

ESTTA Tracking number: **ESTTA632704**

Filing date: **10/14/2014**

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

Proceeding	91213097
Party	Plaintiff Luxco, Inc.
Correspondence Address	MICHAEL R ANNIS HUSCH BLACKWELL LLP 190 CARONDELET PLAZA, SUITE 600 ST. LOUIS, MO 63105 UNITED STATES andy.gilfoil@huschblackwell.com, mike.annis@huschblackwell.com, alan.nemes@huschblackwell.com
Submission	Motion for Summary Judgment
Filer's Name	Andrew R. Gilfoil
Filer's e-mail	andy.gilfoil@huschblackwell.com, mike.annis@huschblackwell.com, alan.nemes@huschblackwell.com
Signature	/s/ Andrew R. Gilfoil
Date	10/14/2014
Attachments	REBELDE MSJ and Ex. A-G.pdf(3463659 bytes)

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

LUXCO, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91213097
)	
RADILLO, JOSE ADRIAN CORONA,)	Serial No. 77/752453
)	Mark: GENERACION REBELDE
)	
Applicant.)	

**LUXCO’S MOTION FOR SUMMARY JUDGMENT AND
MEMORANDUM IN SUPPORT**

Opposer Luxco, Inc. (“Luxco”), by and through its undersigned attorneys, and pursuant to 37 C.F.R. §2.127(e), TBMP §528.01 and Fed. R. Civ. P. 56(a), hereby moves for summary judgment for the above-referenced opposition to U.S. Trademark Application Serial No. 77/752,453 on the basis that the application is void *ab initio* for lack of *bona fide* intent to use the applied-for mark in U.S. commerce at the time the application was filed. In support of the present Motion, Luxco states as follows:

INTRODUCTION

The issue before the Board is whether there is any genuine issue of material fact precluding judgment of no *bona fide* intent to use the applied-for mark at the time Applicant filed the subject application. The well-worn standard applicable to such motions imposes the ultimate burden of production on Applicant to provide evidentiary support in the record corroborating his alleged intent to use at the time he filed the applied-for mark. As more fully set forth below, Applicant has failed to provide any documents showing efforts to offer GENERACION REBELDE-branded goods for sale in

the United States until many years after he filed the subject application. Indeed, Applicant's own documents demonstrate that he could not even legally sell GENERACION REBELDE-branded product within the United States until almost four years after he applied for the mark. The Board has repeatedly held that such subsequent efforts are insufficient as a matter of law. Importantly, Applicant has made clear that he has no additional documents responsive to this critical issue. Accordingly, Applicant has not and cannot satisfy his burden of presenting evidence demonstrating a genuine issue of material fact on this issue. The Board should grant Luxco's Motion for Summary Judgment and refuse registration to the applied-for GENERACION REBELDE Mark.

II. STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Fed. R. Civ. P. 56(c)(1)(A) and TBMP §528.01, Luxco submits the following Statement of Undisputed Material Facts ("SUMF"):

A. The Parties' Marks

1. Opposer Luxco, Inc. is the owner of U.S. Trademark Registration No. 727,786 for the mark REBEL YELL for "straight bourbon whiskey" as well as U.S. Registration No. 3,632,812 for the mark REBEL RESERVE for "liquors and distilled spirits." (*See* Notice of Opposition, [dkt. 1], at ¶¶2-3 and Trademark Electronic Search System, Ex. A and B attached hereto.)

2. Applicant Jose Adrian Corona Radillo ("Applicant") filed the subject trademark application to register the mark GENERACION REBELDE for "tequila" on June 4, 2009. (*See* Answer [dkt. 4], ¶1 and Documents Produced by Applicant in response to Luxco's First Set of Requests for Production of Documents, Ex. I, at RADILO00151-153.)

3. Applicant filed the GENERACION REBELDE application under section 1(b) of the Lanham Act, alleging that at that time he had a *bona fide* intention to “use or use through the applicant’s related company or licensee” the GENERACION REBELDE mark in commerce. (See Notice of Opposition [dkt. 1], at ¶1 and RADILO00154.)

B. Applicant’s Discovery Responses and Document Production

4. On December 30, 2013, Luxco served Applicant with Interrogatories and Requests for Production of Documents. (See Exs. C and D.)

5. In its Interrogatories Luxco asked Applicant to identify all documents in his possession that support his alleged “bona fide intention to use the GENERACION REBELDE Mark in U.S. Commerce.” Applicant testified that “a COLA issued by the TTB” in response to this request for identification of all documents in Applicant’s possession that support his alleged *bona fide* intention to use the GENERACION REBELDE Mark in U.S. commerce. (See Supplemental Responses to Opposer’s First Set of Interrogatories, Ex. E, at p. 19-20, supplemental response to Interrogatory No. 25.)

6. Applicant also stated that he “has not commenced sale of any product or service branded or marketed bearing the GENERACION REBELDE Mark in U.S. commerce.” (Ex. E, p. 6, at supplemental response to Interrogatory No. 2.)

7. In Requests for Production of Documents Luxco asked that Applicant produce the following categories of documents:

- Documents that evidence the first use of the GENERACION REBELDE Mark by Applicant or any licensee (Ex. D at Request No. 2);
- Samples of invoices evidencing the sale of goods under the GENERACION REBELDE Mark (*Id.* at Request No. 7);

- Representative samples of the advertising for any goods branded under the GENERACION REBELDE Mark offered or sold by Applicant or its licensees (*Id.* at Request No. 11);
- Labels, bottles, tags, boxes or other documents showing the goods under which the GENERACION REBELDE Mark is used or intended to be used. (*Id.* at Request No. 12);
- A list of Applicant's current customers for GENERACION REBELDE-branded goods (*Id.* at Request No. 13);
- A sample of complete product packaging (*Id.* at Request No. 15);
- Documents showing the intended channels of trade for GENERACION REBELDE-branded goods (*Id.* at Request No. 16);
- Documents showing the intended class of customer for GENERACION REBELDE-branded goods (*Id.* at Request No. 17);
- Documents showing the intended retail price of GENERACION REBELDE-branded goods (*Id.* at Request No. 18);
- Current or proposed advertising specimens bearing the GENERACION REBELDE Marks. (*Id.* at Request No. 20);
- Documents showing the annual sales volume of products sold in the United States under the GENERACION REBELDE Mark. (*Id.* at Request No. 25);
- Documents that show the amount of money expended, on an annual basis, to advertise or promote products under Applicant's GENERACION REBELDE Mark (*Id.* at Request No. 27);

- Documents reflecting studies, market or other demographic research regarding potential purchasers of GENERACION REBELDE goods. (*Id.* at Request No. 28);
- Studies, surveys, market research, test or memoranda relating to consumer recognition of the GENERACION REBELDE Mark (*Id.* at Request No. 29);
- Documents that show initial and continuous use of the GENERACION REBELDE Mark in connection with Applicants goods (*Id.* at Request No. 30); and
- Documents that show any GENERACION REBELDE-branded goods that have been sold by Applicant to Grupo Corona, LLC (*Id.* at Request No. 33).

8. For each of the above-referenced Document Requests, Applicant states that “no such documents exist.” (*See* Supplemental Responses to Opposer’s First Set of Requests for Production of Documents, Ex. F.)

9. Luxco’s Document Requests also required that Applicant produce any trademark search(es) conducted by Applicant with respect to the GENERACION REBELDE Mark. (*Id.* at Request No. 8.)

10. In response, Applicant produced a document that was created on April 15, 2013—over three years after he applied for the subject mark. (Ex. H at RADILO0001-0006.)

11. Importantly, Luxco’s Document Requests specifically required Applicant to produce all documents in his possession, custody or control that support his “assertion that Applicant had a bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce on June 4, 2009.” (Ex. D at Request No. 39).

12. In response, Applicant directed Luxco to documents bates-numbered RADIL000157-160, RADIL000195-202, RADIL000169, RADIL000247, RADIL000170-171. (Ex. F, at response to Request Nos. 39, 38 and 9.) These documents are attached hereto as Exhibit I.

13. The document identified as RADIL000157-160 is an Application for Certificate of Label Approval (“COLA”) filed by some entity other than Applicant, Grupo Corona, LLC, and is dated April 23, 2013—over three years after the subject application was filed. (Ex. I at RADIL000157-160; RADIL000154.)

14. The documents identified as RADIL000195-202 are print-outs from the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) relating to unrelated third-parties. (*Id.*)

15. The documents identified as RADIL000169 and RADIL000247 are Certificates of Trademark Registration issued by the Mexican Institute of Industrial Property on June 13, 2013—again over three years after the subject application was filed with the USPTO. (*Id.*)

16. The document identified as RADIL000170-171 appears to be a website from the California Department of Alcoholic Beverage Control listing a licensee “OQUALITX INC” and stating that the entity was issued a “DISTILLED SPIRITS IMPORTER” license on June 30, 2010. (*Id.*) The document does not identify Applicant, Grupo Corona, LLC or GENERACION REBELDE. (*Id.*) It is also dated more than one year after the subject application was filed.

17. In response to Luxco’s request that Applicant produce documents that pertain to the development, creation and/or adoption of the GENERACION REBELDE

Mark, Applicant identified the same documents referenced above. (Ex. F, at response to Request No. 9.)

18. Applicant has confirmed that he has produced all documents responsive to Luxco's Document Requests. (Ex. G, June 10, 2014 e-mail from S. Halpern to A. Gilfoil stating that "there are no additional responsive documents" and "our client has complied with his obligations under the applicable rules").

III. LEGAL STANDARDS

A. Summary Judgment

Summary judgment is a salutary method of disposition which the Board does not hesitate to use to dispose of cases when appropriate. *See, e.g., Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 U.S.P.Q.2d 1793 (Fed. Cir. 1987); *Levi Strauss & Co. v. Genesco, Inc.*, 742 F.2d 1401, 222 U.S.P.Q. 939 (Fed. Cir. 1984). To that end, summary judgment is appropriate where there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *see Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *Hewlett-Packard Development Co. v. Vudu, Inc.*, 92 U.S.P.Q.2d 1630, 1631 (TTAB 2009). The party opposing summary judgment "must point to an evidentiary conflict created on the record" and mere "denials or conclusory statements are insufficient." *Id.* at 1631-32. Thus, factual assertions without evidentiary support are insufficient to defend against a motion for summary judgment. *Hornblower & Weeks Inc. v. Hornblower & Weeks Inc.*, 60 U.S.P.Q.2d 1733, 1739 (TTAB 2001).

B. Lack of Bona Fide Intent to Use

A trademark applicant's alleged *bona fide* intent to use a mark in commerce at the time the application was filed is amenable to summary judgment disposition. *See, e.g., Honda Motor Co.*, 90 U.S.P.Q.2d 1660, 1664 (TTAB 2009); *see also Avakoff v. Southern Pacific Company et al.*, 226 U.S.P.Q. 435, 436 (Fed. Cir. 1985)(affirming Board's grant of summary judgment to opposer). In this regard, the absence of corroborating evidence demonstrating an applicant's alleged intent to use a mark in commerce at the time of filing "is sufficient to prove that an applicant lacks such intention as required by Section 1(b) of the Trademark Act." *Honda Motor Co. v. Winkelmann*, 90 U.S.P.Q.2d 1660, 1662 (TTAB 2009); *See Boston Red Sox*, 88 U.S.P.Q.2d 1503, 1507 (TTAB 1993)(objective proof sufficient to establish lack of *bona fide* intent); *L.C. Licensing Inc. v. Berman*, 86 U.S.P.Q.2d 1883, 1892 (TTAB 2008)(no facts provided to explain failure to have documents from "at the time the application was filed that showed an intent to use the mark").

