts and/or discovery bring to light any additional information responsive to these Interrogatories.

GENERAL OBJECTION NO. 2:

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection. Without prejudice to this objection,

Opposer will provide answers to these Interrogatories to the extent that such responses do not waive such privileges or protections.

GENERAL OBJECTION NO. 3:

Opposer objects to these Interrogatories, including, but not limited to, the “Definitions” therein, and to each and every individual interrogatory, to the extent they purport to impose duties on Opposer that are greater than those imposed by the Federal Rules of Civil Procedure and/or the TBMP.

GENERAL OBJECTION NO. 4:

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information outside of Opposer’s possession, custody, or control, on the grounds that any such interrogatory is overly broad and unduly burdensome, seeks to impose discovery obligations in excess of those imposed by the Federal Rules of Civil Procedure and/or the TBMP, or would subject Opposer to unreasonable annoyance, burden, and expense.

GENERAL OBJECTION NO. 5:

Opposer objects to these Interrogatories, and to each and every individual interrogatory, as unduly burdensome, oppressive and in violation of the Federal Rules of Civil Procedure and/or the TBMP to the extent they purport to require Opposer to respond on behalf of, or conduct any inquiry or investigation with respect to, any party other than Opposer. Opposer will only answer Interrogatories on its own behalf.

GENERAL OBJECTION NO. 6:

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION NO. 7:

Opposer objects to these Interrogatories, and to each and every individual interrogatory, as overly broad and unduly burdensome to the extent they do not include a limitation or proposed definition of a relevant time period.

GENERAL OBJECTION NO. 8:

Opposer specifically reserves all objections as to the competence, relevancy, materiality and admissibility of its documents and interrogatory answers or the subject matter thereof, and all rights to object on any ground to the use of any document or interrogatory answer, or the subject matter thereof, in any subsequent proceeding, including without limitation to the trial of this or any action.

Opposer expressly incorporates the above General Objections as though set forth fully in response to each of the following individual interrogatories, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. An answer to an interrogatory shall not be deemed a waiver of any applicable specific or general objections to an interrogatory.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the circumstances through which you first became aware of Mike Ghorbani and the use of the EURO mark.

Answer:

Employees of Opposer first became aware of the products offered by M.G. Distributor as a result of those employees visiting the M.G. Distributor's booth at the SEMA Show 2012.

INTERROGATORY NO. 2:

Identify every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

Answer:

- 1.) SATAjet 100 B F HVLP
- 2.) SATAjet 100 B F RP
- 3.) SATAjet 1000 B HVLP
- 4.) SATAjet 1000 B RP

INTERROGATORY NO. 3:

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about each product.

Answer:

Dr. Ewald Schmon, Head of R & D, SATA GmbH & Co. KG.

INTERROGATORY NO. 4:

For each product requested to be identified in Interrogatory No. 2, identify the price at which each of those products is offered in the United States.

Answer:

The products identified as 1 and 2 in response to Interrogatory 2 are sold in the U.S. at prices between [REDACTED]. The products identified in response to Interrogatory 2 as 3 and 4 are offered in the U.S. at prices between [REDACTED].

INTERROGATORY NO. 5:

For each product requested to be identified in Interrogatory No. 2, describe the channels of trade of the product in the United States.

Answer:

SATA delivers all products for the U.S. market to Dan-Am, an independent company acting as exclusive authorized importer for SATA in the United States. Dan-Am sells these products to selected U.S. dealers. These dealers in turn sell products to end users, either in local stores or in some limited instances, online.

INTERROGATORY NO. 6:

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about the sales and distribution of the product in the United States.

Answer:

Mr. Joerg Goettling, Head of Export at SATA GmbH & Co. KG.

INTERROGATORY NO. 7:

For each product requested to be identified in Interrogatory No. 2, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

Answer:

Opposer objects to this interrogatory as being irrelevant and also as being overly broad and unduly burdensome requesting as it does the identification of "all advertisements" and the dates and geographic scope of "all advertisements". Opposer further objects to this interrogatory to the extent that it inquires of Opposer as to advertising activities engaged in by third parties. Without waiving these objections Opposer notes that its products are advertised in the U.S. through catalogs, price lists, leaflets, publications such as "SATA news", "Dan-Am news", online advertisements, trade fairs, and through other means customary in the business. Advertising efforts are not, to SATA's knowledge, geographically limited within the U.S.

INTERROGATORY NO. 8:

For each product requested to be identified in Interrogatory No. 2, describe the target markets and characteristics of targeted consumers.

Answer:

As to those products identified in the Answer to Interrogatory 2 as 1 and 2, the market and relevant consumers include those involved in auto refinishing. As to those products identified as 3 and 4 in response to Interrogatory 2, markets and consumers include those involved in auto refinishing and carpentry and various activities involving glazing, staining, and painting of wood.

INTERROGATORY NO. 9:

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

Answer:

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

INTERROGATORY NO. 10:

Describe any studies, tests, ratings, or surveys related to the quality of the products offered under the mark EURO.

Answer:

See documents produced in response to Applicant's production request 6 evidencing the superiority of SATA guns over those offered by Applicant.

INTERROGATORY NO. 11:

Describe any studies, tests, ratings, or surveys related to consumer recognition of SATA mark.

Answer:

Although Opposer is currently unaware of specific studies, tests, ratings, or surveys relating to consumer recognition of the SATA marks, as noted and evidenced in response to various other of Applicant's interrogatories, and as further evidenced by various documents produced in response to Applicant's requests, with more than 100 years of history, SATA and SATA products have a very good reputation in the market as evidenced in the comments found at various Internet fora and websites and is recognized by dealers and consumers involved with this market and these goods. The high quality of goods offered under the SATA mark has even been recognized by Applicant as evidenced through S 0485.

INTERROGATORY NO. 12:

Describe any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

Answer:

Opposer is not currently aware of any studies, tests, ratings, or surveys related to consumer recognition of Applicant's EURO mark.

INTERROGATORY NO. 13:

Describe in detail each incident, known to you, of actual confusion between your products, and products available under the name EURO.

Answer:

Upon information and belief customers have expressed confusion to SATA's exclusive authorized importer, Dan-Am. Upon information and belief potential customers have made inquiries of Dan-Am for the purpose of determining whether there exists a relationship between SATA and the EURO guns offered by Applicant.

INTERROGATORY NO. 14:

For each product requested to be identified in Interrogatory No. 2, identify your market share in the United States.

