

ESTTA Tracking number: **ESTTA722978**

Filing date: **01/27/2016**

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

Proceeding	91210813
Party	Plaintiff SATA GmbH & Co. KG
Correspondence Address	Thomas J. Vande Sande Hall & Vande Sande, LLC 10220 River Road, Suite 200 Potomac, MD 20854 UNITED STATES tv@hvslc.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Thomas J. Vande Sande
Filer's e-mail	tv@hvslc.com
Signature	/thomasjvandesande/
Date	01/27/2016
Attachments	SATA Rebuttal Notice of Reliance.pdf(131250 bytes) SATA Rebuttal Exhibit 1.pdf(175224 bytes) SATA Rebuttal Exhibit 2.pdf(182810 bytes) SATA Rebuttal Exhibit 3.pdf(574639 bytes) SATA Rebuttal Exhibit 4.pdf(246535 bytes) SATA Rebuttal Exhibit 5.pdf(594281 bytes)

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

SATA GmbH & Co. KG,)	
)	
Opposer and Petitioner,)	
v.	)	Consolidated
	)	Opposition No. 91210813
Mike Ghorbani,)	
	)	Opposition No. 91217915
Applicant and Registrant.)	
	)	Cancellation No. 92059849

**OPPOSER/PETITIONER SATA GMBH & CO. KG'S
REBUTTAL NOTICE OF RELIANCE**

Opposer/Petitioner SATA GmbH & Co. KG, (SATA) hereby makes of record its
Rebuttal Exhibits 1-5 as specifically identified below.

Rebuttal Exhibit No.	Description	#
R Ex. 1	<p>From Opposer's Second Set of Requests for Admissions of July 16, 2015, Applicant's Responses thereto of August 19, 2015, and Applicant's Amended Responses of September 22, 2015 to Opposer's Second Set of Requests for Admission:</p> <ul style="list-style-type: none"> • Amended Response 9 – establishing that Applicant's purported expert, Michael Demarco, had a financial interest in the marketing of Applicant/Registrant's goods when his expert report was submitted, rendering his opinion biased and unreliable. • Amended Response 10 – establishing 	

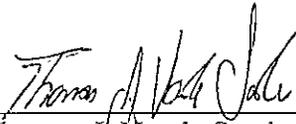
Rebuttal Exhibit No.	Description	#
	<p>that Applicant's purported expert was acting as a vendor of Applicant's EURO paint spray guns when his expert report was submitted and therefore had a financial interest in the marketing of Applicant/Registrant's goods rendering his opinion biased and unreliable.</p> <ul style="list-style-type: none"> • Amended Response 11 - acknowledging that Applicant and Applicant's purported expert witness had established a mutually beneficial business relationship based upon the alleged expert's sales of Applicant's EURO paint spray equipment, evidencing the alleged expert's bias and financial interest in the marketing of Applicant/Registrant's goods when the expert report was drafted. 	
R Ex. 2	<p>From Opposer's Expert Discovery Requests for Production of Documents and Things of March 31, 2014, Applicant's Supplemental Response thereto of August 19, 2015:</p> <ul style="list-style-type: none"> • Supplemental Response to Request No. 1 - acknowledging that documents S480-481, depicting spray patterns of SATA and EURO guns, were <u>not</u> relied upon by Applicant's purported expert in the drafting of his report. 	
R Ex. 3	<p>From Opposer's Expert Discovery, Interrogatories of March 31, 2014, Applicant's Answers thereto of April 28, 2014 and Applicant's Supplemental Responses of June 2, 2014:</p> <ul style="list-style-type: none"> • Interrogatory 6 -- Applicant/Registrant's alleged expert acknowledges that SATA spray guns are amongst those most commonly copied. • Interrogatory 7 -- Applicant/Registrant's alleged expert acknowledges that SATA is an industry leader in producing spray guns and equipment that is desirable based upon a combination of design, performance and craftsmanship, such being qualities material to the decision- 	

Rebuttal Exhibit No.	Description	#
	<p>making process of a potential purchaser.</p> <ul style="list-style-type: none"> • Interrogatory 8 – Applicant/Registrant’s alleged expert acknowledges that no advantage exists for a manufacturer to choose as a trademark a unit of currency, and thus have consumers draw a correlation between, or associate an identified product with a given unit of currency. • Interrogatory 11 – Applicant/Registrant’s alleged expert acknowledges that comparisons to Asian manufactured paint spray guns would not register as an effective advertising approach or marketing tool with potential purchasers. Also rebuts the legitimacy of Michael Demarco as an expert within the paint spray field since he is unfamiliar with commonly used advertising techniques referring to and describing paint spray guns as "European." 	
R Ex. 4	<p>From Applicant’s Supplemental Response of August 19, 2015 and Opposer’s Fourth Set of Requests for Production, dated July 16, 2015:</p> <ul style="list-style-type: none"> • Response to Request No. 68 and MGD 547 & 549 produced by Applicant/Registrant in response to Request No. 68 - rebutting Applicant's assertion that European design and/or manufacture does not possess significance in the paint spray gun market. Further evidences Applicant/Registrant's deceiving and misleading potential purchasers of his Asian manufactured paint spray guns into assuming or otherwise believing that EURO guns are designed and/or manufactured in Europe, as the claim of "German Design", in addition to use of the EURO mark for Asian manufactured spray guns, creates a misimpression of European origin and/or association. 	<p>MGD 547 & 549 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER</p>
R Ex. 5	<p>From Applicant’s Supplemental Response of December 22, 2014 to Request 21 of Opposer’s</p>	

Rebuttal Exhibit No.	Description	#
	First Requests for Production of Documents and Things of August 13, 2013: <ul style="list-style-type: none"> • establishing that Applicant did not include, and failed to supplement its Response to include, documents S480-481 as supporting Applicant's conclusion that EURO guns are not inferior to SATA guns, thus rebutting Applicant's claim that EURO guns are of the same high quality as Opposer's guns. 	

Hall & Vande Sande, LLC

Date: 1/27/16



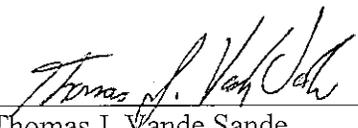
 Thomas J. Vande Sande
 Lucas T. Vande Sande
 Attorneys for Opposer
 10220 River Road, Suite 200
 Potomac, Maryland 20854
 Phone: (301) 983-2500

CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer/Petitioner hereby certifies that one (1) copy of the foregoing "OPPOSER/PETITIONER SATA GMBH & CO. KG'S REBUTTAL NOTICE OF RELIANCE" and those documents identified as Rebuttal Exhibits 1-5 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire
Keleti + Moradian LLP
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

Date: 1/27/16



Thomas J. Vande Sande
Lucas T. 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 AMENDED RESPONSE TO OPPOSER'S SECOND SET OF REQUESTS
FOR ADMISSIONS (AMENDED)**

Pursuant to the Federal Rules of Civil Procedure, Applicant Mike Ghorbani (hereinafter "Applicant"), hereby responds and objects in this second response to Opposer's second Set of Admissions.

