

ESTTA Tracking number: **ESTTA603105**

Filing date: **05/08/2014**

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

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
Correspondence Address	NEADOM T MEDINA J LYNN ENTERTAINMENT LLC PO BOX 12365 Mill Creek, WA 98012 UNITED STATES tamar@j-lynnentertainment.com
Submission	Motion to Strike
Filer's Name	Neadom T Medina
Filer's e-mail	tamar@j-lynnentertainment.com
Signature	/Neadom T Medina/
Date	05/08/2014
Attachments	Motion to Strike Request for Applicants first set of admissions to op- poser_Opposition 91211530.pdf(359451 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**The Trademark Trial and Appeal Board**

Registration No. 3682041  
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,	:	
	:	
Petitioner,	:	
	:	Opposition No. 91211530
	:	(Parent)
	:	
vs.	:	Cancellation No. 92056491
	:	(Child)
William T. Odonnell,	:	
	:	
Registrant.	:	

**MOTION TO STRIKE**

J-Lynn Entertainment LLC (“Opposer”) requests a Motion to Strike (1. The request of), and (2. The use of) the “Applicant’s First Set of Admissions to Opposer” (SEE FIG 1) requested by William T. Odonnell (“Applicant”) through counsel Matthew H. Swyers, ESQ The Trademark Company during proceedings of Opposition No. 91211530 and Cancellation No. 92056491. J-Lynn Entertainment LLC objects to these requests and does not agree with these admission requests. J-Lynn Entertainment LLC (“Opposer”) believes it has ample evidence collected prior to the filing of these proceedings that would lead to the cancellation and opposition of the Applicant’s mark ADVENTURES OF SHADOW. J-Lynn Entertainment LLC (“Opposer”) believes these requests are an attempt to hinder the Opposer’s case before it has a chance to present evidence during trial. J-Lynn Entertainment LLC (“Opposer”) also believes these requests are a carefully worded attempt by the Applicant’s counsel to set up an opportunity for them to request a Motion to Strike evidence presented by J-Lynn Entertainment LLC (“Opposer”) and this admissions request contradict the request for Production of Documents by Applicant’s counsel. J-Lynn Entertainment LLC (“Opposer”) respects and believes in the ability of the Trademark Trial and Appeal Board to produce a verdict after reviewing all evidence.

Respectfully submitted on May 7, 2014

J-Lynn Entertainment, LLC  
/Neadom T Medina/  
Neadom T Medina  
PO BOX 12365  
Mill Creek, WA 98082  
440-610-5827  
tamar@j-lynnentertainment.com  
Petitioner

FIG 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board

Serial No. 85/785,996  
For the mark ADVENTURES OF SHADOW,

Registration No. 3,991,181  
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Opposer,

vs.

William T. Odonnell,

Applicant.

Opposition No. 91211530 (Parent)  
Cancellation No. 92056491 (Child)

**APPLICANT'S FIRST SET OF ADMISSIONS TO OPPOSER**

TO: NEADOM MEDINA, J-LYNN ENTERTAINMENT LLC  
PO BOX 34269 CLEVELAND, OH 44109

FROM: MATTHEW H. SWYERS, ESQ. THE TRADEMARK COMPANY  
344 MAPLE AVE W. STE. 151 VIENNA, VA 22180-5612

COMES NOW Applicant William T. Odonnell (hereinafter "Applicant"), by and through counsel, The Trademark Company, PLLC, in accordance with F. R. Civ. P. 36(a) propounds the following requests for admissions upon J-Lynn Entertainment, LLC (hereinafter "Opposer") to be responded to within the time provided by the applicable rules of court.

**DEFINITIONS**

A. The term "Applicant" shall mean William T. Odonnell and/or any present or former servant, agent, attorney or other representative acting on his behalf.

B. The term "Opposer" shall mean J-Lynn Entertainment, LLC and any present or former officer, director, employee, servant, agent, attorney or other representative acting on its

behalf, and shall include any predecessor or successor either within the United States or a foreign country.

C. The term "trademark" or "mark" includes trademarks, service marks, collective marks, certification marks and trade names as defined in 15 U.S.C. § 1127.

D. The term "in the U.S." shall mean use in interstate and/or intrastate commerce in the United States.

E. The term "Applicant's Mark(s)" refers to the mark or marks as identified in U.S. Serial No. 85/785,996 for the mark ADVENTURES OF SHADOW and U.S Registration No. 3,991,181 for the mark ADVENTURES OF SHADOW.

F. The term "Opposer's Claimed Mark" or "Opposer's Mark" refers to the mark THE ADVENTURES OF SHADOW CAT as identified in U.S. Serial No. 85/697,835.

G. The term "you" shall mean the party or person to whom these interrogatories are propounded, all agents, employees, servants, attorneys, and all other representatives, and persons over whom the person or party to whom these interrogatories are propounded has the right to or does control or direct and activities.

H. The phrase "legal action" shall mean submission of correspondence to the Applicant or any third party not a party to this proceeding requesting that they cease use of a mark, or institution of any legal proceeding in the United States Patent & Trademark Office, state, or federal court or agency.

#### **REQUEST FOR ADMISSIONS**

**REQUEST NO. 1:** Admit that Applicant's Marks and Opposer's Mark are not identical in appearance.

**RESPONSE:**

**REQUEST NO. 2:** Admit that Applicant's Marks and Opposer's Mark are not identical in connotation.

**RESPONSE:**

**REQUEST NO. 3:** Admit that Opposer retains no evidence of actual confusion occurring as between goods offered in connection with Applicant's Marks and goods and/or offered by Opposer under Opposer's Mark.

**RESPONSE:**

**REQUEST NO. 4:** Admit that Applicant is still using Applicant's Marks.

**RESPONSE:**

**REQUEST NO. 5:** Admit that Applicant has not abandoned its trademarks.

**RESPONSE:**

**REQUEST NO. 6:** Admit that Opposer retains no evidence to establish that Applicant committed fraud to the Trademark Office in filing its applications to register Applicant's Marks.

**RESPONSE:**

**REQUEST NO. 7:** Admit that Opposer retains no evidence that Applicant knowingly made a false, material representation to the USPTO.

**RESPONSE:**

**REQUEST NO. 8:** Admit that Opposer retains no evidence that Applicant Marks were fraudulently obtained.

**RESPONSE:**

Respectfully submitted this 18th April, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/  
Matthew H. Swyers, Esq.  
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Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Registration No. 3682041  
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J-Lynn Entertainment, LLC,	:	
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	:	Opposition No. 91211530
William T. Odonnell,	:	
	:	
Registrant.	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I respectfully submitted a copy on this May 7, 2014, to the Trademark Trial and Appeal Board and to be served, via first class mail, postage prepaid, upon:

Matthew H. Swyers  
The Trademark Company  
2703 Jones Franklin Road, Suite 206  
Cary, NC 27518

The Trademark Company  
344 Maple Avenue West, PMB 151  
Vienna, VA 22180

/Neadom T Medina/  
Neadom T Medina

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