The Board's determination in this regard is an objective one based on all the circumstances and evidence before it. *See Boston Red Sox Baseball Club L.P. v. Sherman*, 88 U.S.P.Q.2d 1581 (TTAB 2008). Thus, upon a *prima facie* showing by the moving party, "the burden of production shifts to applicant to come forward with evidence adequately explaining or outweighing the failure" to provide contemporaneous documentary evidence. *Swatch AG v. M.Z. Berger & Co.*, 108 U.S.P.Q.2d 1463, 1472 (TTAB 2013). Mere statements of subjective intent are never sufficient to establish a *bona fide* intent to use the mark in commerce. *L'Oreal v. Marcon*, 102 U.S.P.Q.2d 1434, 1444 (TTAB 2012); *Swatch AG v. M.Z. Berger & Co.*, 108 U.S.P.Q.2d 1463, 1477

(TTAB 2013)(filing application “merely to reserve a right in a mark” is insufficient).

Moreover, it is well settled that because the Board must consider applicant’s intent “at the time the application was filed,” that documents relating to “subsequent efforts” cannot establish intent to use at a later point. *Swatch AG*, 108 U.S.P.Q.2d at 1477; *Boston Red Sox*, 88 U.S.P.Q.2d at 1587 (actions taken two years after filing “not even remotely contemporaneous with the filing of the application”); *L.C. Licensing Inc.*, 86 U.S.P.Q.2d at 1892.

II. APPLICANT CANNOT SATISFY HIS BURDEN OF RAISING A GENUINE ISSUE MATERIAL FACT SUPPORTING HIS ALLEGED INTENT TO USE THE APPLIED-FOR MARK AT THE TIME OF FILING

Discovery in this proceeding amply demonstrates the lack of any contemporaneous evidence corroborating Applicant’s alleged *bona fide* intent at the time he filed the subject application. Because Applicant has not and cannot satisfy his burden, he fails to raise a genuine issue of material fact precluding judgment in favor of Luxco on this issue.

A. Applicant’s Responses to Luxco’s Discovery Stating “No Documents” Prima Facie Show No *Bona Fide* Intent at the Time of Filing

Applicant in response to multiple production requests propounded by Luxco has stated that he has no documents supporting his alleged intent to use the GENERACION REBELDE mark at the time of filing. (*See* SUMF 8-9.) More particularly, Applicant states that he has no documents evidencing first use of the applied-for mark, no samples of invoices, no advertising samples, no bottle samples, no tags or boxes for GENERACION REBELDE-branded goods, no list of customers, no examples of product packaging, no documents showing annual sales volume, advertising and promotion money spent, nor any documents showing GENERACION REBELDE-branded goods

sold by Applicant to his alleged company Grupo Corona, LLC. (See SUMF 8-9, Ex. F at Request Nos. 2, 7, 11, 13, 25, 27, 33.) Applicant also states that he has no documents showing the intended channels of trade, the class of customer or retail price for GENERACION REBELDE-branded products. (*Id.* at Request Nos. 16-18). Finally, Applicant also confirms that he has no documents reflecting market or demographic research regarding potential purchasers of GENERACION REBELDE-branded products. (*Id.* at Request No. 28.)

The absence of any of these relevant documents is sufficient to shift the burden to Applicant to come forward with evidence outweighing his failure to provide any contemporaneous documentary evidence. See *Boston Red Sox*, 88 U.S.P.Q.2d 1581, at 1587 (summary judgment appropriate where applicant stated that he had no “specimens,” labels, tags, advertising or promotional materials). As shown, Applicant has not and cannot come forward with any documents rebutting this prima facie showing of no *bona fide* intent at the time he filed the subject application.

B. The Only Documents That Applicant Possesses Fail to Rebut the Above Prima Facie Showing of No *Bona Fide* Intent as of June 2009

Simply stated, Applicant cannot come forward with any documents that corroborate his alleged *bona fide* intent as of June 4, 2009 and rebut the above *prima facie* showing. The Board has repeatedly found that individuals “who lacked the demonstrated capacity to produce the goods identified in the application” at the time of filing lack *bona fide* intent. See *Swatch AG v. M.Z. Berger & Co.*, 108 U.S.P.Q.2d at 1477 (citing cases). In response to a request that he identify all documents that support his *bona fide* intention to use the GENERACION REBELDE Mark in U.S. Commerce as of June 4, 2009, Applicant points exclusively to an Application for COLA filed not by

Applicant but a separate entity—Grupo Corona, LLC. However, even if the Board could assume some association between Grupo Corona and Applicant,¹ the COLA application was not filed until April 23, 2013—nearly four years after Applicant filed the applied-for trademark application. (See SUMF 6, 14, at Ex. I, RADILO00157-159.)² Thus, Applicant was legally incapable of offering GENERACION REBELDE-branded goods for sale in U.S. commerce until at least four years after he filed the subject application.³ See 27 C.F.R. §5.31.

This Board’s jurisprudence makes plain that subsequent efforts to legalize use of a mark on goods in U.S. commerce are insufficient as a matter of law to raise a genuine issue of material fact regarding Applicant’s intent to use at the time he filed the subject trademark application. *Swatch AG*, 108 U.S.P.Q.2d at 1477; *Boston Red Sox*, 88 U.S.P.Q.2d at 1587. As Applicant has confirmed that he no further documents responsive to Luxco’s discovery requests (*see* SUMF 19, at ex. G) the totality of evidence before the Board fails to raise a genuine issue of material fact regarding Applicant’s alleged intent to use the applied-for GENERACION REBELDE mark at the time he filed the subject application.

¹ Applicant has no documents that demonstrate if or how he is purportedly associated or affiliated with this entity. (See Ex. G.)

² Applicant also apparently did not undertake a trademark search until April 15, 2013, over three years after when he applied for the mark at issue. (Ex. H at RADILO0001-0006.)

³ The COLA did not issue until May 28, 2013. (See SUMF 6, 14, Ex. I, RADILO00157-159.)

CONCLUSION

For the foregoing reasons, the subject application is void *ab initio* because Applicant lacked the requisite *bona fide* intent to use the applied-for mark at the time he filed the GENERACION REBELDE trademark application. The Board should grant Luxco's Motion for Summary Judgment, sustain this opposition proceeding and refuse registration to Trademark Application Serial No.77/752,453.

Respectfully submitted,

Dated: October 14, 2014

By: /s/ Andrew R. Gilfoil

Michael R. Annis
Alan S. Nemes
Andrew R. Gilfoil
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
Telephone: (314) 480-1500
Fax: (314) 480-1505

Attorneys for Opposer Luxco, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was served via U.S. mail and electronic mail on this 14th day of October, 2014 upon:

Stacey R. Halpern
Knobbe Martens Olson & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
Stacey.Halpern@knobbe.com

/s/ Andrew R. Gilfoil



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Oct 14 03:20:54 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

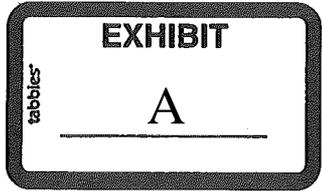
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	REBEL YELL
Goods and Services	IC 033, US 049, G & S: Straight Bourbon Whiskey. FIRST USE: 19370800. FIRST USE IN COMMERCE: 19370800
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72117658
Filing Date	April 11, 1961
Current Basis	1A
Original Filing Basis	1A
Registration Number	0727786
Registration Date	February 20, 1962
Owner	(REGISTRANT) STITZEL-WELLER DISTILLERY, INC. CORPORATION KENTUCKY STATION D LOUISVILLE KENTUCKY (LAST LISTED OWNER) LUXCO, INC. CORPORATION MISSOURI 5050 KEMPER AVENUE ST. LOUIS MISSOURI 63139
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ALAN S. NEMES
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120322.
Renewal	2ND RENEWAL 20120322
Live/Dead Indicator	LIVE



[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [TOP](#) [HELP](#)



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Oct 14 03:20:54 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

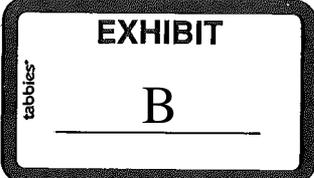
Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

REBEL RESERVE

Word Mark	REBEL RESERVE
Goods and Services	IC 033. US 047 049. G & S: liquors and distilled spirits. FIRST USE: 20080929. FIRST USE IN COMMERCE: 20080929
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77465392
Filing Date	May 5, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 14, 2008
Registration Number	3632812
Registration Date	June 2, 2009
Owner	(REGISTRANT) Luxco, Inc. CORPORATION MISSOURI 1000 Clark Avenue St. Louis MISSOURI 63102
Attorney of Record	Alisha L. Huls
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RESERVE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)



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

Mark: GENERACION REBELDE
U.S. Application Serial No. 77/752,453

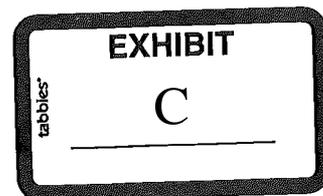
LUXCO, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91213097
)	
JOSE ADRIAN CORONA)	
RADILLO,)	U.S. App. No. 77/752,453
)	
Applicant.)	

LUXCO INC.'S FIRST SET OF INTERROGATORIES TO APPLICANT

COMES NOW Opposer, Luxco, Inc. (“Luxco” or “Opposer”), by and through its attorneys, Husch Blackwell LLP, pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure, and submits the following interrogatories to applicant Jose Adrian corona Radillo (“Radillo” or “Applicant”) to be answered under oath by written response and delivered to the offices of Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105, within 30 days after service of this request, pursuant to the attached instructions and definitions.

DEFINITIONS

1. “Person” means any individual, sole proprietorship, association, partnership, corporation or other legal entity.
2. “Document” means the originals (or any copies when originals are not available) unless otherwise stated and any non-identical copies (whether different from the originals because of notes made on such copies or otherwise), of writings of every kind and description



whether inscribed by hand or by mechanical, electronic, microfilm, photographic or other means, as well as phonic (such as tape recordings) or visual reproductions or oral statements, conversations or events, and including, but not limited to, correspondence, teletype messages, internal memoranda, notes, reports, compilations, studies, tabulations, tallies, maps, diagrams, plans, pictures, computer-stored data, computer printouts, all information stored electronically, including but not limited to e-mails, search requests, stored files or folders, meta data, telephone records, internet records, prior drafts of records, files, folders, or correspondence.

3. "Identify", "identity" or "identification" when used in reference to a natural person means to state his/her full name and present or last known residence, his/her present or last known position and business affiliation, and each position held in the applicable time period;

4. "Identify," "identify" or "identification" when used in reference to a document or communication, means to state its date, its subject and substance, its authority, the type of document (e.g., letter, memorandum, telegrams, charts, computer input or printout, etc.) or, if the above information is not available, some other means of identifying it, as well as its present location and the name(s) of each of any present custodians.