9. Admit that Mr. Michael Demarco, Applicant's designated purported expert witness, is a vendor of paint spray guns and related equipment obtained from third parties which include Mike Ghorbani and/or M.G. Distributor.

Answer. Admitted as to the when the expert report was signed.

10. Admit that Mr. Demarco and/or his company or employer has financially gained, or stands to financially gain, from the sale of Mike Ghorbani's and/or M.G. Distributor's paint spray guns and/or Mike Ghorbani's and/or M.G. Distributor's related goods.

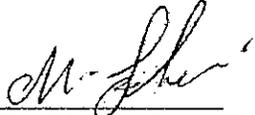
Objection: Calls for a conclusion; Calls for speculation. Ambiguous.

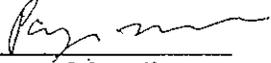
Answer: Denied: The Applicant admits that at the time when the expert report was signed, Applicant's designated purported expert witness, was a vendor of paint spray guns and related equipment obtained from third parties which include Mike Ghorbani and/or M.G. Distributor, and sold the spray guns for a profit. The Applicant denies this request to the extent that it implies Applicant's expert has a financial interest in this proceeding because at the time of his expert report he sold Euro branded spray guns.

11. Admit that Mike Ghorbani and/or M.G. Distributor has financially gained, or stands to financially gain, from Mr. Demarco's, or his company's or his employer's, sale of paint

Objection: Calls for a conclusion; Calls for speculation. Ambiguous.

Answer: Denied: The Applicant admits that Mike Ghorbani and/or M.G. Distributors used to sell to Mr. Demarco, or his company, or his employer spray guns for a profit. The Applicant denies this request to the extent that it implies Applicant's expert has a financial interest in this proceeding.

As to Answers: 
Mike Ghorbani September 22, 2015

As to Objections: 
Payam Moradian September 22, 2015

Keleti+Moradian LLP
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
310-307-4755
p@moradianlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on Thomas J. Vande Sande by mailing said copy on September 22, 2015 *via* First Class Mail, postage prepaid to:

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

By: /Payam Moradian/

Payam Moradian

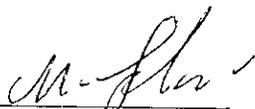
Answer: Denied: The Applicant admits that at the time when the expert report was signed, Applicant's designated purported expert witness, was a vendor of paint spray guns and related equipment obtained from third parties which include Mike Ghorbani and/or M.G. Distributor, and sold the spray guns for a profit. The Applicant denies this request to the extent that it implies Applicant's expert has a financial interest in this proceeding because at the time of his expert report he sold Euro branded spray guns.

11. Admit that Mike Ghorbani and/or M.G. Distributor has financially gained, or stands to financially gain, from Mr. Demarco' s, or his company's or his employer's, sale of paint

Objection: Calls for a conclusion; Calls for speculation. Ambiguous.

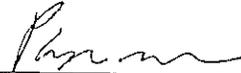
Answer: Denied: The Applicant admits that Mike Ghorbani and/or M.G. Distributors used to sell Mr. Demarco' s, or his company's or his employer's spray guns for a profit. The Applicant denies this request to the extent that it implies Applicant's expert has a financial interest in this proceeding.

As to Answers:


Mike Ghorbani

August 19, 2015

As to Objections:


Payam Moradian

August 19, 2015

Keleti+Moradian LLP
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
310-307-4755
p@moradianlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on Thomas J. Vande Sande by mailing said copy on August 19, 2015 *via* First Class

Mail, postage prepaid to:

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

By: /Payam Moradian/

Payam Moradian

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

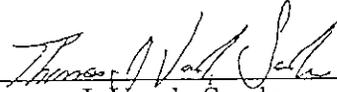
SATA GmbH & Co. KG,)	
)	
)	
Opposer,)	
	)	Consolidated
v.	)	Opposition No. 91210813
)	
Mike Ghorbani,	)	Opposition No. 91217915
)	
Applicant.	)	Cancellation No. 92059849
_____)	

**OPPOSER SATA GMBH & CO. KG'S SECOND
SET OF REQUESTS FOR ADMISSIONS**

9. Admit that Mr. Michael DeMarco, Applicant's designated purported expert witness, is a vendor of paint spray guns and related equipment obtained from third parties which include Mike Ghorbani and/or M.G. Distributor.
10. Admit that Mr. DeMarco and/or his company or employer has financially gained, or stands to financially gain, from the sale of Mike Ghorbani's and/or M.G. Distributor's paint spray guns and/or Mike Ghorbani's and/or M.G. Distributor's related goods.
11. Admit that Mike Ghorbani and/or M.G. Distributor has financially gained, or stands to financially gain, from Mr. DeMarco's, or his company's or his employer's, sale of paint

spray guns and/or related goods obtained from third parties which include Mike Ghorbani
and/or M.G. Distributor.

Date: 7/16/15



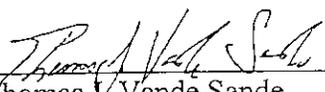
Thomas J. Vande Sande
Lucas T. Vande Sande
Hall & Vande Sande, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
Phone: (301) 983-2500

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 SECOND SET OF REQUESTS FOR ADMISSIONS" were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire
Moradian Law
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

Date: 7/16/15



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

The Applicant objects to this Request as overly burdensome as it requests "all documents and things." The Applicant also objects to this Request to the extent it covers documents that not-relevant, or are work-product or privileged.

Subject to the foregoing objection, the materials the expert relied upon in his report are listed on page 4 of the expert report, and include the trademark application SN 85/712789, the Complaint (notice of opposition), the answer, and documents MGD 000021-57.

In addition Mr. DeMarco was provided a copy of the documents Sata 480-481 after the expert report and relied on the spray guns depicted in documents MGD000058-63 in formulating responses to the interrogatories.

Request No.2

All drafts of Mr. Demarco's Expert Report, whether prepared by Mr. Demarco or Mr. Ghorbani or Mr. Ghorbani's counsel.

Response To Request 2

The Applicant objects to this Request since draft of expert reports are work-product, privileged, and not relevant. The Applicant will not produce any drafts of expert reports. The Applicant is willing to produce draft of expert reports only if the Opposer is able to cite to case law or a Rule that requires drafts of expert reports to be produced.

Request No.3

All documents consulted or relied upon by Mr. Demarco in the formulation of the opinions expressed in his Expert Report.

Response To Request 3

The Applicant objects to this Request as overly burdensome as it requests “all documents.” The Applicant also objects to this Request to the extent it covers documents that are work-product or privileged.

Subject to the foregoing objection, the Applicant will produce documents that are relevant, in its possession and not subject to work-product or a privilege. The Applicant notes that it has already produced a substantial number of documents with the expert report.

Supplemental Response To Request 3

The Applicant objects to this Request as overly burdensome as it requests “all documents and things.” The Applicant also objects to this Request to the extent it covers documents that not-relevant, or are work-product or privileged.