Answer:

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, involving as it does the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

INTERROGATORY NO. 15:

For each product requested to be identified in Interrogatory No. 2, identify the market share of any competitors known or estimated by you.

Answer:

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, involving as it does the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

INTERROGATORY NO. 16:

Describe in detail any supporting evidence that you have for your contention in the complaint that the products sold under the Mark EURO are "inferior in quality to SATA's goods."

Answer:

The test results referred to responding to Interrogatory No. 10 and the documentation offered in response to related document request 6 establish the fact that the products sold under the EURO mark are inferior in quality to SATA's products. In addition to the test results, numerous publically available publications and websites, including dealers' websites, extol the virtues and high performance levels of Opposer's goods. See also Applicant's acknowledgement of the high quality of SATA's products proclaimed in S 0485, produced in response to Applicant's requests for the production of documents.

INTERROGATORY NO. 17:

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products are manufactured in Germany.

Answer:

The fact that SATA's paint spray guns are manufactured in Germany is common knowledge. Supporting evidence includes the publication "100 Years of SATA", and articles publically available through the Internet such as that appearing at www.bm-online.de. In addition, the fact that tours are offered through Opposer's manufacturing facilities located in Kornwestheim, Germany well evidences the fact that Opposer's products are manufactured in Germany.

INTERROGATORY NO. 18:

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products have superior performance.

Answer:

Evidence supporting the superior performance of SATA's products include the many positive references to SATA and its products located at publically available websites and dealer fora, the acknowledgement by Applicant of the high quality of SATA goods (see S 0485), and the test results produced in response to Applicant's production requests bearing production nos. S 0480 – S 0481.

INTERROGATORY NO. 19:

For each product requested to be identified in Interrogatory No. 2, identify the county where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

Answer:

Each identified part is manufactured in Germany or in other European countries. SATA objects to this interrogatory to the extent that it makes reference to the catalog of a third party in no way involved in this proceeding. Supporting evidence includes, but is not limited to, the publication "100 Years of SATA". See also the reference at www.bm-online.de to the effect that SATA exclusively produces its goods in Kornwestheim, Germany.

INTERROGATORY NO. 20:

Describe in detail each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. which was believed to be from Europe.

Answer:

See Opposer's answers to Interrogatories 1 and 13.

INTERROGATORY NO. 21:

Describe any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

Answer:

Consumer recognition of paint spray guns originating from Europe is not limited to HVLP paint spray guns. Numerous references to the high quality of SATA guns are publically available through the Internet and include those found at www.lowridermagazine.com and www.garagejournal.com (S 0530 – S 0538) among many others.

INTERROGATORY NO. 22:

Describe any studies, tests, or surveys related to the United States market share, performance, and quality of products (which compete with products you identified in response to Interrogatory No. 2) sold by Anest Iwata USA, Inc. in the United States.

Answer:

Opposer objects to this interrogatory as being irrelevant to any issue involved in this proceeding, inquiring as it does, as to the business and products of an uninvolved third party.

INTERROGATORY NO. 23:

For each product requested to be identified in Interrogatory No. 2, identify the country of final assembly.

Answer:

Germany.

INTERROGAORY NO. 24:

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

Answer:

Opposer objects to this interrogatory to the extent that it inquires of Opposer's market share in the U.S. as such is irrelevant to any issue involved in this proceeding. Total units sold in the U.S. for the years 2012 and 2013 in connection with each of the four models identified in response to Interrogatory 2 are as follows:

	2012	2013
SATAjet 100 B F HVLP		
SATAjet 100 B F RP		
SATAjet 1000 B HVLP		
SATAjet 1000 B RP		

INTERROGATORY NO. 25:

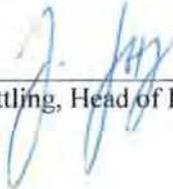
For each product requested to be identified in Interrogatory No. 2, state total sales and market share in Europe for the corresponding product sold in Europe.

Answer:

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

SATA GmbH & Co. KG

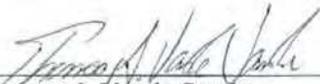
Date: January 30, 2014



Joerg Goettling, Head of Export

As to objections:

Date: 2/12/14



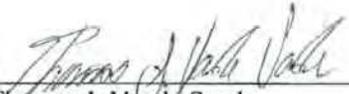
Thomas J. Vande Sande
Hall & Vande Sande, LLC
Attorney for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
Phone: (301) 983-2500

CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esq.
Adli Law Group P.C.
633 West Fifth Street, Suite 6900
Los Angeles, CA 90071

Date: 2/12/14



Thomas J. Vande Sande
HALL & VANDE SANDE, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

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

SATA GmbH & Co. KG)	
	)	Opposer
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
	)	Applicant

APPLICANT’S MIKE GHORBANI’S INTERROGATORIES TO OPPOSER

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120), Trademark Trial and Appeal Board Manual of Procedure § 406, and Federal Rule of Civil Procedure 33, Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG (“Sata”) answer the following Interrogatories separately and fully, in writing, under oath within thirty (30) days after date of service.

For the purpose of these Interrogatories, the following definitions and instructions shall apply:

DEFINITIONS

1. The term “you,” and “your” refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint ventures.
2. The term “person” means any natural person or any business, legal or governmental entity, or association.

3. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes on desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

4. The term “identify,” when referring to:

a. a natural person, means to give his or her full name, present or last address and telephone number, last known place of employment and job title;

b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;

c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or

control of the document, provided, however, that answers to interrogatories requesting identifications or descriptions of certain communications or documents may be satisfied by attaching a true and correct copy of any written documents, as described herein, containing the requested information;

d. a product, means to provide a description of the item which is offered for sale, and the intended market for the product;

5. The term "communication" is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic or other media.

6. The terms "relating to" and "related to" mean, without limitation, concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

7. The use of a present tense shall include past tenses.

8. The use of the singular form of any word also includes the plural and vice versa.

9. The terms "all" and "each" shall each be construed to include the other.

INSTRUCTIONS

1. In answering these Interrogatories, furnish all information, including information contained in or on any document, that is known or available to you, including all information in the possession of your attorneys or other persons acting on your behalf or under your attorneys' employment or direction.

2. If you cannot answer any interrogatory fully and completely after exercising due diligence to make inquiries and secure information necessary to do so, so state, and

answer each such interrogatory to the full extent you deem possible; specify the portion of such interrogatory that you claim you are unable to answer fully and completely; state the facts on which you rely to support your contention that you are unable to answer such interrogatory fully and completely; and state what knowledge, information and/or belief you have concerning the unanswered portion of each such interrogatory.