5. "Describe in detail" means:

A. Describe fully by reference to underlying facts rather than ultimate facts;

and

B. Particularize as to:

1. Time;

2. Place, irrespective of whether it is in the United States, its possessions and territories or anywhere else in the world;

3. Manner; and

4. Identity of person involved, including the present address and name and address of his/her employer.
6. The term “concerning” or “concern”, when used herein, means in any way related to, containing, contained in, referring to, regarding, embodied in, connected to or part of, in whole or in part.
7. “You”, “your” or “Applicant” refers to Jose Adrian Corona Radillo and any agent, employee or other person acting on his behalf.
8. The term “GENERACION REBELDE” or “GENERACION REBELDE Mark” shall mean any mark, logo, signage or other form of the mark referenced in Application No. 77/752,453 in singular, plural, or otherwise.
9. The terms “Opposer” or “Luxco” refers to Luxco, Inc., and any agent, employee or representative acting on its behalf.
10. The terms “Use,” “use,” or “intent to use” shall have the meaning provided in 15 U.S.C. §1127.
11. The term "REBEL Marks" refers collectively to the marks REBEL YELL and REBEL RESERVE, which are the subject of U.S. Registration No. 727,786 and U.S. Trademark Application No. 77/465,392, respectively, the marks FOUR REBELS and 4 REBELS that are the subject of U.S. Trademark Application Serial Nos. 77/758,725 and 77/758,705, respectively, as well as any common law rights attached to Luxco's use of the Marks REBEL YELL and/or REBEL RESERVE.

INSTRUCTIONS

1. These interrogatories shall be deemed continuing pursuant to Rule 33 of the Federal Rules of Civil Procedure as to request additional answers if Applicant requires additional information between the time the answers are served and the time of trial. Such additional

answers shall be served seasonably, but not later than thirty (30) days after such further information is received. Information requested is to include all information in the possession of the party, its attorney, insurance investigators, agents, or others in privity with Applicant.

2. Each interrogatory is to be considered as having been asked individually of Applicant, and Applicant shall file separate answers, first giving the question, followed by the answering party's response.

3. Whenever used herein, the singular shall be deemed to include the plural, the feminine shall be deemed to include the masculine, the disjunctive ("or") shall be deemed to include the conjunctive ("and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"), and each of the functional words, "each", "every", "any", and "all" shall be deemed to include each of the other functional words.

4. Interrogatories which cannot be answered in full shall be answered as completely as possible, an incomplete answer shall be accompanied by a specification of the reasons for the incompleteness of the answer, as well as by a statement of whatever knowledge, information or belief you possess with respect to each unanswered or incompletely answered interrogatory.

INTERROGATORIES

INTERROGATORY NO. 1: Identify every person that supplied information for or participated in responding to these interrogatories and Luxco's First Requests for Production of Documents served concurrently herewith.

ANSWER:

INTERROGATORY NO. 2: Identify any documents that were utilized in responding to these interrogatories.

ANSWER:

INTERROGATORY NO. 3: Describe in detail the business conducted by the Applicant and any entities Applicant has a controlling ownership in, including but not limited to licensees, in which the GENERACION REBELDE Mark is currently used.

ANSWER:

INTERROGATORY NO. 4: Identify every product and/or service ever branded or marketed by Applicant, or any licensees, at any time bearing the GENERACION REBELDE Mark.

ANSWER:

INTERROGATORY NO. 5: Set forth the date of first use of the GENERACION REBELDE Mark on, or in connection with, each product identified in Answer to Interrogatory No. 4, above, and identify all documents relating to or evidencing such first use.

ANSWER:

INTERROGATORY NO. 6: Fully identify any license which has been granted to or by Applicant for use of the GENERACION REBELDE Mark, including parties to the license, date, duration, substance of the license, and goods and/or services for which such license was granted.

ANSWER:

INTERROGATORY NO. 7: For each product and service identified in response to Interrogatory No. 4, above, set forth for each year since the first date of use of the mark:

- (a) The quantity of such products sold by Applicant (or its licensees) under the GENERACION REBELDE Mark; and
- (b) The dollar amount of annual sales for each such product.

ANSWER:

INTERROGATORY NO. 8: For each product and/or service identified in response to Interrogatory No. 4, above, set forth for each of the past five years the dollar amount expended by Applicant and any licensees on advertising and promotion of the GENERACION REBELDE Mark and products branded under that Mark.

ANSWER:

INTERROGATORY NO. 9: State whether use of the GENERACION REBELDE Mark by Applicant or your licensees has ever been interrupted, and, if so, describe in detail each such interruption.

ANSWER:

INTERROGATORY NO. 10: Identify all forms of media by means of which Applicant and/or your licensees has advertised the GENERACION REBELDE Mark during since its first use in US commerce, if any.

ANSWER:

INTERROGATORY NO. 11: If the GENERACION REBELDE Mark is not used by Applicant, identify with particularity each and every entity which does, or has used the subject mark.

ANSWER:

INTERROGATORY NO. 12: State whether a trademark search or any other type of search was conducted by Applicant in connection with its adoption, application for registration or use of the trademark GENERACION REBELDE. If so, describe in detail all documents relating or referring to such search(es) and identify the person(s) most knowledgeable thereof.

ANSWER:

INTERROGATORY NO. 13: Identify the person(s) most knowledgeable regarding the creation, adoption, and use of the GENERACION REBELDE Mark in connection with Applicant's goods or that of its licensee(s).

ANSWER:

INTERROGATORY NO. 14: Identify the person(s) most knowledgeable regarding the manufacture, production, promotion and sale of the goods offered under Applicant's GENERACION REBELDE Mark.

ANSWER:

INTERROGATORY NO. 15: State whether you are aware of any instances or occasions of confusion or mistake involving the source, origin or sponsorship of goods or services offered by Applicant or its licensees under the GENERACION REBELDE Mark, including inquiry regarding whether any of its goods were sponsored by or otherwise connected with Luxco or any goods or services of Luxco, including any of Luxco's REBEL Marks. If so, identify:

- (a) The person(s) confused or mistaken or making an inquiry;
- (b) The substance or content of any such confusion, mistake or inquiry;
- (c) The date on which any inquiry was made; and
- (d) All persons with knowledge and all documents relating to or reflecting any such inquiry or instance of confusion or mistake.

ANSWER:

INTERROGATORY NO. 16: Identify each class of customer to whom you or your licensee(s) sell and/or intend to sell goods under the GENERACION REBELDE Mark and identify the person(s) most knowledgeable about Applicant's intended class of customer for such branded goods.

ANSWER:

INTERROGATORY NO. 17: Identify all channels of trade through which goods branded under the GENERACION REBELDE Mark move or are intended to move for sale and identify the person most knowledgeable about the channels of trade for Applicant's branded goods.

ANSWER:

INTERROGATORY NO. 18: Identify the retail price or intended retail price of all goods currently sold or intended to be sold under the GENERACION REBELDE Mark.

ANSWER:

INTERROGATORY NO. 19: Are there any person(s) employed by Applicant that currently reside or work in the United States? If so, please state each person(s) name, address and job title.

ANSWER:

INTERROGATORY NO. 20: Identify by name and address each company, wholesaler, dealer or distributor to whom you or your licensee(s) offer and/or sell distilled spirits under the GENERACION REBELDE Mark.

ANSWER:

INTERROGATORY NO. 21: Who was Applicant's first customer for GENERACION REBELDE-branded products and when did that customer place its first order for such products?

ANSWER:

INTERROGATORY NO. 22: State all facts relating to Applicant's adoption of the term "GENERACION REBELDE", including without limitation the circumstances surrounding such adoption, any significance or meaning of the term "REBEL" or "REBELDE" to those involved in said adoption and the origin of the mark and identify those persons most knowledgeable or such adoption.

ANSWER:

INTERROGATORY NO. 23: State whether you are aware of any other trademark containing the term "REBEL" used for distilled spirits other than Luxco's REBEL Marks. If so, identify:

- (a) All identifying information about the party or parties using such mark;
- (b) The dates of such use; and
- (c) The geographic area(s) of such use; and
- (d) All persons with knowledge and all documents relating to or relating to any such use.

ANSWER:

INTERROGATORY NO. 24: Identify all trademark registrations and applications for registration for marks containing the term "REBEL" or "REBELS" that you believe to be relevant to this proceeding.

ANSWER:

INTERROGATORY NO. 25: Identify the earliest date that Applicant or any agent(s) of Applicant first became aware of any of Luxco's REBEL Marks.

ANSWER:

INTERROGATORY NO. 26: Identify any certificate of label approval ("COLA") or other permit application(s) that Applicant or someone acting on behalf of Applicant have filed with the Alcohol and Tobacco Tax and Trade Bureau ("TTB") with respect to the GENERACION REBELDE

mark, including when any such permit application(s) were filed with the TTB and when such COLAs were received from the TTB.

ANSWER:

INTERROGATORY NO. 27: Identify what commercial impression or connotation you believe the GENERACION REBELDE Mark would convey to U.S. consumers.

ANSWER:

INTERROGATORY NO. 28: Identify any documents in your possession, custody or control that discuss or relate to whether Applicant has considered using the GENERACION REBELDE Mark in conjunction with the same of distilled spirits other than tequila.

ANSWER:

INTERROGATORY NO. 29: Identify all documents in your possession that support your alleged bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce.

ANSWER:

INTERROGATORY NO. 30: Identify all foreign trademark registrations for the term GENERACION REBELDE on which you rely in support of your claims in this proceeding.

ANSWER:

DATED: December 30, 2013

LUXCO, INC.

By: /s/ Andrew R. Gilfoil

Michael R. Annis
Andrew R. Gilfoil
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone: (314) 480-1500
Facsimile: (314) 480-1505
mike.annis@huschblackwell.com
andy.gilfoil@huschblackwell.com

Attorneys for Luxco, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing FIRST SET OF INTERROGATORIES was served by First Class Mail, postage prepaid on this 30th day of December, 2013, upon:

Stacey R. Halpern
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

/s/ Andrew R. Gilfoil

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

Mark: GENERACION REBELDE
U.S. Application Serial No. 77/752,453

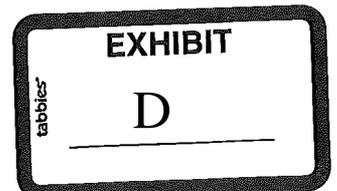
LUXCO, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91213097
)	
JOSE ADRIAN CORONA)	
RADILLO,)	U.S. App. No. 77/752,453
)	
Applicant.)	

LUXCO INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS

Luxco, Inc. (“Luxco” or “Opposer”), by and through its attorneys, Husch Blackwell LLP, pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 34 of the Federal Rules of Civil Procedure, and submits the following Request for Production of Documents to applicant Jose Adrian Corona Radillo (“Radillo” or “Applicant”) to produce the documents and things set forth below for inspection and copying at the offices of Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63108, within thirty (30) days after the service of this request.

INSTRUCTIONS AND DEFINITIONS

Opposer hereby incorporates the Instruction and Definitions contained in its First Set of Interrogatories served concurrently herewith. Those Instructions and Definitions shall apply to these requests.



REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents identified or asked to be identified in response to Luxco's First Set of Interrogatories served concurrently herewith.

RESPONSE:

2. Produce those documents that evidence the first use of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE:

3. Produce those documents that evidence the first use in interstate commerce of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE:

4. Produce those documents that evidence the first use in interstate commerce in the United States of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE:

5. Produce those documents that pertain to any application ever filed for registration of the GENERACION REBELDE Mark by Applicant.

RESPONSE:

6. Produce those documents that show any ownership interest by Applicant in and to any entity or business that owns trademark rights to any term or logo that includes the term "REBEL" and/or "REBELDE"

RESPONSE:

7. Produce representative sample of invoices evidencing the sale of goods under the GENERACION REBELDE Mark by Applicant or any licensee for each year from the date of first use of the mark to the present.

RESPONSE:

8. Produce those trademark search(es) conducted by Applicant or any agent(s) on behalf of Applicant with respect to the GENERACION REBELDE Mark.

RESPONSE:

9. Produce those documents that pertain to the development, creation, and/or adoption of the GENERACION REBELDE Mark.

RESPONSE:

10. Produce any trademark registration certificates owned by Applicant for the GENERACION REBELDE Mark, in any country, state or territory.

RESPONSE:

11. Produce representative samples of the advertising for any goods branded under the GENERACION REBELDE Mark and offered or sold by Applicant or its licensees.

RESPONSE:

12. Produce representative documents evidencing those goods and/or services under which the GENERACION REBELDE Mark is currently used or is intended to be used, such as labels, bottles, tags, boxes and the like.

RESPONSE:

13. Produce a list of Applicant's current customers for GENERACION REBELDE-branded goods.

RESPONSE:

14. Produce examples of any tags or labels used by Applicant or its licensees used in connection with the GENERACION REBELDE Mark.

RESPONSE:

15. Produce a sample of the complete packaging in which the product(s) sold or intended to be sold under the GENERACION REBELDE Mark as those goods:

- (a) are shipped from Applicant to Applicant's customers;
- (b) are displayed at the point of sale to the ultimate users; and/or
- (c) are contained when sold to the ultimate users.

RESPONSE:

16. Produce documents identifying or showing the channels of trade for GENERACION REBELDE-branded goods, or the intended channels of trade for such goods.

RESPONSE:

17. Produce documents identifying or showing the class of customer for GENERACION REBELDE-branded goods, or the intended class of customer for such goods.

RESPONSE:

18. Produce documents identifying and showing the retail price or intended retail price of all GENERACION REBELDE-branded goods.

RESPONSE:

19. Produce all documents identified or requested to be identified in response to Opposer's First Set of Interrogatories to Applicant or otherwise relied upon or referenced by Applicant in responding to said interrogatories.

RESPONSE:

20. Produce specimens of all current and proposed advertising, including, but not limited to, educational and promotional materials, including journals, catalogues, circulars, sale sheets, price sheets, leaflets, direct mail pieces, newspaper and magazine advertisements, telephone book advertisements, press releases, computer screen displays of websites or pages

and any other materials used by Applicant or any licensee or related company bearing the GENERACION REBELDE Marks.

RESPONSE:

21. Produce those documents showing any investigation or survey undertaken by or on behalf of Applicant that relate to the terms " REBEL" or "REBLDE."

RESPONSE:

22. Produce those documents that show consent, authorization or permission given by Applicant to any individual and/or entity to use the GENERACION REBELDE Mark in US commerce.

RESPONSE:

23. Produce all documents in your possession which evidence, refer or relate to statements, inquiries, comments or other communications by or from Applicant's customers (or those of your licensees), competitors or third parties, either written or oral, evidencing any confusion, suspicion, believe or doubt on the part of said customer, competitor or other third party as to the relationship between Applicant and Luxco and their respective goods and/or services.

RESPONSE:

24. Produce representative samples of all advertising, packaging and labeling materials for Applicant's goods and/or services bearing the GENERACION REBELDE Mark, all prototypes, drafts and sketches for said advertising, packaging and labeling.

RESPONSE:

25. Produce all documents showing the annual sales volume of products sold in the United States under the GENERACION REBELDE Mark.

RESPONSE:

26. Produce all documents showing the annual dollar value of sales or products sold in the United States under the GENERACION REBELDE Marks.

RESPONSE:

27. Produce all documents that show the amount of money expended, on an annual basis, to advertise or promote products and/or services under Applicant's GENERACION REBELDE Mark.

RESPONSE:

28. Produce any studies, surveys, market search test or memoranda including, but not limited to, demographic or consumer profile studies, relating to the purchasers or potential purchasers of products marketed, offered for sale, advertised or promoted under the GENERACION REBELDE Mark.

RESPONSE:

29. Produce any studies, surveys, market research, test or memoranda relating to consumer recognition of the GENERACION REBELDE Mark.

RESPONSE:

30. Produce any documents in the custody, control or possession of Applicant that show initial and continuous use of the GENERACION REBELDE Mark in connection with Applicant's goods.

RESPONSE:

31. Produce any documents submitted or received by Applicant as part of any permitting, certifying, or applications for registration of the GENERACION REBELDE Mark, and any fictitious trade name(s) under which you have or intend to offer and sell your GENERACION REBELDE-branded products and/or labels for the same, as well as any permits or certificates of label and/or trade names approved by the Alcohol and Tobacco Tax and Trade Bureau ("TTB"), or other permitting, registering or certifying authority.

RESPONSE:

32. Produce all agreements, terms and contracts between Applicant and Grupo Corona, LLC, as well as those documents that evidence any negotiations between Applicant and Grupo Corona, LLC relating the offer or sale of the GENERACION REBELDE-branded goods within the United States.

RESPONSE:

33. Produce all documents that show any GENERACION REBELDE-branded goods that have been sold by Applicant to Grupo Corona, LLC.

RESPONSE:

34. Produce those documents that show consent, authorization or permission given by Applicant to any individual and/or entity to use the GENERACION REBELDE Mark in US commerce.

RESPONSE:

35. Produce any and all marketing plans relating to any product(s) sold or intended to be sold in connection with the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE:

36. Produce any documents reflecting or relating to any plan or intended plan to sell or offer for sale any products bearing the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE:

37. Produce any documents in your possession, custody or control that reference or otherwise identify, directly or indirectly, Luxco's REBEL Marks.

RESPONSE:

38. Produce all documents in your possession, custody or control that evidence, show or otherwise relate to Applicant's claimed intent to use the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE:

39. Produce all documents in your possession, custody or control that support your assertion that Applicant had a bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce on June 4, 2009.

RESPONSE:

40. Produce all documents in your possession, custody or control that support your assertion that Applicant had a bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce on June 20, 2013.

RESPONSE:

41. Produce all documents in your possession, custody or control that relate to Applicant's filing of the GENERACION REBELDE Mark under either section 44(e) or 1(b) of the Lanham Act.

RESPONSE:

42. All documents concerning agreements, proposals or negotiations with any person to license, produce, sell, offer for sale and/or distribute products bearing the GENERACION REBELDE Mark within the United States.

RESPONSE:

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing REQUEST FOR PRODUCTION OF DOCUMENTS was served by First Class Mail, postage prepaid on this 30th day of December, 2013, upon:

Stacey R. Halpern
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

/s/ Andrew R. Gilfoil

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

Luxco, Inc.,)	Opposition No. 91213097
)	
Opposer,)	
)	
v.)	
)	
Radillo, Jose Adrian Corona,)	
)	
Applicant.)	

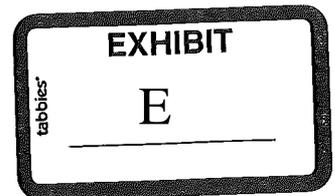
**APPLICANT’S SUPPLEMENTAL RESPONSES TO OPPOSER’S FIRST
SET OF INTERROGATORIES**

Pursuant to the Rules of Practice of the United States Patent and Trademark Office, and Rule 33 of the Federal Rules of Civil Procedure (“FRCP”) and the Trademark Trial and Appeal Board Manual of Procedure, Radillo, Jose Adrian Corona (“Radillo”) hereby supplements his responses to Luxco, Inc.’s (“Opposer”) First Set of Interrogatories as set forth below.

GENERAL OBJECTIONS

The following General Objections are incorporated by reference in response to each Interrogatory set forth below and are not waived with respect to any response.

1. Radillo generally objects to Opposer’s First Set of Interrogatories (“Interrogatories”) to the extent they seek disclosure of any information protected, privileged or immune, or otherwise exempt from discovery pursuant to applicable state and federal statutes, the Federal Rules of Civil Procedure, case law, regulations, administrative orders, or any other applicable rules, decisions, or laws including, but not limited to, information protected by the attorney-client privilege, the work product doctrine and/or other applicable privilege. The specific objections stated below on the grounds of attorney-client privilege and/or work product in no



way limit the generality of this objection. Nothing contained in this response is intended to be nor should be considered a waiver of any attorney-client privilege, work product protection, the right of privacy, or any other applicable privilege or doctrine, and to the extent that any request may be construed as calling for disclosure of information protected by such privileges or doctrines, a continuing objection to each and every such interrogatory is hereby imposed. Any such protected information will not be provided, although a privilege log will be produced if there are any protected documents responsive to any Interrogatories.

2. Radillo objects generally to the Interrogatories to the extent that Opposer purports to require Radillo to identify on a privilege log any documents or information protected by the attorney-client privilege, the work product doctrine, or other applicable privilege that were generated by his counsel or agents for internal use and/or privileged communications between or among Radillo and his counsel since the commencement of this proceeding. The applicability of the attorney-client privilege and/or work product doctrine is so clear and the burden of identifying each such document is so great that requiring Radillo to do so would be so burdensome as to result in injustice and would be oppressive in that the burden imposed thereby would be incommensurate with the result sought by Opposer.

3. Radillo generally objects to Opposer's Interrogatories to the extent they purport to impose upon Radillo obligations greater than those imposed by the applicable FRCP, 37 CFR § 2.120(d), or other applicable rules or law.

4. Radillo generally objects to Opposer's Interrogatories to the extent that they seek information that is not calculated to lead to the discovery of admissible evidence or to the extent that Opposer's Interrogatories seek the disclosure of information, documents or things beyond the scope of discovery as provided by the applicable FRCP, 37 CFR § 2.120(d), or other applicable rules or

law.

5. Radillo objects to Opposer's Interrogatories to the extent that they request information that is protected from disclosure by agreements Radillo has with another entity, if any, or obligations Radillo has with another entity, if any.

6. Some of Opposer's Interrogatories contain discrete subparts. To the extent Radillo considers any Interrogatory having discrete subparts to constitute a single Interrogatory, Radillo objects to each such Interrogatory as being contrary to FRCP 33(a) and 37 CFR § 2.120(d).

7. Radillo objects to each of Opposer's Interrogatories to the extent that they seek information that is a matter of public record or otherwise available to Opposer without imposing undue burden on Radillo.