Subject to the foregoing objection, the materials the expert relied upon in his report are listed on page 4 of the expert report, and include the trademark application SN 85/712789, the Complaint (notice of opposition), the answer, and documents MGD 000021-57.

Request No.4

All documents consulted or relied upon by Mr. Demarco in the formulation of the answers to Opposer's Expert Interrogatories.

Response To Request 4

The Applicant objects to this Request as overly burdensome as it requests “all documents.” The Applicant also objects to this Request to the extent it covers documents that are work-product or privileged.

Subject to the foregoing objection, the Applicant will produce documents that are relevant, in its possession and not subject to work-product or a privilege. The Applicant notes that it has already produced a substantial number of documents with the expert report.

Supplemental Response To Request 4

The Applicant objects to this Request as overly burdensome as it requests “all documents and things.” The Applicant also objects to this Request to the extent it covers documents that not-relevant, or are work-product or privileged.

Subject to the foregoing objection, the materials the expert relied upon in his report are listed on page 4 of the expert report, and include the trademark application SN 85/712789, the Complaint (notice of opposition), the answer, and documents MGD 000021-57. In addition Mr. DeMarco was provided a copy of the documents Sata 480-481 after the expert report and relied on the spray guns depicted in documents MGD000058-63 in formulating responses to the interrogatories.

Request No.5

All documents for which identification is sought in response to Opposer's Expert Discovery Interrogatories.

Response to Request No. 5

The only interrogatory of the Opposer that seeks identification of documents is Interrogatory No. 11. The Applicant has no documents to produce regarding Interrogatory 11.

Payam Moradian
/Payam Moradian/ 
Attorney for Mike Ghorbani
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
p@moradianlaw.com
310-307-4755

August 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been on August 19, 2015 duly served 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

Request No. 3

All documents consulted or relied upon by Mr. Demarco in the formulation of the opinions expressed in his Expert Report.

Request No. 4

All documents consulted or relied upon by Mr. Demarco in the formulation of the answers to Opposer's Expert Interrogatories

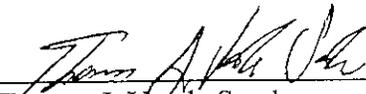
Request No. 5

All documents for which identification is sought in response to Opposer's Expert Discovery Interrogatories.

HALL & VANDE SANDE, LLC

Date: _____

3/31/14



Thomas J. Vande Sande
Lucas T. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

CERTIFICATE OF SERVICE

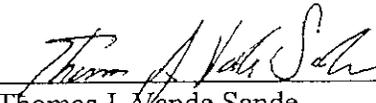
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S EXPERT DISCOVERY REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire
Moradian Law
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

HALL & VANDE SANDE, LLC

Date: _____

3/31/14



Thomas J. Vande Sande
Lucas T. Vande Sande
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 EXPERT'S (MICHAL DEMARCO) SUPPLEMENTAL RESPONSE TO
OPPOSER'S EXPERT DISCOVERY INTERROGATORIES

INTERROGATORIES

INTERROGATORY NO. 1

What, in the opinion of Applicant's designated expert witness, possible motivation might exist for adoption of the EURO mark, other than to indicate to consumers that there exists a correlation to Europe?

Objections

The Applicant objects to the part of the interrogatory stating "other than to indicate to consumers that there exists a correlation to Europe" to the extent it suggests an answer or assumes that this statement is true.

Response To Interrogatory No. 1

I spoke to Mike Ghorbani and based on my conversations with him, it is my opinion that no particular motivation exists for choosing the name Euro other than for having a simple and easy to pronounce trademark.

INTERROGATORY NO. 2

Is the Applicant's designated expert witness familiar with the use of the designation "U.S." or "U.S.A" used in connection with reference to American goods?

Response To Interrogatory No. 2

I am familiar with use of made in U.S.A. to designate goods originating from United States of America. I note that U.S.A. is an acronym for United States of America, while Euro is not an acronym. In my opinion the made in U.S.A. label is not relevant to the dispute in this case because Euro is not an acronym.

Supplemental Response To Interrogatory No. 2

Yes.

INTERROGATORY NO. 3

What, in the opinion of Applicant's designated expert witness, is the overall reputation of Chinese manufactured paint spray guns?

Objections

This interrogatory is objected to as lacking relevance and being prejudicial. The spray guns sold under the mark Euro are not manufactured in China.

Response

Based on my conversations with Mike Ghorbani, the spray guns bearing the mark Euro are manufactured in Taiwan, and not China. Unlike China, Taiwan has a reputation for producing high-tech quality products.

Objections for Supplemental Response

This interrogatory is objected to as lacking relevance and being prejudicial. The spray guns sold under the mark Euro are not manufactured in China.

Supplemental Response To Interrogatory No. 3

Reputation of Chinese manufactured paint spray guns is not on par with those manufactured in US, Japan, Europe, and Taiwan.

INTERROGATORY NO.4

What, in the opinion of Applicant's designated expert witness, steps and/or decisions might an ordinary, potential, paint spray gun consumer consider before obtaining a sample gun to test as suggested is ordinarily done in Mr. Demarco's Export Report?

Response

In my opinion, a consumer typically asks for a sample when the consumer seeks to purchase a new version of a spray gun with which the consumer has had no prior experience.

Supplemental Response To Interrogatory No. 4

Before obtaining a sample of a gun, the consumer first chooses one or more guns that he or she desires based on various criteria, including price and technical specifications. One technical specification is the atomization of the paint gun. Some consumers also may not be able to support high inlet pressures and focus on guns with particular inlet pressures that they can support.

INTERROGATORY NO.5

Is it the expert's contention that, in four years of selling EURO paint spray guns, there has not been a single occurrence whereby a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe?

Response

Based on my experience, in all years of selling EURO spray paint guns, there has not been a single occurrence where a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe.

INTERROGATORY NO. 6

In the opinion of Applicant's expert A) Which brand of paint spray guns are most commonly copied or knocked off? B) What is the geographic origin of the brand of paint spray guns which are most commonly copied or knocked off?

Response

In my opinion, the most popular spray guns are Sata, Anest Iwata and Devilbliss, with the latter two being Japanese and American companies. The Anest Iwate spray guns are made in Japan and their accessories are made in Taiwan. Based on my own sales data, Anest Iwata has had more sales than any other brand.

Based on my conversations with a Devilbliss sales representative, the Devilbliss spray guns are made in United States of America. The bodies were made in the UK until three years ago when the company decided to transfer manufacturing of the spray guns to the United States.

Supplemental Response To Interrogatory No. 6

The most commonly copied or knocked off spray guns are Sata, Iwata, and Devilbliss, which are made in Germany, Japan (accessories made in Taiwan), and U.S., respectively.

INTERROGATORY NO.7

Does the Applicant's designated expert witness recognize SATA as an industry leader in terms of producing guns that have become desirable based upon, their design, performance and craftsmanship?

Response

In my opinion, spray guns from Sata, Anest Iwata and Devilbliss have the most sales. Based on my own sales data, Anest Iwata has had more sales than any other brand.