3. If there is any item of information that you refuse to disclose on grounds of privilege or work-product immunity, answer so much of the interrogatory as does not request information for which you claim privilege, state the nature of the privilege you claim, and provide sufficient details, including the nature of the information, its source, its subject matter, and the names of all persons to whom that information was disclosed, such as would enable the claim of privilege or immunity to be adjudicated.

4. If the response to any interrogatory consists, in whole or in part, of an objection relating to burdensomeness, then with respect to such response:

a. Provide such information as can be ascertained without undue burden;

b. State with particularity the basis for such objection including:

i. a description of the process or method required to obtain any fact responsive to the interrogatory; and

ii. the estimated cost and time required to obtain any fact responsive to the interrogatory.

5. These interrogatories are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

INTERROGATORIES

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

INTERROGATORY NO. 1:

Describe in detail the circumstances through which you first became aware of Mike Ghorbani and the use of the EURO mark.

INTERROGATORY NO. 2:

Identify every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

INTERROGATORY NO. 3:

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about each product.

INTERROGATORY NO. 4:

For each product requested to be identified in Interrogatory No. 2, identify the price at which each of those products is offered in the United States.

INTERROGATORY NO. 5:

For each product requested to be identified in Interrogatory No. 2, describe the channels of trade of the product in the United States.

INTERROGATORY NO. 6:

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about the sales and distribution of the product in the United States.

INTERROGATORY NO. 7:

For each product requested to be identified in Interrogatory No. 2, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

INTERROGATORY NO. 8:

For each product requested to be identified in Interrogatory No. 2, describe the target markets and characteristics of targeted consumers.

INTERROGATORY NO. 9:

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

INTERROGATORY NO. 10:

Describe any studies, tests, ratings, or surveys related to the quality of the products offered under the mark EURO.

INTERROGATORY NO. 11:

Describe any studies, tests, ratings, or surveys related to consumer recognition of SATA mark.

INTERROGATORY NO. 12:

Describe any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

INTERROGATORY NO. 13:

Describe in detail each incident, known to you, of actual confusion between your products, and products available under the name EURO.

INTERROGATORY NO. 14:

For each product requested to be identified in Interrogatory No. 2, identify your market share in the United States.

INTERROGATORY NO. 15:

For each product requested to be identified in Interrogatory No. 2, identify the market share of any competitors known or estimated by you.

INTERROGATORY NO. 16:

Describe in detail any supporting evidence that you have for your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

INTERROGATORY NO. 17:

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products are manufactured in Germany.

INTERROGATORY NO. 18:

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products have superior performance.

INTERROGATORY NO. 19:

For each product requested to be identified in Interrogatory No. 2, identify the country where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

INTERROGATORY NO. 20:

Describe in detail each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. which was believed to be from Europe.

INTERROGATORY NO. 21:

Describe any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

INTERROGATORY NO. 22:

Describe any studies, tests, or surveys related to the United States market share, performance, and quality of products (which compete with products you identified in response to Interrogatory No. 2) sold by Anest Iwata USA, Inc. in the United States.

INTERROGATORY NO. 23:

For each product requested to be identified in Interrogatory No. 2, identify the country of final assembly.

INTERROGATORY NO. 24:

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

INTERROGATORY NO. 25:

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in Europe for the corresponding product sold in Europe.

Moradian Law
Payam Moradian

/Payam Moradian/

Attorney for Mike Ghorbani
2789 Woodwardia Dr.
Los Angeles, CA 90077
p@moradianlaw.com
917-353-1919

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been duly served by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to on Dec. 9, 2013:

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MD 20854

By: /Payam Moradian/
Payam Moradian

EXHIBIT B

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

-----)	
SATA GmbH & Co. KG)	
	Opposer	)	Mark: EURO & Design
v.)	
Mike Ghorbani		)	Serial No.: 85/712789
	Applicant	)	Opposition No. 91/210813
-----)	

**OPPOSER SATA GMBH & CO. KG'S RESPONSES AND
OBJECTIONS TO APPLICANT'S REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS**

Opposer SATA GmbH & Co. KG responds and objects to Applicant Mike Ghorbani's Requests for the Production of Documents and Things as follows:

GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

Opposer objects to the Requests, to each and every individual request contained therein, and to the "Definitions" contained in the Requests, to the extent they are inconsistent with or seek to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

GENERAL OBJECTION NO. 2:

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they seek the production of documents or information that: (1) are protected by the attorney-client privilege; (2) constitute work product of Opposer's attorneys;

and/or (3) are otherwise privileged. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity recognized by statute or case law.

GENERAL OBJECTION NO. 3:

The subject matter of these requests is under continuing investigation. Accordingly, these responses are limited to and are applicable only to documents and other information which Opposer's counsel has been able to ascertain and locate as of the date hereof. Opposer expressly reserves the right to use, rely upon, and offer into evidence any and all documents and other information responsive to these requests, whether or not presently identified or produced, if the documents or other information responsive to these requests have not been obtained by counsel and deemed responsive by counsel as of the date of this response, or if the responsiveness of the documents or other information has been overlooked in good faith, or if an objection is interposed to producing a document or other information.

GENERAL OBJECTION NO. 4:

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they require Opposer to search for and reveal privileged information from its and its attorneys' files pertaining to this matter.

GENERAL OBJECTION NO. 5:

To the extent that the Requests seek confidential or proprietary information pertaining to Opposer's business, trade secrets and/or economic relationships, Opposer will only produce such information subject to the terms of the Protective Order approved by the Trademark Trial and Appeal Board.

GENERAL OBJECTION NO. 6:

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they call for the production of documents or things which are confidential or proprietary to, or contain the trade secrets of, a third party. Each such request is overly broad, unduly burdensome, oppressive, and seeks to impose obligations beyond those permitted by the TBMP and the Federal Rules of Civil Procedure.

GENERAL OBJECTION NO. 7:

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent that they call for the production of “all documents” where compliance with such request would be unduly burdensome. In the event a request seeking “all documents” is unduly burdensome, Opposer will produce documents sufficient to respond to Applicant’s request pursuant to TBMP § 419.

GENERAL OBJECTION NO. 8:

Opposer objects to the “Definitions” contained in the Requests insofar as they contain instructions rather than definitions for terms and are thus ambiguous.