8. As to all matters referred to in these responses to Opposer's Interrogatories, investigation and discovery continues. Accordingly, Radillo reserves his right to modify these responses and to present in any proceedings and at trial any further information and documents obtained during discovery as well as during the testimony and trial periods and preparation for the testimony and trial periods. Further discovery, independent investigation, and legal research and analysis may supply additional facts adding meaning to known facts, as well as establish entirely new factual conclusions or legal conclusions, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein. Radillo reserves the right to produce any subsequently discovered evidence, facts, and/or documents, and to supplement or change its responses based on such information. The responses given herein are done so in a good faith effort to supply as much information as is presently known which should in no way lead to the prejudice of Radillo in connection with further discovery, research or analysis.

9. Radillo generally objects to the terms "Applicant," "Opposer," "Opposer's,"

“persons” and “person” as vague, overly broad and unduly burdensome.

10. Radillo generally objects to Opposer’s Interrogatories to the extent they seek information concerning “every person” or “entity” concerning a particular subject on the grounds that Radillo would be required to search for information from every person. Radillo also generally objects to Opposer’s Interrogatories to the extent they seek information concerning “all” or “any” documents, persons or entities concerning a particular subject. Radillo objects to performing searches of such breadth on the grounds of undue burden and expense. In its search for relevant documents, Radillo has made, or will make, a reasonable search as required by the FRCP.

11. Radillo generally objects to Opposer’s Interrogatories to the extent that they call for information that is protected from disclosure by agreements Radillo has with another entity, if any, or obligations Radillo has to another entity, if any.

12. Radillo further objects to Opposer’s definitions and instructions in the discovery requests to the extent they make the individual requests vague, ambiguous, or unintelligible, in that Opposer attributes new meanings to ordinary words or defines the same word to have multiple meanings.

13. Radillo further objects to Opposer’s definitions of “identify” and “identity” to the extent that they seek to impose obligations on Radillo that are in excess of the obligations imposed by the FRCP.

14. Radillo generally objects to Opposer’s Interrogatories to the extent that they seek information, documents or things not in Radillo’s possession, custody or control. Radillo’s responses are based upon information and writings presently available to Radillo.

15. Radillo will make, or has made a good faith, reasonable effort to search for such

information, documents and things responsive to Opposer's Interrogatories and, subject to its objections, will identify or produce at an appropriate time, or has identified or produced such information, documents and things within his possession, custody or control. The term "non-privileged information, documents, or things" refers to information, documents, or things that are not protected by the attorney-client privilege, the work-product doctrine, or any other privilege or immunity precluding discovery.

SUPPLEMENTAL RESPONSES

INTERROGATORY NO. 1:

Describe in detail the business conducted by the Applicant and any entities Applicant has a controlling ownership in, including but not limited to licensees, in which the GENERACION REBELDE Mark is currently used.

RESPONSE TO INTERROGATORY NO. 1:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that his company makes tequila and intends to sell tequila in U.S. commerce in connection with the GENERACION REBELDE mark.

INTERROGATORY NO. 2:

Identify every product and/or service ever branded or marketed by Applicant, or any licensees, at any time bearing the GENERACION REBELDE Mark.

RESPONSE TO INTERROGATORY NO. 2:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the terms "products," and "services."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Applicant has not commenced sale of any product or service branded or marketed bearing the GENERACION REBELDE Mark in U.S commerce.

INTERROGATORY NO. 3:

Set forth the date of first use of the GENERACION REBELDE Mark on, or in connection with, each product identified in Answer to Interrogatory No. 4, above, and identify all documents relating to or evidencing such first use.

RESPONSE TO INTERROGATORY NO. 3:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the terms "products."

Radillo objects to this Interrogatory on the grounds that it is compound.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Response to Interrogatory No. 4.

INTERROGATORY NO. 4:

Fully identify any license which has been granted to or by Applicant for use of the GENERACION REBELDE Mark, including parties to the license, date, duration, substance of the license, and goods and/or services for which such license was granted.

RESPONSE TO INTERROGATORY NO. 4:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds See Supplemental Response to Interrogatory No. 21.

INTERROGATORY NO. 5:

For each product and service identified in response to Interrogatory No. 4, above, set forth for each year since the first date of use of the mark:

- (a) The quantity of such products sold by Applicant (or its licensees) under the GENERACION REBELDE Mark; and
- (b) The dollar amount of annual sales for each such product.

RESPONSE TO INTERROGATORY NO. 5:

Radillo incorporates herein by reference his General Objections. Radillo further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the terms “products,” and “services.” Radillo objects to this Interrogatory on the grounds that it is compound.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Response to Interrogatory No. 4.

INTERROGATORY NO. 6:

For each product and/or service identified in response to Interrogatory No. 4, above, set forth for each of the past five years the dollar amount extended by Applicant and any licensees on advertising and promotion of the GENERACION REBELDE Mark and products branded under that Mark.

RESPONSE TO INTERROGATORY NO. 6:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the terms “products,” and “services.” Radillo objects to this Interrogatory on the grounds that it is compound.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Response to Interrogatory No. 4.

INTERROGATORY NO. 7:

State whether use of the GENERACION REBELDE Mark by Applicant or your licensees has ever been interrupted, and, if so, describe in detail each such interruption.

RESPONSE TO INTERROGATORY NO. 7:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Response to Interrogatory No. 4.

INTERROGATORY NO. 8:

Identify all forms of media by means of which Applicant and/or your licensees has advertised the GENERACION REBELDE Mark during since its first use in US commerce, if any.

RESPONSE TO INTERROGATORY NO. 8:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Response to Interrogatory No. 4.

INTERROGATORY NO. 9:

If the GENERACION REBELDE Mark is not used by Applicant, identify with particularity each and every entity which does, or has used the subject mark.

RESPONSE TO INTERROGATORY NO. 9:

Radillo incorporates herein by reference his General Objections as set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome as that it requested information as to “each and every entity” besides Applicant. Radillo further objects to this Interrogatory on the grounds that it is not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Supplemental Response to Interrogatory No. 4. Radillo and his company, Grupo Corona, LLC and their distributor, intend to use the mark in U.S. commerce in connection with tequila.

INTERROGATORY NO. 10:

State whether a trademark search or any other type of search was conducted by Applicant in connection with its adoption, application for registration or use of the trademark GENERACION REBELDE. If so, describe in detail all documents relating or referring to such search(es) and identify the person(s) most knowledgeable thereof.

RESPONSE TO INTERROGATORY NO. 10:

Radillo incorporates herein by reference its General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege or work-product doctrine. Radillo objects to this Interrogatory on the grounds that it is compound.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that the search that was conducted is attached as Bates Nos. RADIL000001 - RADIL000006.

INTERROGATORY NO. 11:

Identify the person(s) most knowledgeable regarding the creation, adoption, and use of the GENERACION REBELDE Mark in connection with Applicant's goods or that of its licensee(s).

RESPONSE TO INTERROGATORY NO. 11:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is premature, particularly in that Radillo has not completed his factual investigation and discovery. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the wording "goods."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo.

INTERROGATORY NO. 12:

Identify the person(s) most knowledgeable regarding the manufacture, production, promotion and sale of the goods offered under Applicant's GENERACION REBELDE Mark.

RESPONSE TO INTERROGATORY NO. 12:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is premature, particularly in that Radillo has not completed his factual investigation and discovery. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and

unintelligible, particularly as to its use of the wording "goods."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds Radillo.

INTERROGATORY NO. 13:

Identify each class of customer to whom you or your licensee(s) sell and/or intend to sell goods under the GENERACION REBELDE Mark and identify the person(s) most knowledgeable about Applicant's intended class of customer for such branded goods.

RESPONSE TO INTERROGATORY NO. 13:

Radillo incorporates herein by reference his General Objections. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that as the products have not yet been sold, the channels of trade have not yet been established.

INTERROGATORY NO. 14:

Identify all channels of trade through which goods branded under the GENERACION REBELDE Mark move or are intended to move for sale and identify the person most knowledgeable about the channels of trade for Applicant's branded goods.

RESPONSE TO INTERROGATORY NO. 14:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to

any claim or defense in this case, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that as his products have not yet been sold in U.S. commerce, the channels of trade are not yet established.

INTERROGATORY NO. 15:

Identify the retail price or intended retail price of all goods currently sold or intended to be sold under the GENERACION REBELDE Mark.

RESPONSE TO INTERROGATORY NO. 15:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that as products have not yet been sold in U.S. commerce, the retail price has not yet been established.

INTERROGATORY NO. 16:

Identify by name and address each company, wholesaler, dealer or distributor to whom you or your licensee(s) offer and/or sell distilled spirits under the GENERACION REBELDE Mark.

RESPONSE TO INTERROGATORY NO. 16:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it is premature, particularly in that Radillo has not completed his factual investigation and discovery. Radillo

further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the wording “functions.” Radillo also objects to this Interrogatory to the extent that it seeks information that is confidential, proprietary, or trade secret in nature and that it seeks documents protected by the attorney-client privilege or work-product doctrine.

Subject to and without waiving the foregoing objections and the General Objections previously stated, see Bates RADIL000170-RADIL000171.

INTERROGATORY NO. 17:

Who was Applicant’s First customer for GENERACION REBELDE-branded products and when did that customer place its first order for such products?

RESPONSE TO INTERROGATORY NO. 17:

Radillo incorporates herein by reference his General Objections as if set forth herein in full. Radillo further objects to this Interrogatory on the grounds that it is premature, particularly in that Radillo has not completed his factual investigation and discovery. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the wording “functions.” Radillo also objects to this Interrogatory to the extent that it seeks information that is confidential, proprietary, or trade secret in nature and that it seeks documents protected by the attorney-client privilege or work-product doctrine.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Applicant responds that he has not commenced sale of any product branded or marketed bearing the GENERACION REBELDE Mark in U.S. commerce.

INTERROGATORY NO. 18:

State all facts relating to Applicant's adoption of the term "GENERACION REBELDE", including without limitation the circumstances surrounding such adoption, any significance or meaning of the term "REBEL" or "REBELDE" to those involved in said adoption and the origin of the mark and identify those persons most knowledgeable of such adoption.

RESPONSE TO INTERROGATORY NO. 18:

Radillo incorporates herein by reference his General Objections as if set forth herein in full. Radillo further objects to this Interrogatory on the grounds that it is premature, particularly in that Radillo has not completed his factual investigation and discovery. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the wording "goods" and "all facts."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Applicant responds that his mark is not "REBEL" or "REBELDE" so that those terms have no meaning or significance. Applicant's mark is GENERACION REBELDE.

INTERROGATORY NO. 19:

State whether you are aware of any other trademark containing the term "REBEL" used for distilled spirits other than Luxco's REBEL Marks. If so, identify:

- (a) All identifying information about the party or parties using such mark;
- (b) The dates of such use; and
- (c) The geographic area(s) of such use; and
- (d) All persons with knowledge and all documents relating to or relating to any such use.