Supplemental Response To Interrogatory No. 7

I recognize Sata as "an" industry leader along with Iwata and Devilbliss.

INTERROGATORY NO.8

In the opinion of Applicant's designated expert witness, would there be a potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency? If so, description in detail the perceived potential advantage.

Response

In my opinion, there is no potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency

INTERROGATORY NO.9

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor which recommends that potential

purchasers of paint spray guns consider SATA as an affordable and quality HVLP spray gun option?

Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Response

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

Objection for Supplemental Response

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Supplemental Response To Interrogatory No. 9

To the extent that this question refers to document S 0485, I spoke to Mike Ghorbani, and he told me that the web page was put on www.mgdistributor.com without his authorization or knowledge by a website developer.

INTERROGATORY NO. 10

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor that its guns are "modeled after European spray guns," or that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Response To Interrogatory No. 10

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

Objection to Supplemental Response

This interrogatory is objected to as being incomplete, ambiguous, confusing, misleading, vague, unintelligible, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Supplemental Response To Interrogatory No. 10

This particular pronouncement which the Opposer has not identified for me to opine on in its entirety sought to convey what it allegedly states, that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

INTERROGATORY NO. 11

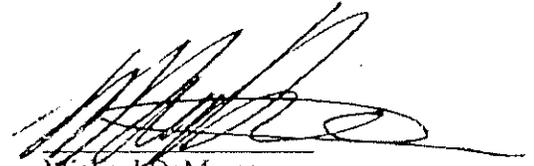
In Applicant's designated expert's opinion, how many times in seventeen years of acting as a buyer and seller of HVLP paint spray guns has the expert seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns? Identify all related documents.

Response To Interrogatory No. 11

I have not seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns or European manufactured guns. I have only seen advertisement in relation to a country, and not a region.

As to Answers:

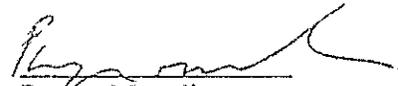
Date: 6-2-14



Michael DeMarco

As to objections:

Date: 6/10/14



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

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

SATA GmbH & Co. KG

Opposer

v.

Mike Ghorbani

Applicant

)

)

)

)

)

Mark: EURO & Design

Serial No.: 85/712789

Opposition No. 91/210813

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT
DISCOVERY INTERROGATORIES

INTERROGATORIES

INTERROGATORY NO.1

What, in the opinion of Applicant's designated expert witness, possible motivation might exist for adoption of the EURO mark, other than to indicate to consumers that there exists a correlation to Europe?

Objections

The Applicant objects to the part of the interrogatory stating "other than to indicate to consumers that there exists a correlation to Europe" to the extent it suggests an answer or assumes that this statement is true.

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

Response of Michael Demarco

I spoke to Mike Ghorbani and based on my conversations with him, it is my opinion that no particular motivation exists for choosing the name Euro other than for having a simple and easy to pronounce trademark.

INTERROGATORY NO. 2

Is the Applicant's designated expert witness familiar with the use of the designation "U.S." or "U.S.A" used in connection with reference to American goods?

Response of Michael Demarco

I am familiar with use of made in U.S.A. to designate goods originating from United States of America. I note that U.S.A. is an acronym for United States of America, while Euro is not an acronym. In my opinion the made in U.S.A. label is not relevant to the dispute in this case because Euro is not an acronym.

INTERROGATORY NO. 3

What, in the opinion of Applicant's designated expert witness, is the overall reputation of Chinese manufactured paint spray guns?

Objections

This interrogatory is objected to as lacking relevance and being prejudicial. The spray guns sold under the mark Euro are not manufactured in China.

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

Response of Michael Demarco

Based on my conversations with Mike Ghorbani, the spray guns bearing the mark Euro are manufactured in Taiwan, and not China. Unlike China, Taiwan has a reputation for producing high-tech quality products.

INTERROGATORY NO.4

What, in the opinion of Applicant's designated expert witness, steps and/or decisions might an ordinary, potential, paint spray gun consumer consider before obtaining a sample gun to test as suggested is ordinarily done in Mr. Demarco's Export Report?

Response of Michael Demarco

In my opinion, a consumer typically asks for a sample when the consumer seeks to purchase a new version of a spray gun with which the consumer has had no prior experience.

INTERROGATORY NO.5

Is it the expert's contention that, in four years of selling EURO paint spray guns, there has not been a single occurrence whereby a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe?

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

Response of Michael Demarco

Based on my experience, in all years of selling EURO spray paint guns, there has not been a single occurrence where a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe.

INTERROGATORY NO. 6

In the opinion of Applicant's expert A) Which brand of paint spray guns are most commonly copied or knocked off? B) What is the geographic origin of the brand of paint spray guns which are most commonly copied or knocked off?

Response of Michael Demarco

In my opinion, the most popular spray guns are Sata, Anest Iwata and Devilbliss, with the latter two being Japanese and American companies. The Anest Iwata spray guns are made in Japan and their accessories are made in Taiwan. Based on my own sales data, Anest Iwata has had more sales than any other brand.

Based on my conversations with a Devilbliss sales representative, the Devilbliss spray guns are made in United States of America. The bodies were made in the United Kingdom until three years ago when the company decided to transfer manufacturing of the spray guns to the United States.

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

INTERROGATORY NO.7

Does the Applicant's designated expert witness recognize SATA as an industry leader in terms of producing guns that have become desirable based upon, their design, performance and craftsmanship?

Response of Michael Demarco

In my opinion, spray guns from Sata, Anest Iwata and Devilbliss have the most sales. Based on my own sales data, Anest Iwata has had more sales than any other brand.

INTERROGATORY NO.8

In the opinion of Applicant's designated expert witness, would there be a potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency? If so, description in detail the perceived potential advantage.

Response of Michael Demarco

In my opinion, there is no potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

INTERROGATORY NO.9

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor which recommends that potential purchasers of paint spray guns consider SATA as an affordable and quality HVLP spray gun option?

Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Response of Michael Demarco

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

INTERROGATORY NO. 10

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor that its

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

guns are "modeled after European spray guns," or that "we had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

Response of Michael Demarco

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

INTERROGATORY NO. 11

In Applicant's designated expert's opinion, how many times in seventeen years of acting as a buyer and seller of HVLP paint spray guns has the expert seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns? Identify all related documents.

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

Response of Michael Demarco

In have not seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns or European manufactured guns. I have only seen advertisement in relation to a country, and not a region.

4-28-14



Michael Demarco

As to objections:

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

APPLICANT'S EXPERTS RESPONSE TO OPPOSER'S EXPERT DISCOVERY
INTERROGATORIES

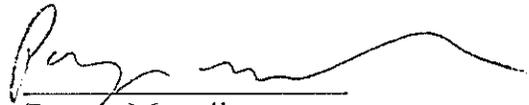
Response of Michael Demarco

In have not seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns or European manufactured guns. I have only seen advertisement in relation to a country, and not a region.