Opposer expressly incorporates the above General Objections as though set forth fully in response to each of the following individual requests, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. A response to a request shall not be deemed a waiver of any applicable specific or general objection to a request. Likewise, a response to a request shall not be deemed an admission of any assertions contained in that request.

RESPONSES

REQUEST NO. 1:

All documents relating to Mike Ghorbani, M.G. Distributor Inc., and the use of the EURO mark.

Response:

Opposer objects to this request to the extent that it seeks the production of attorney-client privilege and/or work product protected documents. See responsive documents produced herewith bearing production nos. S 0001 – S 0017.

REQUEST NO. 2:

All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to responsive documents produced herewith bearing production nos. S 0018 – S 0477.

REQUEST NO. 3:

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to every product....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to those documents produced herewith bearing production nos. S 0478 – S 0479.

REQUEST NO. 4:

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents” and “all advertisements....” See General Objection 7. In addition, this request is objected to in that it is not written in a manner in which it can be understood. Finally, Opposer objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

REQUEST NO. 5:

All documents relating to your competitors and their competing products for any products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents....” See General Objection 7. Opposer also objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

REQUEST NO. 6:

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

Response:

Relevant documentation is produced herewith bearing production Nos. S 0480 - S 0481.

REQUEST NO. 7:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to any studies, tests, ratings, or surveys” See General Objection 7. See the websites www.refinishnetwork.com and www.powertool-box.com as well as those documents produced herewith bearing production Nos. S 0482 – S 0485.

REQUEST NO. 8:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

Response:

No such documents are believed to exist.

REQUEST NO. 9:

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

Response:

Opposer has no knowledge of the extent, if any, to which documentation exists relating to such instances.

REQUEST NO. 10:

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

Response:

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

REQUEST NO. 11:

All documents relating to market share of any competitors for HVLP (High volume Low Pressure) spray guns in the United States.

Response:

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

REQUEST NO. 12:

All documents relating to your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Notwithstanding this objection, see documents produced herewith bearing production nos. S 0480 – S 0481.

REQUEST NO. 13:

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Representative documentation is produced herewith bearing production nos. S 0486 – S 0490.

REQUEST NO. 14:

All documents relating to your contention in the Complaint that your products have superior performance.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Relevant documents include those produced herewith bearing production nos. S 0491 – S 0529 and S 0480 - S 0481 produced in response to Request No. 6.

REQUEST NO. 15:

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

Response:

Opposer objects to this request as not capable of being understood, requesting as it does documents relating to one or more countries and referring as it does to parts identified by a third party. Notwithstanding this objection, Opposer notes that all of its goods are manufactured at its manufacturing facility in Germany and all components are manufactured in Germany or in other European countries.

REQUEST NO. 16:

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

Response:

See Opposer's response to Request No. 9 which is incorporated herein by reference.

REQUEST NO. 17:

All documents relating to any studies, tests, ratings or surveys related to consumer recognition of HVLP spray guns originating from Europe.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to any studies, tests, ratings or surveys...." See General Objection 7. In addition to documents produced in response to other requests such as Request No. 14, see S 0485. Additional merely representative samples include those documents produced herewith bearing production nos. S 0530 – S 0538.

REQUEST NO.18:

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

Response:

Opposer objects to this request demanding as it does documents relating to a third party uninvolved in this proceeding. Notwithstanding this objection no such documents are believed to exist.

REQUEST NO. 19:

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to the country of final assembly...." See General Objection 7. Notwithstanding this objection, see those documents produced herewith bearing production nos. S 0486 – S 0499.

REQUEST NO. 20:

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any other goods listed for Serial No.: 85/712789.

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to total sales...." See General Objection 7. Opposer further objects to this request in that the request calls for documents having neither relevance to the issues involved in this Opposition nor any likelihood of leading to the discovery of information relevant to this proceeding.

REQUEST NO. 21:

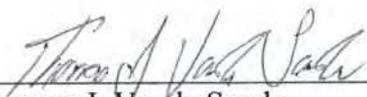
All documents including packaging and advertising relating to your products labeled or advertised as "Europe Engineered," "European Engineered," or "made in Europe."

Response:

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents...." See General Objection 7. Notwithstanding this objection, representative documents include those produced herewith bearing production nos. S 0539 - S 0550.

Respectfully submitted,

Date: 2/6/14



Thomas J. Vande Sande
Hall & Vande Sande, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
Phone: (301) 983-2500

CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES AND OBJECTIONS TO APPLICANT'S REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" and related documents bearing production numbers S 0001 – S 0550 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esq.
Adli Law Group P.C.
633 West Fifth Street, Suite 6900
Los Angeles, CA 90071

Date: 2/6/14



Thomas J. Vande Sande
HALL & VANDE SANDE, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 3:

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

REQUEST NO. 4:

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

REQUEST NO. 5:

All documents relating to your competitors and their competing products for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 6:

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

REQUEST NO. 7:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 8:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

REQUEST NO. 9:

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

REQUEST NO. 10:

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 11:

All documents relating to market share of any competitors for HVLP(High volume Low Pressure) spray guns in the United States.

REQUEST NO. 12:

All documents relating to your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

REQUEST NO. 13:

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

REQUEST NO. 14:

All documents relating to your contention in the Complaint that your products have superior performance.

REQUEST NO. 15:

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>. L

REQUEST NO. 16:

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

REQUEST NO. 17:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

REQUEST NO. 18:

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

REQUEST NO. 19:

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 20:

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any others goods listed for Serial No.: 85/712789.

REQUEST NO. 21:

All documents including packaging and advertising relating to your products labeled or advertised as “Europe Engineered,” “European Engineered,” or “made in Europe.”

Moradian Law
Payam Moradian

/Payam Moradian/

Attorney for Mike Ghorbani
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90077
p@moradianlaw.com
917-353-1919

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been duly served on January 2, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MD 20854

By: /Payam Moradian/
Payam Moradian

EXHIBIT C



Oppenheimer Tower
10880 Wilshire Blvd., Suite 1101
Los Angeles, CA 90024
917-353-1919
p@moradianlaw.com

March 19, 2014

Via Email: tv@hvsllc.com

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MD 20854

RE: Opposition No. 91210813

Dear Mr. Vande Sande,

Your Responses to Mike Ghorbani's First Set of Interrogatories and Requests for the Production of Documents and Things ("Document Request") are deficient as explained below. We demand that you supplement your Responses and Production to cure these deficiencies.