RESPONSE TO INTERROGATORY NO. 19:

Radillo incorporates herein by reference his General Objections as if set forth herein in full. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Radillo further responds that discovery is ongoing, as is Radillo's investigation into the claims and defenses at issue in this case, and that further discovery may reveal additional facts.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that there are numerous names and marks that co-exist in commerce and/or in the U.S. Patent and Trademark Office consisting or contain the term REBEL or variants thereof for goods in Classes 32 and 33, including, but not limited to the following: AMERICAN'S REBEL SPIRIT, U.S. Application No. 85848239; POPCORN SUTTON AMERICAN'S REBEL SPIRIT, U.S. Application No. 85749174; REBELLION, U.S. Application No. 4407601; AMERICAN REBEL SPIRIT COMPANY, U.S. Application No. 86136609; REBELLION RUM, U.S. Application No. 85094077; REBELLION ROAD WHISKEY, U.S. Application No. 85793413; SHAY'S REBELLION AMERICAN WHISKEY, U.S. Application No. 85657613; THE WHISKEY REBELLION, U.S. Application No. 85929293; TENNESSE'S REBEL SPIRIT, U.S. Application No. 85873192.

INTERROGATORY NO. 20:

Identify all trademark registrations and applications for registration for marks containing the term "REBEL" or "REBELS" that you believe to be relevant to this proceeding.

RESPONSE TO INTERROGATORY NO. 20:

Radillo incorporates herein by reference his General Objections as if set forth herein in full. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible. Radillo further responds that discovery is ongoing, as is Radillo's investigation into the claims and defenses at issue in this case, and that further discovery may reveal additional facts.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds, see Radillo's Response to Interrogatory No. 23.

INTERROGATORY NO. 21:

Identify the earliest date that Applicant or any agent(s) of Applicant first became aware of any of Luxco's REBEL Marks.

RESPONSE TO INTERROGATORY NO. 21:

Radillo incorporates herein by reference his General Objections. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that he became aware of Luxco's alleged marks on June 7, 2012 when Luxco's counsel contacted Radillo's counsel.

INTERROGATORY NO. 22:

Identify any certificate of label approval (“COLA”) or other permit application(s) that Applicant or someone acting on behalf of Applicant have filed with the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) with respect to the GENERACION REBELDE mark, including when any such permit application(s) were filed with the TTB and when such COLAs were received from the TTB.

RESPONSE TO INTERROGATORY NO. 22:

Radillo incorporates herein by reference his General Objections. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible.

Subject to and without waiving the foregoing objections and the General Objections previously stated, TTB approved a COLA to Radillo’s company, Grupo Corona, LLC for distilled spirits in connection with the GENERACION REBELDE mark on May 28, 2013.

INTERROGATORY NO. 23:

Identify what commercial impression or connotation you believe the GENERACION REBELDE Mark would convey to U.S. consumers.

RESPONSE TO INTERROGATORY NO. 23:

Radillo incorporates herein by reference his General Objections. Radillo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or

defense in this case, nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the wording "commercial impression or connotation."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that Radillo's mark is intended to connote the high quality and unique nature of Radillo's tequila.

INTERROGATORY NO. 24:

Identify any documents in your possession, custody or control that discuss or relate to whether Applicant has considered using the GENERACION REBELDE Mark in conjunction with the same of distilled spirits other than tequila.

RESPONSE TO INTERROGATORY NO. 24:

Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege or work-product doctrine. Radillo further objects to this Interrogatory on the grounds that it is vague, ambiguous, and unintelligible, in particular as to the wording "the same of distilled spirits other than tequila."

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that no such documents exist.

INTERROGATORY NO. 25:

Identify all documents in your possession that support your alleged bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE TO INTERROGATORY NO. 25:

Radillo incorporates herein by reference his General Objections as if set forth in full

herein. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Radillo further objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege or work-product doctrine.

Subject to and without waiving the foregoing objections and the General Objections previously stated, a COLA issued by the TTB. See also, Radillo's Response to Interrogatory No. 21.

INTERROGATORY NO. 26:

Identify all foreign trademark registrations for the term GENERACION REBELDE on which you rely in support of your claims in this proceeding.

RESPONSE TO INTERROGATORY NO. 26:

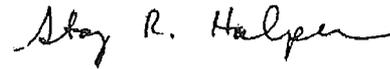
Radillo incorporates herein by reference his General Objections as if set forth in full herein. Radillo further objects to this Interrogatory on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Radillo further objects to this Interrogatory to the extent that it seeks documents protected by the attorney-client privilege or work-product doctrine.

Subject to and without waiving the foregoing objections and the General Objections previously stated, Radillo responds that he owns Mexico Registration No. 904153. Any other

foreign registration or application for the mark GENERACION REBELDE does not have any bearing to this proceeding.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: April 25, 2014

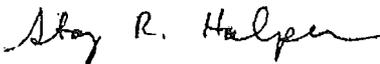
By: _____

Stacey R. Halpern
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing APPLICANT'S SUPPLEMENTAL RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on April 25, 2014 addressed as follows:

Michael R. Annis
Andrew R. Gilfoil
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105



Stacey R. Halpern

17833757
042114

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

Luxco, Inc.,)	Opposition No. 91213097
)	
Opposer,)	
)	
v.)	
)	
Radillo, Jose Adrian Corona,)	
)	
Applicant.)	

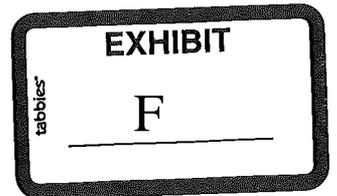
**APPLICANT’S SUPPLEMENTAL RESPONSES TO OPPOSER’S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to the Rules of Practice of the United States Patent and Trademark Office, and Rule 34 of the Federal Rules of Civil Procedure (“FRCP”), and the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Radillo, Jose Adrian Corona (“Radillo”) hereby supplements his responses to Luxco, Inc’s (“Opposer”) First Set of Requests for Production of Documents (“Document Requests”).

GENERAL OBJECTIONS

The following General Objections are incorporated by reference in response to each Document Request set forth below and are not waived with respect to any response.

1. Radillo generally objects to Opposer’s Document Requests to the extent they seek disclosure of any information, document, or thing protected, privileged, or immune, or otherwise exempt from discovery pursuant to applicable state and federal statutes, the FRCP, case law, regulations, administrative orders, or any other applicable rules, decisions, or laws including, but not limited to, documents protected by the attorney-client privilege, the work product doctrine or any other applicable privilege.



2. Radillo generally objects to Opposer's Document Requests to the extent they purport to impose upon Radillo obligations greater than those imposed by the applicable FRCP, 37 CFR § 2.120(d), or other applicable rules or law.

3. Radillo generally objects to Opposer's Document Requests to the extent that they seek information that is not calculated to lead to the discovery of admissible evidence or to the extent that Opposer's Document Requests seek the disclosure of information, documents or things beyond the scope of discovery as provided by the applicable FRCP, 37 CFR § 2.120(d), or other applicable rules or law.

4. Radillo reserves the right to object to further inquiry with respect to the subject matter of the Document Requests and responses provided thereto.

5. Radillo objects to each of Opposer's Document Requests to the extent that they seek information that is a matter of public record or otherwise available to Opposer without imposing undue burden on Radillo.

6. Radillo objects to the Document Requests to the extent they seek documents outside of Radillo's possession, custody, or control.

7. As used herein, the statements that Radillo "will produce nonprivileged, documents responsive to this Document Request" and/or "will produce confidential, nonprivileged documents responsive to this Document Request" do not constitute a representation that such documents exist, but only that Radillo will make, or has made, a good faith, reasonable effort to search for such documents and, subject to his objections, will produce at an appropriate time, or has produced such documents within his possession, custody or control. The term "nonprivileged documents" refers to documents that are not protected by the attorney-client privilege, the work product doctrine, or any other privilege limiting discovery.

8. As used herein, the statement that Radillo “will produce nonprivileged, documents responsive to this Document Request” does not constitute a representation that any such documents have been, or will be, withheld pursuant to a claim of privilege.

9. Radillo further objects to the Document Requests to the extent that they call for the production of information, documents or things that are protected from disclosure by agreements Radillo has with another entity, if any, or obligations Radillo has to another entity, if any.

10. Radillo further objects to the Document Requests to the extent that they fail to describe the documents and things sought with a reasonable degree of specificity. Radillo will attempt to construe the terms and phrases used by Opposer in a way to give those terms and phrases a meaning that will result in the production of relevant information designed to lead to the discovery of admissible evidence.

11. Radillo further objects to the Document Requests to the extent they seek “all documents” concerning a particular subject, on the grounds that Radillo would be required to conduct searches of undue breadth, burden and expense. In his search for relevant documents, Radillo has made or will make a reasonable search as required by FRCP and 37 CFR § 2.120(d).

12. As to all matters referred to in the responses to Opposer’s Document Requests, investigation and discovery continues. Accordingly, Radillo reserves his right to modify these responses and to present in any proceedings and at trial any further information and documents obtained during discovery as well as during the testimony and trial periods and preparation therefore. Further discovery, independent investigation, and legal research and analysis may supply additional facts adding meaning to known facts, as well as establish entirely new factual conclusions or legal conclusions, all of which may lead to substantial additions to, changes in,

and variations from the responses set forth herein. Radillo reserves the right to produce any subsequently discovered evidence, facts, and/or documents, and to supplement or change his responses based on such information. The responses given herein are done so in a good faith effort to supply as much information as is presently known which should in no way lead to the prejudice of Radillo in connection with further discovery, research or analysis.

13. The production of any documents will not constitute an admission by Radillo that such documents are relevant to the pending opposition or a waiver of any other allowable objections. Accordingly, Radillo reserves the right to object to further inquiry with respect to the subject matter of the Document Requests and responses provided thereto.

14. Radillo objects to the Document Requests to the extent that they call for the production of information, documents or things protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or other limitation on discovery. Radillo has stated his privilege objections expressly in his response to each request that would, in his view, reasonably be interpreted to encompass privileged information, documents or things. Should any other request encompass privileged information, documents or things, however, Radillo hereby asserts this general objection. Moreover, should any such response by Radillo occur, it was inadvertent and shall not constitute a waiver of privilege or of Radillo's right to object during this litigation or otherwise to the use of any such information, documents or things.

15. Radillo objects to the Document Requests to the extent that they call for the production of information, documents or things protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or other limitation on discovery. Radillo has stated his privilege objections expressly in his response to

each request that would, in his view, reasonably be interpreted to encompass privileged information, documents or things. Should any other request encompass privileged information, documents or things, however, Radillo hereby asserts this general objection. Moreover, should any such response by Radillo occur, it was inadvertent and shall not constitute a waiver of privilege or of Radillo's right to object during this litigation or otherwise to the use of any such information, documents or things.

16. Radillo objects to the Document Requests to the extent that they seek information, documents or things that are not relevant to the opposition, or are not reasonably calculated to lead to the discovery of admissible evidence. Specifically, Radillo objects to producing documents related to information outside of the United States.

17. Radillo further objects to Opposer's definitions and instructions in the Document Request to the extent they make the individual requests vague, ambiguous, or unintelligible, in that Opposer attributes new meanings to ordinary words or defines the same word to have multiple meanings.

18. Radillo objects to the Document Requests to the extent that they are overbroad, unduly burdensome, or fail to describe the information, documents or things sought with a reasonable degree of specificity. Radillo will attempt to construe the terms and phrases used by Opposer in ways to give those terms and phrases meanings that will result in the production of relevant information, documents and things designed to lead to the discovery of admissible evidence.