Michael Demarco

As to objections:

4/28/2014



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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been on April 28, 2014 duly served by E-mail to the following email address: 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/

Payam Moradian

INTERROGATORY NO. 2

Is the Applicant's designated expert witness familiar with the use of the designation "U.S." or "U.S.A" used in connection with reference to American goods?

INTERROGATORY NO. 3

What, in the opinion of Applicant's designated expert witness, is the overall reputation of Chinese manufactured paint spray guns?

INTERROGATORY NO. 4

What, in the opinion of Applicant's designated expert witness, steps and/or decisions might an ordinary, potential, paint spray gun consumer consider before obtaining a sample gun to test as suggested is ordinarily done in Mr. Demarco's Export Report?

INTERROGATORY NO. 5

Is it the expert's contention that, in four years of selling EURO paint spray guns, there has not been a single occurrence whereby a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe?

INTERROGATORY NO. 6

In the opinion of Applicant's expert A) Which brand of paint spray guns are most commonly copied or knocked off? B) What is the geographic origin of the brand of paint spray guns which are most commonly copied or knocked off?

INTERROGATORY NO. 7

Does the Applicant's designated expert witness recognize SATA as an industry leader in terms of producing guns that have become desirable based upon, their design, performance and craftsmanship?

INTERROGATORY NO. 8

In the opinion of Applicant's designated expert witness, would there be a potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency? If so, description in detail the perceived potential advantage.

INTERROGATORY NO. 9

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor which recommends that potential purchasers of paint spray guns consider SATA as an affordable and quality HVLP spray gun option?

INTERROGATORY NO. 10

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor that its guns are "modeled after European spray guns," or that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

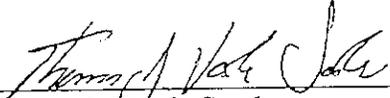
INTERROGATORY NO. 11

In Applicant's designated expert's opinion, how many times in seventeen years of acting as a buyer and seller of HVLP paint spray guns has the expert seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns? Identify all related documents.

HALL & VANDE SANDE, LLC

Date: _____

3/31/14



Thomas J. Vande Sande
Lucas T. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

CERTIFICATE OF SERVICE

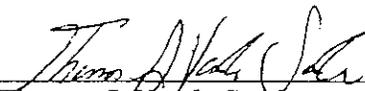
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S EXPERT DISCOVERY INTERROGATORIES" was this day served on Applicant by mailing same to:

Payam Moradian, Esquire
Moradian Law
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

HALL & VANDE SANDE, LLC

Date:

3/31/19



Thomas J. Vande Sande
Lucas T. Vande Sande
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	)	Mark: EURO & Design
Opposer	)	Consolidated
v.	)	Opposition No. 91/210813
Mike Ghorbani	)	Opposition No. 91217915
Applicant	)	Cancellation No. 92059849

**APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to the Federal Rules of Civil Procedure, Applicant Mike Ghorbani (hereinafter "Applicant"), hereby responds and objects in this response to Opposer's Requests for Production of Documents and Things as follows:

PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS

Applicant has not completed its discovery, investigation, research, or trial preparation. Applicant's responses may therefore depend upon information that has not yet been discovered or analyzed. These responses are based solely on the information obtained and reviewed to date. Applicant reserves the right to amend or supplement these objections and responses to the extent allowed by the Federal Rules of Civil Procedure after considering information obtained or reviewed through further discovery, investigation, or research. Applicant further reserves the right to produce or use any information or documents that are discovered after service of this response in support of, or in opposition to, any motion, in depositions, or at trial. Applicant does

not waive any objections on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained herein, and expressly reserves the right to use any of these responses or the subject matter contained in them during any subsequent proceeding, including the trial of this or any other action.

GENERAL OBJECTIONS

1. Applicant objects to each Request to the extent it seeks documents or information protected from discovery by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable statutory or common law privilege or protection. Nothing contained in these objections or responses is intended as, or shall in any way be deemed, a waiver of any attorney-client privilege, any work-product protection or any other applicable privilege or doctrine. Any inadvertent production or disclosure of information will not be deemed a waiver of any privilege with respect to the information produced.
2. Applicant objects to each Request to the extent it seeks documents or information which is or contains trade secrets, confidential personal or business information, or other protected documents of Applicant and/or third parties. Applicant notes that as of the date of this response, no protective order has been entered in this case. Applicant will not produce any documents or information which contain trade secrets, confidential or proprietary information, or other protected information prior to the entry of an acceptable protective order.
3. Applicant objects to each Request to the extent it imposes obligations and burdens beyond those permitted by the Federal Rules of Civil Procedure.
4. Applicant objects to each Request which contains no time frames or unduly long

time frames to the extent that such requests require responses that would be unduly burdensome and irrelevant. Applicant will only provide responses within the time frame relevant to the issues in dispute.

5. Applicant objects to each Request to the extent that it is unduly burdensome, oppressive, vague, ambiguous, overly broad, or duplicative.

6. Applicant objects to each Request to the extent that it requests documents or information that are not relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

7. Applicant objects to each Request to the extent it is a contention request which requests the impressions or opinions of counselor experts.

8. Applicant objects to each Request to the extent that it is compound and calls for information on multiple and distinct subjects within a single Request, or lacks foundation.

9. Applicant objects to each Request to the extent that the definition of the terms "YOU," "YOUR," "affiliates," and the individual definitions of each Defendant are overbroad, including that they include individuals or entities not under the control of Applicant.

10. By providing the responses below, Applicant do not waive, but rather preserve, all objections, including, but not limited to, all objections regarding privilege, work product, vagueness, relevancy, ambiguity, and undue burden.

11. Applicant objects to each Request to the extent a response requires documents not in the custody, possession, or control of Applicant.

SPECIFIC RESPONSES AND OBJECTIONS

Applicant incorporates by reference the General Objections set forth above into the Specific Responses set forth below. Applicant may repeat an objection for emphasis or some other reason.

The failure to repeat any General Objection, however, does not waive any such objection to the interrogatory.

REQUEST NO. 65

All documents evidencing or relating to the commercial and/or business relationship between Mike Ghorbani and/or M.G. Distributor on the one hand and Michael DeMarco and/or his employer or business on the other, including but not limited to all documentation reflecting all agreements and all sales to or by Mr. DeMarco and/or his business or employer of paint spray guns and related equipment provided by, or purchased from, Mike Ghorbani and/or M.G. Distributor.

The Applicant objects to this Request as overly broad, unduly burdensome, and seeking irrelevant information, and information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, representative invoices include: MGD000107 and MGD000116.

REQUEST NO. 66

Provide representative documentation evidencing the testing done, or any other efforts undertaken by Applicant, or any third party, believed to permit or justify the usage of the "CE" designation on Applicant's EURO guns.

The Applicant objects to this Request to the extent it seeks documents not in the possession of the Applicant.