In Response to Interrogatory 9 (identity of competitors), 15 (market share of competitors), and 22 (Information on Innesta), (as well as Documents Request 5 and 11) you state that these Interrogatories are irrelevant and refuse to provide an answer. We disagree. In the complaint you alleged that Sata's paint spray guns are the "benchmark by which competitor's goods might be measured." You further allege that the spray guns sold under the mark Euro are sold in the same channels of trade as Sata's products. The requested information on Sata's competitors is relevant because it may discredit Sata's position that purchaser's of spray guns have a bias toward European manufactured spray guns and that any confusion regarding the mark Euro would be detrimental to Sata. Additionally, you brought up your competitors in the Complaint and cannot now allege that the identity of these competitors and their market share is somehow irrelevant.

In response to Interrogatory Nos. 13 and 20 requesting evidence of actual confusion, You provide a vague answer based "upon information and belief" and do not cite to specific evidence. In view of your failure to cite to any documents and your response to Document Request No. 9, we understand that you lack documents or other evidence showing actual confusion.

In response to Interrogatory 18 and Document Request 6 and 12, you cite to documents S480-481. The copy of the documents that you produced are illegible. Please provide a legible copy of these documents.

Your answers to Interrogatory 19 and Document Request No. 15 are non-responsive. Interrogatory 19 asks you to identify where each part of Sata's products identified in

March 19, 2014
Page 2

Interrogatory No. 2 are manufactured. You have taken the position that your guns are manufactured in Germany. We have the right to know where each part of the guns are manufactured, including each part listed in Interrogatory 19.

In Response to Interrogatory 14, 24, and 25 (as well as Documents Request 10) (Sata's market share), you state that these Interrogatories are irrelevant and refuse to provide an answer. We disagree. The requested information on your market share is relevant because it may discredit your position that purchaser's of spray guns have a bias toward European manufactured spray guns and that any confusion regarding the mark Euro would be detrimental to Sata. We demand that you supplement your responses to these Interrogatories.

In Response to Document Request No. 21, you cite to documents that state Sata's spray guns are made in Germany. It is our understanding that you lack any documents were Sata's products are advertised as made in Europe or European engineered.

In Response to Document Request No. 4, you refuse to provide documents relating to your advertisement. These documents are relevant to your contention in the Complaint that spray guns sold under the name Euro are sold in the same channel of trade as Sata's spray guns. We demand that you produce advertisements that are responsive to Document Request No. 4.

In Response to Document Request No. 7 and Interrogatory Nos. 17, 19, and 21, you cite to particular websites. We demand that you produce the pages of any websites that you believe are relevant. We cannot browse a website and guess which pages you meant to be relevant.

Sincerely Yours,



Payam Moradian

EXHIBIT D



Responses to your letter of March 19, 2014

2 messages

Denise Nappi <dnappi@hvslc.com>

Fri, Apr 18, 2014 at 9:10 AM

To: "p@moradianlaw.com" <p@moradianlaw.com>

Cc: Thomas Vande Sande <tv@hvslc.com>, Denise Nappi <dnappi@hvslc.com>, Luke Vande Sande <lvandesande@hvslc.com>

Dear Mr. Moradian,

I write in response to the various contentions set forth in your letter of March 19, 2014 regarding our client's discovery responses.

Interrogatory 9—I still fail to see how the identification of SATA's competitors is in any way relevant to the principal issue involved in this case, specifically the geographic significance of your client's EURO mark when used in connection with Chinese SATA copy paint spray guns. The actions of SATA's competitors are not involved in this case. Who SATA's competitors are has no bearing on the significance of the mark your client has adopted and the intended and actual significance of that mark. Accordingly, we stand by our objection to Interrogatory 9.

Interrogatories 13 and 20, Document Request 9--- We stand by our answers to these interrogatories. You inquired as to actual confusion and we responded indicating specific related facts. We similarly stand by our Response to Document Request 9. SATA cannot speak as to what other entities may or may not possess in terms of documentation.

Interrogatories 14, 15, 24 and 25---We simply cannot agree with either your contention that market share (be it SATA's or that of other parties) is relevant or your logic in this regard. A manufacturer's market share may be large or small with that fact having no bearing on the reputation of the involved goods. For instance, the fact that Bentley or Rolls Royce automobiles possess negligible

market share obviously has no relevance to their reputation. Finally, foreign activities such as those you have requested through Interrogatory 25 are completely irrelevant to this proceeding.

Interrogatory 18 and Document Requests 6 and 12---We are in the processing generating better copies of the graphic representations of documents S480 and S481.

Interrogatories 17 and 19 and Document Request 15---We again stand by our answers and response. We have, as clearly as we can, stated that SATA guns are manufactured at its plant in Germany and that all component parts are individually manufactured in Germany or in other parts of Europe. It is clear from our answers and the cited document production that our client's goods are European in origin. The relevant issue involves your client's use of EURO on Chinese copy guns.

Interrogatory 22---I am lost as to the alleged relevance of anything having to do with Anest Iwata, a complete stranger to this case. In the event that your thought is that Anest Iwata guns are alleged by some to be of high quality, I am still lost. Certainly more than one player in a given industry may be well thought of. Moreover, your client is not Anest Iwata, nor is it offering Anest Iwata guns, nor even copies of Anest Iwata guns. To the best of my knowledge, your client currently knocks off only SATA guns. Please correct me if I am mistaken in this regard.

Document Requests 5, 10 and 11---For the reasons stated above we maintain our position that the information requested, related as it is to competitors and market shares is irrelevant and that if relevant these Requests are overly broad in scope to the point of being unduly burdensome.

Document Request 21---We stand by our Response.

Document Request 4--- You have mischaracterized our Response. We noted

that we cannot understand the Request. We also noted that it is totally unlimited in scope and would appear to be overly broad and extremely burdensome. Finally, we have objected on the grounds of relevance. We stand by each of these objections.

Document Request 7---We have identified and produced specific documents in response to your request. In addition, we have directed you to specific websites and not merely provided you with some vague indication of what you might find. You asked about consumer recognition of SATA products. At the identified websites you will clearly see examples of such.

As noted above, we are looking to replace S480 and S481 with better copies. In the alternative, we may be able to forward those pages to you electronically. In either event, we will see that you are provided with those pages at some point next week.