19. Radillo further objects to the Document Requests to the extent they call for information that is protected from disclosure by agreements Radillo has with another entity, if any, or obligations Radillo has to another entity, if any.

SUPPLEMENTAL RESPONSES

DOCUMENT REQUEST NO. 1:

Produce all documents identified or asked to be identified in response to Luxco's First Set of Interrogatories served concurrently herewith.

RESPONSE TO DOCUMENT REQUEST NO. 1:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive, in particular as it requests all documents.

Subject to and without waiving these objections, see Radillo's Responses to Document Request Nos. 2-44 and Radillo's Supplemental Responses to Document Requests Nos. 2-44.

DOCUMENT REQUEST NO. 2:

Produce those documents that evidence the first use of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE TO DOCUMENT REQUEST NO. 2:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 3:

Produce those documents that evidence the first use in interstate commerce of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE TO DOCUMENT REQUEST NO. 3:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 4:

Produce those documents that evidence the first use in interstate commerce in the United States of the GENERACION REBELDE Mark by Applicant or any licensee.

RESPONSE TO DOCUMENT REQUEST NO. 4:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 5:

Produce those documents that pertain to any application ever filed for registration of the GENERACION REBELDE Mark by Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 5:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, in particular to any information pertaining to applications outside the U.S. Radillo further objects to this Document Request to the extent that it seeks documents protected by the attorney-client privilege or work product doctrine. Radillo further objects to this Document Request on the grounds that this information is publicly available to Opposer.

Subject to and without waiving these objections, see Bates Nos. RADIL000007-
RADIL000156, RADIL000169 and RADIL000247.

DOCUMENT REQUEST NO. 6:

Produce those documents that show any ownership interest by Applicant in and to any entity or business that owns trademark rights to any term or logo that includes the term "REBEL" and/or "REBELDE."

RESPONSE TO DOCUMENT REQUEST NO.6:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Bates Nos. RADIL000007-RADIL000156, RADIL000157-RADIL000160 and RADIL000195-RADIL000202.

DOCUMENT REQUEST NO. 7:

Produce representative sample of invoices evidencing the sale of goods under the GENERACION REBELDE Mark by Applicant or any licensee for each year from the date of first use of the mark to the present.

RESPONSE TO DOCUMENT REQUEST NO.7:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 8:

Produce those trademark search(es) conducted by Applicant or any agent(s) on behalf of Applicant with respect to the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO.8:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive, particularly in that it requests all documents.

Subject to and without waiving these objections, see Bates Nos. RADIL000001-RADIL000006.

DOCUMENT REQUEST NO. 9:

Produce those documents that pertain to the development, creation, and/or adoption of the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO.9:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request to the extent that it seeks documents protected by the attorney-client privilege or work product doctrine.

Subject to and without waiving these objections, see Bates Nos. RADIL000157-RADIL000160, RADIL000195-RADIL000202, RADIL000169, RADIL000247, RADIL000170-RADIL000171.

DOCUMENT REQUEST NO. 10:

Produce any trademark registration certificates owned by Applicant for the GENERACION REBELDE Mark, in any country, state or territory.

RESPONSE TO DOCUMENT REQUEST NO.10:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Bates Nos. RADIL000169 and RADIL000247.

DOCUMENT REQUEST NO. 11:

Produce representative samples of the advertising for any goods branded under the GENERACION REBELDE Mark and offered or sold by Applicant or its licensees.

RESPONSE TO DOCUMENT REQUEST NO.11:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, particularly in that it requests information relating to products not sold in connection with the mark at issue.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 12:

Produce representative documents evidencing those goods and/or services under which the GENERACION REBELDE Mark is currently used or is intended to be used, such as labels, bottles, tags, boxes and the like.

RESPONSE TO DOCUMENT REQUEST NO.12:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 13:

Produce a list of Applicant's current customers for GENERACION REBELDE-branded goods.

RESPONSE TO DOCUMENT REQUEST NO.13:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, particularly in that it requests information relating to products not sold in connection with the mark at issue.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 14:

Produce examples of any tags or labels used by Applicant or its licensees used in connection with the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO.14:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, see Bates Nos. RADIL000157-RADIL000160, RADIL000195-RADIL000202, RADIL000170-RADIL000171.

DOCUMENT REQUEST NO. 15:

Produce a sample of the complete packaging in which the product(s) sold or intended to be sold under the GENERACION REBELDE Mark as those goods:

- (a) are shipped from Applicant to Applicant's customers;
- (b) are displayed at the point of sale to the ultimate users; and/or
- (c) are contained when sold to the ultimate users.

RESPONSE TO DOCUMENT REQUEST NO.15:

Radillo incorporates by this reference his General Objections as if set forth fully herein.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 16:

Produce documents identifying or showing the channels of trade for GENERACION REBELDE-branded goods, or the intended channels of trade for such goods.

RESPONSE TO DOCUMENT REQUEST NO. 16:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, particularly in that it requests information relating to products

not sold in connection with the mark at issue. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 17:

Produce documents identifying or showing the class of customer for GENERACION REBELDE-branded goods, or the intended class of customer for such goods.

RESPONSE TO DOCUMENT REQUEST NO. 17:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 18:

Produce documents identifying and showing the retail price or intended retail price of all GENERACION REBELDE-branded goods.

RESPONSE TO DOCUMENT REQUEST NO. 18:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 19:

Produce all documents identified or requested to be identified in response to Radillo's First Set of Interrogatories to Applicant or otherwise relied upon or referenced by Applicant in responding to said interrogatories.

RESPONSE TO DOCUMENT REQUEST NO. 19:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive in particular as to its use of the term "all documents".

Subject to and without waiving these objections, see Radillo's Responses to Document Request Nos. 2-44 and Radillo's Supplemental Responses to Document Requests Nos. 2-44.

DOCUMENT REQUEST NO. 20:

Produce specimens of all current and proposed advertising, including, but not limited to, educational and promotional materials, including journals, catalogues, circulars, sale sheets, price sheets, leaflets, direct mail pieces, newspaper and magazine advertisements, telephone book advertisements, press releases, computer screen displays of websites or pages and any other materials used by Applicant or any licensee or related company bearing the GENERACION REBELDE Marks.

RESPONSE TO DOCUMENT REQUEST NO. 20:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents

that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 21:

Produce those documents showing any investigation or survey undertaken by or on behalf of Applicant that relate to the terms “REBEL” or “REBLDE.”

RESPONSE TO DOCUMENT REQUEST NO. 21:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive, particularly in that it requests all documents.

Subject to and without waiving these objections, see Bates Nos. RADIL000169, RADIL000247, RADIL000172-RADIL000189, RADIL000190-RADIL000192, RADIL000203-RADIL000240, RADIL000241-RADIL000246 and RADIL000161.

DOCUMENT REQUEST NO. 22:

Produce those documents that show consent, authorization or permission given by Applicant to any individual and/or entity to use the GENERACION REBELDE Mark in US commerce.

RESPONSE TO DOCUMENT REQUEST NO. 22:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No. 9.

DOCUMENT REQUEST NO. 23:

Produce all documents in your possession which evidence, refer or relate to statements, inquiries, comments or other communications by or from Applicant's customers (or those of your licensees), competitors or third parties, either written or oral, evidencing any confusion, suspicion, believe or doubt on the part of said customer, competitor or other third party as to the relationship between Applicant and Luxco and their respective goods and/or services.

RESPONSE TO DOCUMENT REQUEST NO. 23:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it is overbroad and seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, particularly in that it seeks documents regarding confusion as to source, whether related or unrelated, to Radillo's Marks. Radillo further objects to this Document Request to the extent that it seeks documents protected by the attorney-client privilege or work product doctrine.

Subject to and without waiving these objections, as there is no confusion or likelihood of confusion between Radillo's mark and Luxco's alleged marks and as no potential customers,

competitors and/or third parties have queried, commented or otherwise communicated that there is any confusion, potential confusion, likelihood of confusion, suspicion, belief or doubt as to any relationship between Radillo and Luxco and their respective goods and/or services, no such documents exist.

DOCUMENT REQUEST NO. 24:

Produce representative samples of all advertising, packaging and labeling materials for Applicant's goods and/or services bearing the GENERACION REBELDE Mark, all prototypes, drafts and sketches for said advertising, packaging and labeling.

RESPONSE TO DOCUMENT REQUEST NO. 24:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Bates Nos. RADIL000167-RADIL000168, RADIL000195-RADIL000202.

DOCUMENT REQUEST NO. 25:

Produce all documents showing the annual sales volume of products sold in the United States under the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO. 25:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 26:

Produce all documents showing the annual dollar value of sales or products sold in the United States under the GENERACION REBELDE Marks.

RESPONSE TO DOCUMENT REQUEST NO. 26:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents currently exist.

DOCUMENT REQUEST NO. 27:

Produce all documents that show the amount of money expended, on an annual basis, to advertise or promote products and/or services under Applicant's GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO. 27:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents exist.

DOCUMENT REQUEST NO. 28:

Produce any studies, surveys, market search test or memoranda including, but not limited to, demographic or consumer profile studies, relating to the purchasers or potential purchasers of products marketed, offered for sale, advertised or promoted under the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO. 28:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Radillo will make available representative samples of responsive documents to the extent that any such documents exist and to the extent such documents are not protected by the attorney-client privilege, work-product doctrine, or other applicable privilege and are within Radillo's possession, custody, or control.

Subject to and without waiving these objections, Radillo is not aware of any such documents existing.

DOCUMENT REQUEST NO. 29:

Produce any studies, surveys, market research, test or memoranda relating to consumer recognition of the GENERACION REBELDE Mark.

RESPONSE TO DOCUMENT REQUEST NO. 29:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Radillo will make available representative samples of responsive documents to the extent that any such documents exist and to the extent such documents are not protected by the attorney-client privilege, work-product doctrine, or other applicable privilege and are within Radillo's possession, custody, or control.

Subject to and without waiving these objections, Radillo is not aware of any such documents existing.

DOCUMENT REQUEST NO. 30:

Produce any documents in the custody, control or possession of Applicant that show initial and continuous use of the GENERACION REBELDE Mark in connection with Applicant's goods.

RESPONSE TO DOCUMENT REQUEST NO. 30:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents exist.

DOCUMENT REQUEST NO. 31:

Produce any documents submitted or received by Applicant as part of any permitting, certifying, or applications for registration of the GENERACION REBELDE Mark, and any fictitious trade name(s) under which you have or intend to offer and sell your GENERACION REBELDE-branded products and/or labels for the same, as well as any permits or certificates of label and/or trade names approved by the Alcohol and Tobacco Tax and Trade Bureau (“TTB”), or other permitting, registering or certifying authority.

RESPONSE TO DOCUMENT REQUEST NO. 31:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request to the extent that it seeks documents protected by the attorney-client privilege or work product doctrine. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Radillo further objects to this Document Request to the extent that they seek information that is a matter of public record or otherwise available to Opposer without imposing undue burden on Applicant.

Subject to and without waiving these objections, see Bates Nos. RADIL000157-RADIL000160, and RADIL000195-RADIL000202.