Subject to the foregoing objections, the following document is responsive: MGD000556

REQUEST NO. 67

Provide all documents relating to the basis underlying Applicant's claims that various of its EURO paint spray guns were designed in Germany.

The Applicant objects to this Request to the extent it seeks documents not in the possession of the Applicant.

Subject to the foregoing objections, the Applicant does not possess such documents.

REQUEST NO. 68

All documentation, including all correspondence between Mike Ghorbani and/or M.G.

Distributor on the one hand and the Taiwanese manufacturer of the EURO paint spray guns on the other hand, discussing and/or relating to the basis for, decision to adopt, continue or abandon the claim that EURO guns are or were designed in Germany.

Applicant objects to this request to the extent it seeks all document and is overly burdensome, or documents that are not in the possession of the Applicant.

Subject to the foregoing objections, the following documents are responsive: MGD000547-551.

REQUEST NO. 69

All documents referring or relating to the design, manufacture, appearance, labeling and marking, promotion and advertising of spray gun model K815, referred to at MGD000461 as "new SATA spray gun".

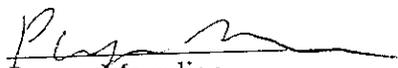
Applicant objects to this request to the extent it seeks all document and is overly burdensome, or documents that are not in the possession of the Applicant or documents that do not relate to the Opposer and are not relevant to the issued in this proceeding.

Subject to the foregoing objections, the following documents are responsive: MGD000461-467.MGD000539-546. The Applicant has not marketed, promoted or advertised this spray gun, and has no such documents relating to marketing, promotion, or advertising.

REQUEST NO. 70

All documents for which identification is requested in Opposer's Interrogatory No. 68.

Subject to the foregoing objections, the Applicant does not possess such documents regarding a first encounter with its manufacturer.


Payam Moradian
Keleti+Moradian LLP
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
310-307-4755
p@moradianlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on Thomas J. Vande Sande by mailing said copy on August 19, 2015 *via* First Class Mail, postage prepaid to:

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

By: /Payam Moradian/

Payam Moradian

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

SATA GmbH & Co. KG,)	
)	
Opposer,)	
)	
v.	)	Consolidated
	)	Opposition No. 91210813
Mike Ghorbani,)	
	)	Opposition No. 91217915
Applicant.)	
	)	Cancellation No. 92059849

**OPPOSER SATA GMBH & CO. KG'S FOURTH SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

DOCUMENT REQUESTS

REQUEST NO. 65

All documents evidencing or relating to the commercial and/or business relationship between Mike Ghorbani and/or M.G. Distributor on the one hand and Michael DeMarco and/or his employer or business on the other, including but not limited to all documentation reflecting all agreements and all sales to or by Mr. DeMarco and/or his business or employer of paint spray guns and related equipment provided by, or purchased from, Mike Ghorbani and/or M.G. Distributor.

REQUEST NO. 66

Provide representative documentation evidencing the testing done, or any other efforts undertaken by Applicant, or any third party, believed to permit or justify the usage of the "CE" designation on Applicant's EURO guns.

REQUEST NO. 67

Provide all documents relating to the basis underlying Applicant's claims that various of its EURO paint spray guns were designed in Germany.

REQUEST NO. 68

All documentation, including all correspondence between Mike Ghorbani and/or M.G. Distributor on the one hand and the Taiwanese manufacturer of the EURO paint spray guns on the other hand, discussing and/or relating to the basis for, decision to adopt, continue or abandon the claim that EURO guns are or were designed in Germany.

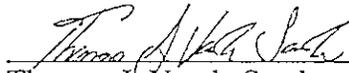
REQUEST NO. 69

All documents referring or relating to the design, manufacture, appearance, labeling and marking, promotion and advertising of spray gun model K815, referred to at MGD000461 as "new SATA spray gun".

REQUEST NO. 70

All documents for which identification is requested in Opposer's Interrogatory No. 68.

Date: 7/16/15



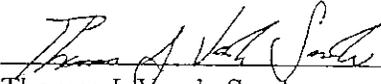
Thomas J. Vande Sande
Lucas T. Vande Sande
Hall & Vande Sande, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
Phone: (301) 983-2500

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 FOURTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire
Moradian Law
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

Date: 7/16/15



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

not waive any objections on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained herein, and expressly reserves the right to use any of these responses or the subject matter contained in them during any subsequent proceeding, including the trial of this or any other action.

GENERAL OBJECTIONS

1. Applicant objects to each Request to the extent it seeks documents or information protected from discovery by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable statutory or common law privilege or protection. Nothing contained in these objections or responses is intended as, or shall in any way be deemed, a waiver of any attorney-client privilege, any work-product protection or any other applicable privilege or doctrine. Any inadvertent production or disclosure of information will not be deemed a waiver of any privilege with respect to the information produced.
2. Applicant objects to each Request to the extent it seeks documents or information which is or contains trade secrets, confidential personal or business information, or other protected documents of Applicant and/or third parties.
3. Applicant objects to each Request to the extent it imposes obligations and burdens beyond those permitted by the Federal Rules of Civil Procedure.
4. Applicant objects to each Request which contains no time frames or unduly long time frames to the extent that such requests require responses that would be unduly burdensome and irrelevant. Applicant will only provide responses within the time frame relevant to the issues in dispute.
5. Applicant objects to each Request to the extent that it is unduly burdensome, oppressive, vague, ambiguous, overly broad, or duplicative.

6. Applicant objects to each Request to the extent that it requests documents or information that are not relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.
7. Applicant objects to each Request to the extent it is a contention request which requests the impressions or opinions of counselor experts.
8. Applicant objects to each Request to the extent that it is compound and calls for information on multiple and distinct subjects within a single Request, or lacks foundation.
9. Applicant objects to each Request to the extent that the definition of the terms "YOU," "YOUR," "affiliates," and the individual definitions of each Defendant are overbroad, including that they include individuals or entities not under the control of Applicant.
10. By providing the responses below, Applicant do not waive, but rather preserve, all objections, including, but not limited to, all objections regarding privilege, work product, vagueness, relevancy, ambiguity, and undue burden.
11. Applicant objects to each Request to the extent a response requires documents not in the custody, possession, or control of Applicant.

SPECIFIC RESPONSES AND OBJECTIONS

Applicant incorporates by reference the General Objections set forth above into the Specific Responses set forth below. Applicant may repeat an objection for emphasis or some other reason. The failure to repeat any General Objection, however, does not waive any such objection to the interrogatory.

REQUEST NO. 1

All documents of any kind which contain or reflect information bearing upon the conception, adoption and selection of the EURO and design mark by Applicant.

RESPONSE TO REQUEST NO.1

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.1

Subject to the foregoing objections, Applicant responds that it has no documents that are responsive to the conception, adoption and selection of the EURO and design mark. Applicant has amended its initial disclosures accordingly.

REQUEST NO.2

Samples and/or specimens of each different use made by Applicant of the EURO and design mark in connection with Applicant's goods and any related services.

RESPONSE TO REQUEST NO.2

Subject to the foregoing objections, Applicant responds that it will make such samples available for inspection and or for sale to the Opposer upon Opposer's request.