Best regards,

Tom Vande Sande

Hall & Vande Sande, LLC

10220 River Road, Suite 200

Potomac, Maryland 20854

Phone: [\(301\) 983-2500](tel:3019832500)

Facsimile: [\(301\) 983-2100](tel:3019832100)

Email: tv@hvslc.com

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EXHIBIT E

2500, and destroy the original e-mail transmission and its attachments without reading or saving it in any manner.

Payam Moradian <p@moradianlaw.com>

Fri, May 2, 2014 at 12:18 PM

To: Denise Nappi <dnappi@hvsllc.com>

Cc: Thomas Vande Sande <tv@hvsllc.com>, Luke Vande Sande <lvandesande@hvsllc.com>

Dear Mr. Vande Sande,

I would like to meet and confer with you regarding your refusal to answer our interrogatories and produce relevant documents.

We believe that market share of Sata's products in the US is relevant to Sata's contention that the origin of a spray gun is material to a consumer's decision to buy a spray gun. We believe that Sata's market share in the US will show that consumers in the USA do not prefer a European made spray gun. We also believe that Sata's data on its competitors who manufacture spray guns outside of Europe is further relevant to show that consumers have no preference for a European made spray gun.

In addition, we do believe that where each part of Sata's spray guns are manufactured is relevant. We did not ask for the manufacturer's name or highly confidential information. We only asked for what country each part of Sata's guns are manufactured. The fact that Sata makes components of its guns outside of Germany but only advertises its guns as German made illustrates that Sata does not believe consumers prefer a spray gun that is advertised as a European made gun.

Please let me know when you are available for a meet and confer.

Thank you

[Quoted text hidden]

--

Payam Moradian, Patent Attorney

10880 Wilshire Blvd, Suite 1101

Los Angeles, CA 90024

p@moradianlaw.com

917-353-1919

www.moradianlaw.com

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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MEET AND CONFER

6 messages

Thomas Vande Sande <tv@hvslc.com>

Wed, May 7, 2014 at 11:32 AM

To: "p@moradianlaw.com" <p@moradianlaw.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Dear Mr. Moradian,

I join you in believing that it would likely be beneficial for us to have the opportunity to discuss various outstanding issues, including those raised in your email of May 2.

I would like to suggest that we schedule a time for May 14th, preferably at 10:00 or 11:00 am your time. Please let me know if one of these times works for you.

Best regards,

Tom Vande Sande

Payam Moradian <p@moradianlaw.com>

Wed, May 7, 2014 at 11:35 AM

To: Thomas Vande Sande <tv@hvslc.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Mr. Vande Sande,

May 14 at 11AM my time works for me. I would appreciate if you send me an agenda of issues that you have at your end. I may be able to resolve them before the teleconference.

Thank you

[Quoted text hidden]

—

Payam Moradian, Patent Attorney

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distribution by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

Thomas Vande Sande <tv@hvslc.com>

Thu, May 8, 2014 at 12:19 PM

To: Payam Moradian <p@moradianlaw.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Dear Mr. Moradian,

We are looking to have resolved prior to our meet and confer, or discussed during the meet and confer, the following:

1. Our often mentioned letter of October 31, 2013 detailing the specific deficiencies in Mr. Ghorbani's Responses and document production in connection with our first set of requests for production. The various issues raised in that letter have been neglected for way too long.
2. The particulars set forth in our letter of April 21, 2014.
3. The date by which you intend to respond to our second set of interrogatories and our second set of production requests. As you have previously noted, the suspension of proceedings effects the date your answers, responses and production are due, but I am looking for a statement of your intentions as to when you believe those items of discovery are to be responded to. As I earlier noted, your client has now had months to make related efforts and I do not see the need for a further 30 day delay being tacked on once the Board has lifted the suspension.
4. We have recently received from you documents bearing production numbers MGD 000058-000063 but we do not see any indication of any document request or response associated with these documents. Please identify the specific discovery which prompted the production of these documents.
5. We have several issues to address relating to the interrogatory answers and production request responses received in connection with our expert related discovery.
 - a. We note that the simple inquiry set forth in Interrogatory 2 has been ignored. The question requires no more than a yes or no answer. Please supplement accordingly.
 - b. As to Interrogatory 3, we can quibble, if needed, at some later date concerning geography issues. In the meanwhile, we request that our interrogatory be answered.

Doing so should not be difficult for an expert.

c. Turning to Interrogatory 4, the interrogatory asks the expert about the considerations a consumer might entertain before obtaining a sample gun to test, not when a consumer asks for a sample. Given the discussion set forth in your expert's Report, we would imagine that he should be able to answer this question. We need to receive an answer reflecting your expert's knowledge or opinion as such might pertain to the question asked.

d. The answer provided in response to interrogatory 6 is completely unresponsive. The inquiry relates to the copying of guns. No discussion is requested or needed relating to popularity. Please see that we are provided with answers to the very specific questions set forth in parts A and B of this interrogatory.

e. Interrogatory 7 poses a simple yes or no question. We demand a non-evasive answer to the single simple inquiry posed.

f. The answers provided in response to Interrogatories 9 and 10 are flawed for several reasons. Firstly, the objections that these inquiries are "incomplete" and "prejudicial" simply make no sense. Additionally, both the objections and the proffered answer ignore the fact that we are entitled to pose hypothetical questions to an expert. He need be provided with no specific website reference. We are simply asking him what the motivation would be, in his expert opinion for a vendor making the statements set forth in the interrogatories at a website. Finally, looking at the "expert's" answer, if he indeed is not familiar with, or was not provided with statements made by Mr. Ghorbani as such relate to SATA and its products, we will leave to the Board the effect and impact that fact may have on the knowledge of, and the opinions urged by, Mr. Demarco.

g. Directing your attention to the Responses to our expert directed production requests, we are quite concerned with the Responses received to Requests 1,3 and 4. Specifically, each Response contends that the related Request is "overly burdensome", but absolutely no detail is provided in terms of the number of involve documents and obviously they are not located in some remote area that makes their location a chore. Additionally, while claims of work product protection and attorney client privilege are made, no supporting privilege log has been provided. Please promptly provide us such so that we mat fairly evaluate the claims you have made in accordance with the applicable rules of law. Next, we note that the Responses state that responsive documents "will" be produced. Please provide us with a date certain for such production. Finally, while it is stated that a substantial number of documents have been produced along with the expert's report, no effort has been made to identify any documents that have been produced in response to these requests. Please provide a

specific identification of any such documents in response to Requests 1, 3 and 4.