SUPPLEMENTAL RESPONSE TO REQUEST NO.2

Subject to the foregoing objections, samples of Applicant's goods (samples and specimen) are available for inspection in Los Angeles County. If the Opposer seeks to inspect the samples, it is

requested that the Opposer contact the Applicant's attorney to arrange a suitable time for inspection.

REQUEST NO.3

All advertising, publicity releases, promotional pieces and materials used by Applicant, or by others at APPLICANT'S request or direction or under license from Applicant, in any medium in the marketing, advertising, sale, and/or offering for sale, of goods under the EURO and design mark.

RESPONSE TO REQUEST NO.3

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.3

Subject to the foregoing objections, Documents responsive to this request are MGD000001 to MGD000020; MGD000064 to MGD000068; MGD000070 to MGD000081; MGD000380 to MGD000381; MGD000404 to MGD000429; MGD000442 to MGD000449; MGD000457 to MGD000459.

REQUEST NO.4

All documents which comprise, relate to, or refer to any market plans, forecasts, or sales strategies for goods offered by or intended to be offered by Applicant under the EURO and design mark.

RESPONSE TO REQUEST NO.4

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO.5

All documents comprising, reflecting, relating to, or including, opinions of counsel regarding Applicant's right to use or register EURO and design as a trademark.

RESPONSE TO REQUEST NO.5

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO.6

All documents relating to or reflecting the results of any polls or surveys which Applicant has conducted regarding the EURO and design mark.

RESPONSE TO REQUEST NO.6

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO.7

All assignments, license agreements, and any other agreements relating to the EURO and design mark as well as all correspondence between Applicant and any third party concerning or referring to the EURO and design mark.

RESPONSE TO REQUEST NO.7

Subject to the foregoing objections, Applicant responds that no such documents exist.

SUPPLEMENTAL RESPONSE TO REQUEST NO.7

Subject to the foregoing objections, particularly that the request is compound and overly broad, Applicant cannot determine whether the second portion (“all correspondence between Applicant and any third party...”) of the request relates to the first portion (“all assignments... relating to the Euro and design mark...”) of the request. To the extent that the second portion is independent, the following documents are responsive: MGD000379 to MGD000390; MGD000395 to MGD000429; MGD000436; MGD000442 to MGD000453; MGD000457 to MGD000459.

REQUEST NO. 8

All documents, in any medium, including electronic, which mention, relate or refer to

- (a) Opposer, or;
- (b) Opposer's goods or services, or the promotion or sale of same, or;
- (c) Opposer's marks or trade name.

RESPONSE TO REQUEST NO.8

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.8

Subject to the foregoing objections, the following documents are responsive to this request:
MGD000379 to MGD000390, MGD000395 to MGD000429, MGD000436, MGD000442 to
MGD000453, MGD000457 to MGD000459.

REQUEST NO.9

All documents comprising, reflecting or relating to any search made by or on behalf of
Applicant relating to the EURO and design mark, or any other EURO or EURO formative
marks.

RESPONSE TO REQUEST NO.9

Subject to the foregoing objections, Applicant responds that it has and/or will produce
nonprivileged documents that respond to this request that are in its possession, custody or
control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.9

Subject to the foregoing objections, Applicant responds that it has no responsive documents.

REQUEST NO. 10

All documents which refer to, relate to, or involve, any challenge by any third party to
Applicant's right to use or register the EURO and design mark or which contain any suggestion
or demand by any third party that Applicant use a different mark.

RESPONSE TO REQUEST NO. 10

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 11

Documents evidencing Applicant's first use of the EURO and design mark.

RESPONSE TO REQUEST NO. 11

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search and following entry of a protective order in this case.

SUPPLEMENTAL RESPONSE TO REQUEST NO.11

Subject to the foregoing objections, the following documents are responsive to this request:
MGD000107 to MGD000189.

REQUEST NO. 12

Documents sufficient to show all channels of trade through which Applicant offers, or intends to offer, goods under the EURO and design mark.

RESPONSE TO REQUEST NO. 12

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.12

Subject to the foregoing objections, the following documents are responsive to this request:

MGD000107 to MGD000189, MGD000395; MGD000403.

REQUEST NO. 13

Documents showing the types of purchasers to whom Applicant has offered goods, or intends to offer goods, under the EURO and design mark.

RESPONSE TO REQUEST NO. 13

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.13

Subject to the foregoing objections, the following documents are responsive to this request:

MGD000107 to MGD000189, MGD000395; MGD000403.

REQUEST NO. 14

Documents evidencing the nature of Applicant's business.

RESPONSE TO REQUEST NO. 14

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.14

APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS

Subject to the foregoing objections, the following documents are responsive to this request:
MGD000001 to MGD000020; MGD000064 to MGD000068; MGD000070 to MGD000081;
MGD000103 to MGD000221.

REQUEST NO. 15

All documents for which identification is requested in Opposer's Interrogatory No.1.

RESPONSE TO REQUEST NO. 15

SUPPLEMENTAL RESPONSE TO REQUEST NO.15

Subject to the foregoing objections, the Applicant has no responsive documents.

REQUEST NO. 16

All documents for which identification is requested in Opposer's Interrogatory No.2.

RESPONSE TO REQUEST NO. 16

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.16

Subject to the foregoing objections, the Applicant has no responsive documents.

REQUEST NO. 17

All documents for which identification is requested in Opposer's Interrogatory No. 9.

RESPONSE TO REQUEST NO. 17

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.17

Subject to the foregoing objections, documents responsive to this request are MGD000107 to MGD000189.

REQUEST NO. 18

All documents for which identification is requested in Opposer's Interrogatory No. 11.

RESPONSE TO REQUEST NO. 18

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 19

All documents consulted by Applicant in responding to Opposer's Interrogatory No. 12.

RESPONSE TO REQUEST NO. 19

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.19

Applicant's advertising and promotional figures is illustrated in the following documents:

MGD000476 to MGD000534.

REQUEST NO. 20

Documents recording or reflecting the annual revenues received by Applicant from each item of goods offered under the EURO and design mark.

RESPONSE TO REQUEST NO. 20

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search and following entry of a protective order in this case.

SUPPLEMENTAL RESPONSE TO REQUEST NO.20

Subject to the foregoing objections, documents MGD000471 to MGD000475 are responsive to this request.

REQUEST NO. 21

All documents which Applicant believes support its assertion that Applicant's goods are not inferior to Opposer's goods.

RESPONSE TO REQUEST NO. 21

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS

SUPPLEMENTAL RESPONSE TO REQUEST NO.21

Subject to the foregoing objections, documents responsive to this request are: MGD000069, MGD000395; MGD000403.

REQUEST NO. 22

All documents which Applicant believes support its assertion that its spray guns are sold to different potential consumers, as asserted by Applicant in Paragraph 4 of its Answer.

RESPONSE TO REQUEST NO. 22

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.22

Applicant's spray guns are sold to different consumers as can be seen from the sale prices in documents MGD000107 to MGD000189. The Opposer can compare the prices in these documents to its own prices.

REQUEST NO. 23

Documents sufficient to identify the geographic origin and source of Applicant's goods which bear the EURO and design mark.

RESPONSE TO REQUEST NO. 23

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.23

Subject to the foregoing objections, the following documents are responsive: MGD000391 to MGD000394; MGD000430 to MGD000431; MGD000437 to MGD000441; MGD000454 to MGD000456.

REQUEST NO. 24

Documents believed by Applicant to support its contention that the purchasers of spray guns are sophisticated.

RESPONSE TO REQUEST NO. 24

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.24

Subject to the foregoing objections, Applicant's purchasers of spray guns are sophisticated as can be seen from documents MGD000107 to MGD000189 (showing paint spray guns and related goods sold primarily to distributors of auto body shops), MGD000395 and MGD000403. The Applicant's expert has opined that these customers are sophisticated customers. "Expert Report of Michael Demarco in Support of Applicant Mike Ghorbani," Jan. 3, 2014, at page 5.

REQUEST NO. 25

All documents identified in any of Applicant's answers to Opposer's First Set of Interrogatories not otherwise produced pursuant to a previous request.

RESPONSE TO REQUEST NO. 25

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.25

Subject to the foregoing objections, Applicant does not have documents that are responsive to this Request.

REQUEST NO. 26

Any and all documents and things, not produced in response to any other document request, which are within Applicant's possession, custody or control and which are identified or were referred to, reviewed, or consulted in response to, or in preparing answers to, Opposer's First Set of Interrogatories.

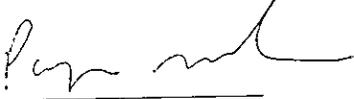
RESPONSE TO REQUEST NO. 26

Subject to the foregoing objections, Applicant responds that it has and/or will produce nonprivileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

SUPPLEMENTAL RESPONSE TO REQUEST NO.26

APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS

Subject to the foregoing objections, documents from MGD000001 to MGD000534, otherwise not included in response to the document requests above or in the response to Opposer's Second Request for the Production of Documents and Things, are responsive to this request.



December 22, 2014

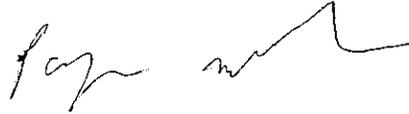
Payam Moradian
Attorney for Mike Ghorbani
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
p@moradianlaw.com
917-353-1919

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been on December 22, 2014
duly served 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



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

SATA GmbH & Co. KG,)	
)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91210813
)	
Mike Ghorbani,)	
)	
Applicant.)	
<hr/>		

OPPOSER'S FIRST REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS

Opposer, SATA GmbH & Co. KG, requests that Applicant, within 30 days of the service hereof, produce the following documents and things. The Definitions and Instructions set forth in Opposer's First Set of Interrogatories to Applicant are incorporated herein by reference.

Request No. 1

All documents of any kind which contain or reflect information bearing upon the conception, adoption and selection of the EURO and design mark by Applicant.

Request No. 2

Samples and/or specimens of each different use made by Applicant of the EURO and design mark in connection with Applicant's goods and any related services.

Request No. 3

All advertising, publicity releases, promotional pieces and materials used by Applicant, or by others at Applicant's request or direction or under license from Applicant, in any medium in the marketing, advertising, sale, and/or offering for sale, of goods under the EURO and design mark.

Request No. 4

All documents which comprise, relate to, or refer to any market plans, forecasts, or sales strategies for goods offered by or intended to be offered by Applicant under the EURO and design mark.

Request No. 5

All documents comprising, reflecting, relating to, or including, opinions of counsel regarding Applicant's right to use or register EURO and design as a trademark.

Request No. 6

All documents relating to or reflecting the results of any polls or surveys which Applicant has conducted regarding the EURO and design mark.

Request No. 7

All assignments, license agreements, and any other agreements relating to the EURO and design mark as well as all correspondence between Applicant and any third party concerning or referring to the EURO and design mark.

Request No. 8

All documents, in any medium, including electronic, which mention, relate or refer to

- (a) Opposer, or;
- (b) Opposer's goods or services, or the promotion or sale of same, or;
- (c) Opposer's marks or trade name.

Request No. 9

All documents comprising, reflecting or relating to any search made by or on behalf of Applicant relating to the EURO and design mark, or any other EURO or EURO formative marks.

Request No. 10

All documents which refer to, relate to, or involve, any challenge by any third party to Applicant's right to use or register the EURO and design mark or which contain any suggestion or demand by any third party that Applicant use a different mark.

Request No. 11

Documents evidencing Applicant's first use of the EURO and design mark.

Request No. 12

Documents sufficient to show all channels of trade through which Applicant offers, or intends to offer, goods under the EURO and design mark.

Request No. 13

Documents showing the types of purchasers to whom Applicant has offered goods, or intends to offer goods, under the EURO and design mark.

Request No. 14

Documents evidencing the nature of Applicant's business.

Request No. 15

All documents for which identification is requested in Opposer's Interrogatory No. 1.

Request No. 16

All documents for which identification is requested in Opposer's Interrogatory No. 2.

Request No. 17

All documents for which identification is requested in Opposer's Interrogatory No. 9.

Request No. 18

All documents for which identification is requested in Opposer's Interrogatory No. 11.

Request No. 19

All documents consulted by Applicant in responding to Opposer's Interrogatory No. 12.

Request No. 20

Documents recording or reflecting the annual revenues received by Applicant from each item of goods offered under the EURO and design mark.

Request No. 21

All documents which Applicant believes support its assertion that Applicant's goods are not inferior to Opposer's goods.

Request No. 22

All documents which Applicant believes support its assertion that its spray guns are sold to different potential consumers, as asserted by Applicant in Paragraph 4 of its Answer.

Request No. 23

Documents sufficient to identify the geographic origin and source of Applicant's goods which bear the EURO and design mark.

Request No. 24

Documents believed by Applicant to support its contention that the purchasers of spray guns are sophisticated.

Request No. 25

All documents identified in any of Applicant's answers to Opposer's First Set of Interrogatories not otherwise produced pursuant to a previous request.

Request No. 26

Any and all documents and things, not produced in response to any other document request, which are within Applicant's possession, custody or control and which are identified or were referred to, reviewed, or consulted in response to, or in preparing answers to, Opposer's First Set of Interrogatories.

HALL & VANDE SANDE, LLC

Date: 8/13/13



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

CERTIFICATE OF SERVICE

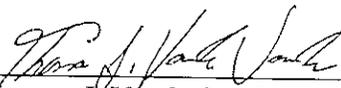
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S FIRST REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" was this day served on Applicant by mailing same, first class mail, to:

Dariush G. Adli, Esquire
Adli Law Group P.C.
444 South Flower Street, Suite 1750
Los Angeles, California 90071

HALL & VANDE SANDE, LLC

Date: _____

8/13/13



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