It may well be that we will have other issues to raise relating to these and other pending matters and we will of course bring such to your attention as they arise. In the meanwhile, I appreciate your willingness to resolve all possible issues prior to our discussion next week.

Best regards,

Tom Vande Sande

From: Payam Moradian [mailto:p@moradianlaw.com] .stt
Sent: Wednesday, May 07, 2014 2:36 PM
To: Thomas Vande Sande
Cc: Lucas Vande Sande; Denise Nappi
Subject: Re: MEET AND CONFER

[Quoted text hidden]

Payam Moradian <p@moradianlaw.com>
To: Thomas Vande Sande <tv@hvsllc.com>

Fri, May 9, 2014 at 10:38 AM

Mr. Vande Sande,

I did not realize that your agenda had so many items when setting our meet and confer meeting. We will try our best to address your points by Wednesday, but if we need more time, I may ask for an additional few days for the meet and confer.

Thank you

[Quoted text hidden]

Thomas Vande Sande <tv@hvsllc.com>
To: Payam Moradian <p@moradianlaw.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Mon, May 12, 2014 at 11:56 AM

Mr. Moradian,

I have no objection to altering the date of the meet and confer but would like to ask that you let me know at some point tomorrow (Tuesday) whether we are looking to talk on Wednesday.

What was included in the agenda was limited, of course, to our current discovery

concerns in the now pending Opposition proceeding. I do not know if you are also looking to discuss, prior to, subsequent to, during the meet and confer, or not at all, additional of our clients' disputes. For instance, we see that your client has filed yet another EURO trademark application, which we will likely look to oppose, if and when it is published for Opposition. Additionally, as previously discussed, most recently during our January phone discussion, our client remains deeply concerned by Mr. Ghorbani's offering for sale, and sale of, SATA copy guns and the patent infringement and unfair competition implications of those activities. Please let me know if you are looking to have our discussions involve these broader issues as well.

Tom Vande Sande

From: Payam Moradian [mailto:p@moradianlaw.com]

Sent: Friday, May 09, 2014 1:39 PM

To: Thomas Vande Sande

[Quoted text hidden]

[Quoted text hidden]

Payam Moradian <p@moradianlaw.com>

Mon, May 12, 2014 at 2:28 PM

To: Thomas Vande Sande <tv@hvsllc.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Dear Mr. Vande Sande,

We plan to supplement our responses and production by early next week. A meet and confer would be more fruitful after the supplementation. I believe that it is best to do our meet and confer in the middle of next week.

My client has not infringed any of Sata's patents or carry out unfair competition. The cease and desist letter that you sent to my client involved a patent that covered a totally different design than that sold by my client. It is Sata who has engaged in unfair competition by sending a cease and desist letter to my client regarding a patent that Sata knew did not cover my client's product.

Thank you

[Quoted text hidden]

EXHIBIT F



STATUS

5 messages

Thomas Vande Sande <tv@hvslc.com>

Fri, Jun 6, 2014 at 12:04 PM

To: "Payam Moradian (p@moradianlaw.com)" <p@moradianlaw.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Mr. Moradian,

We are quite concerned by the fact that we have received no supplementation, nor any substantive response to, the various discovery matters set forth in our email of May 8, 2014 identified as items 1-5(a)-(g). As you will recall, some of the discovery issues raised in that correspondence deal with deficiencies that I have been writing about since October 2013.

In addition, it has come to our attention that your client's Answers to our First Set of Interrogatories were executed by counsel and not by Mr. Ghorbani. Please have your client sign off on the Answers and forward such to us promptly.

Please provide us, by no later than the end of next week, with a written reply to our email of May 8 detailing your client's position with respect to each of the specific issues set forth therein, along with whatever supplementation your client is looking to offer voluntarily.

Tom Vande Sande

To: Thomas Vande Sande <tv@hvslc.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Mr. Vande Sande,

Our expert's supplementation will be served on June 10th.

The Board recently resumed the proceeding on May 27, 2014. We have 30 days from this date to respond to your new discovery requests since these were served during the suspension period. Nevertheless, we expect to produce a number of documents next week. We have until June 27, 2014 to respond to your second set of interrogatories, and wish to take that time to ensure that we cite to all the relevant documents.

I attach the verification that Adli Law had sent you for the first set of interrogatories. I only need to send you a verification for the supplement to ROG 17.

Please take this time to reconsider your position to refuse to answer our ROGs and produce relevant documents regarding 1) where each component of Sata's spray guns are made, 2) information on competitors of Sata and market share in the US. We plan to move for a motion to compel on these issues if our meet and confer is not successful

Thank you

[Quoted text hidden]

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Payam Moradian, Patent Attorney

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 Verification.pdf
462K

Thomas Vande Sande <tv@hvslc.com>
To: "Payam Moradian (p@moradianlaw.com)" <p@moradianlaw.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Tue, Jun 10, 2014 at 11:54 AM

Mr. Moradian,

We note your promises with respect to two of the issues discussed in our letter of May 8. We also note that no progress has been made with respect to the other outstanding issues discussed in that, and earlier, correspondence.

Finally, we have not been provided with any interrogatory answers executed by Mr. Ghorbani.

Tom Vande Sande

From: Payam Moradian [mailto:p@moradianlaw.com]
Sent: Friday, June 06, 2014 3:51 PM
To: Thomas Vande Sande
Cc: Lucas Vande Sande; Denise Nappi
Subject: Re: STATUS

[Quoted text hidden]

Payam Moradian <p@moradianlaw.com> Tue, Jun 10, 2014 at 3:23 PM
To: Thomas Vande Sande <tv@hvsllc.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Mr. Vande Sande,

Please see attached

**APPLICANT EXPERT'S (MICHAL DEMARCO) SUPPLEMENTAL RESPONSE TO
OPPOSER'S EXPERT DISCOVERY INTERROGATORIES**

[Quoted text hidden]

 DeMarco_Second_Response.pdf
4591K

Payam Moradian <p@moradianlaw.com> Tue, Jun 10, 2014 at 3:34 PM
To: Thomas Vande Sande <tv@hvsllc.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Mr. Vande Sande,

Please see attached documents MGD000069 to MGD000081. We will be producing additional documents before the discovery cut-off date.

[Quoted text hidden]

 MGD69-81.pdf
18269K

EXHIBIT G



Payam Moradian <p@moradianlaw.com>

MISC

4 messages

Thomas Vande Sande <tv@hvslc.com>
To: "Payam Moradian (p@moradianlaw.com)" <p@moradianlaw.com>

Wed, Jun 11, 2014 at 11:36 AM

Mr. Moradian,

We will, as you have requested, further consider our stance in connection with the market share and location of manufacture issues you have raised.

Tom Vande Sande

Payam Moradian <p@moradianlaw.com>
To: Thomas Vande Sande <tv@hvslc.com>

Mon, Jun 23, 2014 at 12:07 PM

Mr. Vande Sande,

We have not received any documents from you since your email of June 11, 2014. We expect you to produce any additional documents that we requested by end of business day tomorrow. We plan to move for a motion to compel on Wednesday the 25th.

Thank you

[Quoted text hidden]

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Payam Moradian, Patent Attorney
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
p@moradianlaw.com
917-353-1919
www.moradianlaw.com

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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Payam Moradian <p@moradianlaw.com>
To: Thomas Vande Sande <tv@hvslc.com>

Tue, Jun 24, 2014 at 3:53 PM

Mr. Vade Sande,

For our motion to compel tomorrow, we intend to submit Sata's Rog responses as an exhibit. Please see attached redacted version of Sata's Rog responses. We will submit this version of the responses tomorrow unless you want additional information to be redacted. We understand that there is no other confidential information in these responses.

[Quoted text hidden]

 Redacted_Sata_First_Set_Of_Response_To_Rog.pdf
1327K

Thomas Vande Sande <tv@hvslc.com>
To: Payam Moradian <p@moradianlaw.com>
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvslc.com>

Wed, Jun 25, 2014 at 3:38 AM

Dear Mr. Moradian,

We confirm that we have reconsidered each of the various issues raised in your prior correspondence, as well as our related responses, and that we conclude that our objections and conclusions are valid. Consequently, we do not intend to make the further production of documents you have requested.

I have considered the redactions you have proposed and have no problem with them.

From: Payam Moradian [mailto:p@moradianlaw.com]
Sent: Tuesday, June 24, 2014 6:53 PM
To: Thomas Vande Sande
Subject: Re: MISC

[Quoted text hidden]

EXHIBIT H

06.09.2010

SATAjet 4000 B - Made for the Best

On the occasion of the Automechanika 2010, SATA launched their latest spray gun generation: the SATAjet 4000 B, replacing the successful SATAjet 3000 B.

The SATAjet 4000 B attracts right away with its distinctive, modern design and its compact, smaller size.

Ergonomics

The new, curved gun handle of the SATAjet 4000 B has been designed to fit the hand like a glove. The low centre of gravity improves the balance of the gun, thus minimising the strain on the wrist. The weight of the SATAjet 4000 B has been reduced by 15 % compared to its predecessor. With integrated digital pressure gauge and RPS disposable cup, it becomes the lightest gun of its class.



The control elements also come in a new design. Due to their improved profile, they can be exactly adjusted even when wearing gloves.

The round/flat spray control has been completely redesigned as well: with one quarter turn only required from open to closed, the spray fan can now be precisely tuned with linear effect to the shape of object to be painted – for safe and even more comfortable paint application.



New Nozzle Concept

With the new SATAjet 4000 B, every paint system can be safely and perfectly applied; painting becomes second nature. The spray gun with its extremely uniform and soft spray fan smoothly lays down the material on the object, resulting in top class finishes. Exact colour match precision, perfect gloss and uniform paint distribution are immediately obvious. As a result, anyone who has tried the SATAjet 4000 B will never want to put the spray gun aside again. The recommended spray gun inlet pressure of the RP version has been further reduced, now ranging between only 2 to maximum 2.2 bar. Additionally, the new nozzle concept helps reduce the noise level by up to 50 %.

Of course, the SATAjet 4000 B fully complies with the strict VOC regulations, with transfer rates far exceeding 65 %. Based on material, routine, application technique and available compressed air volume, the painter can select between the "Super Saver" HVL^P low pressure or the "Super Speed" RP version with optimised high pressure technology. The SATAjet 4000 B is now available with the following nozzle set-ups: The RP versions with the sizes 1.2 / 1.2 W / 1.3 / 1.4 / 1.6 / 1.8 and the HVL^P versions with the sizes WSB / 1.3 / 1.3 C / 1.4 and 1.5. *



Easy cleaning and maintenance

Like the previous gun model, the SATAjet 4000 B features a shiny, easy to clean chrome surface. During the design process, special attention was paid to smooth material passages without any edges or undercuts. Furthermore, the new fluid tip sealing additionally reduces the cleaning effort.

The SATAjet 4000 B is also equipped with a trigger cover element to protect the paint needle from overspray, thus increasing the lifetime of the paint needle packing. Furthermore, self-tensioning paint needle and air piston packings minimise time-consuming maintenance repairs. The proven cup connection (Quick Cup Connector) with bayonet for a quick and clean cup change has been adopted from its predecessor to ensure best conditions for the use of the RPS disposable cup system. To save time during disassembly and cleaning, the air cap thread has been further shortened.

The air cap consists of sturdy chrome-plated brass, while fluid tip and paint needle are made of stainless steel. In combination with the corrosion-resistant chrome surface of the drop-forged gun body, the spraygun is extremely robust and waterborne proof.

Made in Germany

SATA spray guns are exclusively developed and manufactured in Germany. Strict quality controls in place monitor every single manufacturing process. The high precision components are assembled with ultimate care, while each nozzle set is manually fine-tuned. With the SATAjet 4000 B, the painter will achieve perfect finishes.

* Further nozzle sizes will follow in the coming month to complete the range of available RP as well as HVL^P nozzle set-ups.

Related News:

[SATAjet 4000 B](#) - 09.05.2014 09:40

 [SATA Spring Sales Promotion - High-tech product giveaway with "XL Power"](#) - 03.02.2012 09:38

 [SATA Spring Sales Promotion - High-tech product giveaway with "XL Power"](#) - 03.02.2012 09:38

 [SATA Spring Sales Promotion - High-tech product giveaway with "XL Power"](#) - 03.02.2012 09:38

 [SATA Spring Sales Promotion - High-tech product giveaway with "XL Power"](#) - 03.02.2012 09:38

 [SATAjet 4000 B - In Global Use](#) - 14.11.2011 13:31

 [SATAjet 4000 B - In Global Use](#) - 14.11.2011 13:31

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