DOCUMENT REQUEST NO. 32:

Produce all agreements, terms and contracts between Applicant and Grupo Corona, LLC, as well as those documents that evidence any negotiations between Applicant and Grupo Corona,

LLC relating the offer or sale of the GENERACION REBELDE-branded goods within the United States.

RESPONSE TO DOCUMENT REQUEST NO. 32:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 33:

Produce all documents that show any GENERACION REBELDE-branded goods that have been sold by Applicant to Grupo Corona, LLC.

RESPONSE TO DOCUMENT REQUEST NO. 33:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it is overbroad and seeks information that is neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence, particularly in that it seeks documents regarding confusion as to source, whether related or unrelated, to Radillo's Marks. Radillo further objects to this Document Request to the extent that it seeks documents protected by the attorney-client privilege or work product doctrine.

Subject to and without waiving these objections, as products have not yet been sold in U.S. commerce, no such documents exist.

DOCUMENT REQUEST NO. 34:

Produce those documents that show consent, authorization or permission given by Applicant to any individual and/or entity to use the GENERACION REBELDE Mark in US commerce.

RESPONSE TO DOCUMENT REQUEST NO. 34:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see and Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 35:

Produce any and all marketing plans relating to any product(s) sold or intended to be sold in connection with the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE TO DOCUMENT REQUEST NO. 35:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 36:

Produce any documents reflecting or relating to any plan or intended plan to sell or offer for sale any products bearing the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE TO DOCUMENT REQUEST NO. 36:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 37:

Produce any documents in your possession, custody or control that reference or otherwise identify, directly or indirectly, Luxco's REBEL Marks.

RESPONSE TO DOCUMENT REQUEST NO. 37:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections, see Bates Nos. RADIL000162-
RADIL000166.

DOCUMENT REQUEST NO. 38:

Produce all documents in your possession, custody or control that evidence, show or otherwise relate to Applicant's claimed intent to use the GENERACION REBELDE Mark in U.S. commerce.

RESPONSE TO DOCUMENT REQUEST NO. 38:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Radillo further objects to this Document Request on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the phrase "colorable imitation."

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 39:

Produce all documents in your possession, custody or control that support your assertion that Applicant had a bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce on June 4, 2009.

RESPONSE TO DOCUMENT REQUEST NO. 39:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the

grounds that it is overbroad, unduly burdensome, and oppressive. Radillo further objects to this Document Request on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the phrase “colorable imitation.”

Subject to and without waiving these objections, see Supplemental Responses to Document Request No. 38.

DOCUMENT REQUEST NO. 40:

Produce all documents in your possession, custody or control that support your assertion that Applicant had a bona fide intention to use the GENERACION REBELDE Mark in U.S. commerce on June 20, 2013.

RESPONSE TO DOCUMENT REQUEST NO. 40:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Radillo further objects to this Document Request on the grounds that it is vague, ambiguous, and unintelligible, particularly as to its use of the phrase “colorable imitation.”

Subject to and without waiving these objections, see Supplemental Responses to Document Request No. 38.

DOCUMENT REQUEST NO. 41:

Produce all documents in your possession, custody or control that relate to Applicant’s filing of the GENERACION REBELDE Mark under either section 44(e) or 1(b) of the Lanham Act.

RESPONSE TO DOCUMENT REQUEST NO. 41:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive, particularly in that it requests all documents.

Subject to and without waiving these objections, see Bates Nos. RADIL000007-
RADIL000156.

DOCUMENT REQUEST NO. 42:

All documents concerning agreements, proposals or negotiations with any person to license, produce, sell, offer for sale and/or distribute products bearing the GENERACION REBELDE Mark within the United States.

RESPONSE TO DOCUMENT REQUEST NO. 42:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see Radillo's Supplemental Responses to Document Requests No 9.

DOCUMENT REQUEST NO. 43:

All documents concerning: (a) searches performed with respect to all trademarks considered for products bearing Applicant's GENERACION REBELDE Mark, and (b) opinions of counsel rendered regarding these marks.

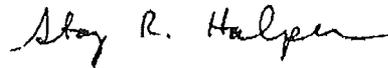
RESPONSE TO DOCUMENT REQUEST NO. 43:

Radillo incorporates by this reference his General Objections as if set forth fully herein. Radillo further objects to this Document Request on the grounds that it seeks documents that are neither relevant to any claim or defense in this case nor reasonably calculated to lead to the discovery of admissible evidence. Radillo further objects to this Document Request on the grounds that it is overbroad, unduly burdensome, and oppressive, particularly in that it requests all documents.

Subject to and without waiving these objections, see Bates Nos. RADIL000001-RADIL000006.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



By: _____

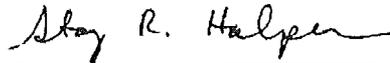
Stacey R. Halpern
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorney for Applicant

Dated: April 25, 2014

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **APPLICANT'S SUPPLEMENTAL RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on April 25, 2014 addressed as follows:

Michael R. Annis
Andrew R. Gilfoil
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105



Stacey R. Halpern

Gilfoil, Andy

From: Lori.Gillette <Lori.Gillette@knobbe.com>
Sent: Tuesday, June 10, 2014 6:26 PM
To: Gilfoil, Andy
Cc: 2srh; Lisa.Helmle; grupo.004m.kmob@iwcs.kmob.com
Subject: FW: Luxco/Radillo---Applicant's Supp. Discovery Responses

Sent on behalf of Stacey Halpern:

RULE 408 – FOR SETTLEMENT PURPOSES ONLY

Andy,

As I am sure you are aware, on May 24, 2014, the TTAB suspended the proceeding. The TTAB's order did not exclude discovery or discovery motions from its order. In light of this order, it is our understanding that we are not required to provide any additional discovery responses at this time. Moreover, I am still not certain what additional documents or evidence you are seeking. We provided you with the COLA permit and the name of the distributor. Grupo Corona LLC is run by our client and his family. As the goods have not yet been sold in the U.S., there are no additional responsive documents. In light of this, we believe that we have responded to all the inquiries set forth in your letter. We also believe that a motion to compel would not only be in violation of the TTAB's May 24, 2014 order, but also in violation of the TTAB's rules, as our client has complied with his obligations under the applicable rules.

Stacey

Stacey Halpern

Partner
Stacey.Halpern@knobbe.com
949-721-6301 Direct

Knobbe Martens

INTELLECTUAL PROPERTY LAW

five decades. one focus.

2040 Main Street, 14th Floor
Irvine, CA 92614

From: Gilfoil, Andy [<mailto:Andy.Gilfoil@huschblackwell.com>]
Sent: Friday, June 06, 2014 7:56 AM
To: Stacey.Halpern
Cc: Annis, Michael; Nemes, Alan; Gilfoil, Andy
Subject: FW: Luxco/Radillo---Applicant's Supp. Discovery Responses

Stacey,

I have not received any response to my email from Tuesday of last week. Please let me know as soon as possible where we stand on these discovery issues. If Applicant is unwilling to provide full and complete responses without objection or engage in a good faith effort to meet and confer regarding these discovery issues we will be left with no other option than to raise these issues with the Board. I would like to avoid burdening the Board with these straight-forward discovery issues and am sure you do as well.

Thank you again for your prompt attention to this discovery matter. I remain available to discuss these issues telephonically if you think a call would be beneficial.



Best,

Andy

Andrew R. Gilfoil
Attorney
Direct: 314.480.1812
Andy.Gilfoil@huschblackwell.com

From: Gilfoil, Andy
Sent: Tuesday, May 27, 2014 6:03 PM
To: stacey.halpern@knobbe.com
Subject: FW: Luxco/Radillo---Applicant's Supp. Discovery Responses

Andrew R. Gilfoil
Attorney
Direct: 314.480.1812
Andy.Gilfoil@huschblackwell.com

From: Gilfoil, Andy
Sent: Tuesday, May 27, 2014 6:02 PM
To: Lori.Gillette
Cc: 2srh; grupo.004m.kmob@iwcs.kmob.com; Lisa.Helmle; Annis, Michael; Nemes, Alan; Gilfoil, Andy
Subject: RE: Luxco/Radillo---Applicant's Supp. Discovery Responses

Stacey,

The issues/documents were addressed in Mike's March 27 letter. We have received no substantive response to those points to-date. Applicant's supplemental interrogatory responses and document production continue to rely on boilerplate objections that are improper. In addition, Applicant has not provided any supplemental responses to Luxco's RFAs despite deficiencies raised in our March 27 letter relative to same.

While we understand that Applicant has not yet made use of the mark in the United States, Luxco is nonetheless entitled to full and complete responses to its discovery. Are we to understand that Applicant will not provide full and complete responses and production without objection? Are you indicating that Applicant intends to rest on its continuing objections? Please advise regarding the foregoing as soon as practical so we know whether the parties are effectively at an impasse.

I remain happy to discuss these issues with you.

Andy

Andrew R. Gilfoil
Attorney
Direct: 314.480.1812
Andy.Gilfoil@huschblackwell.com

From: Lori.Gillette [<mailto:Lori.Gillette@knobbe.com>]
Sent: Thursday, May 22, 2014 6:38 PM
To: Gilfoil, Andy
Cc: 2srh; grupo.004m.kmob@iwcs.kmob.com; Lisa.Helmle
Subject: FW: Luxco/Radillo---Applicant's Supp. Discovery Responses

Sent on behalf of Stacey Halpern:

RULE 408 – FOR SETTLEMENT PURPOSES ONLY

Andy,

Thank you for your email.

We have once again requested that the client provide us with the executed verification for the interrogatories. We will provide you with a copy of the executed document as soon as possible.

With regard to the other issues raised in Mike's letter, it is unclear to us what additional documents/information you believe has not yet been provided. As our client has not yet made use of the mark in the U.S., we believe that the supplemental responses and the documents provided therewith addressed all of the issues set forth in Mike's letter. Please advise us as to what particular issues/documents you do not believe were addressed in the supplemental responses.

Finally, with regard to your request for an extension, we are willing to consent to a 60 day extension of all deadlines.

Stacey

Stacey Halpern

Partner

Stacey.Halpern@knobbe.com

949-721-6301 Direct

Knobbe Martens

INTELLECTUAL PROPERTY LAW

five decades. one focus.

2040 Main Street, 14th Floor

Irvine, CA 92614

From: Gilfoil, Andy [<mailto:Andy.Gilfoil@huschblackwell.com>]

Sent: Thursday, May 22, 2014 6:52 AM

To: Stacey.Halpern

Subject: Luxco/Radiillo---Applicant's Supp. Discovery Responses

Stacey,

I am in receipt of Applicant's supplemental responses and document production. Thank you for same. However, Applicant's continuing objections, supplemental responses and document production are still deficient in a number of respects. For instance, Applicant refuses to provide even the basic verification with its interrogatories that is required under the Federal Rules. We have similarly received no further substantive response to the discovery issues raised in Mike Annis' prior golden rule letter, nor any availability when you can discuss these issues.

As you know, discovery is set to close in this matter on 6/28. Given the small amount of discovery daylight left it is imperative that we meet and confer regarding these discovery issues as soon as possible. Luxco simply needs to know affirmatively, yes or no, whether or not Applicant will provide full and complete discovery responses and production—or whether we will need to involve the Board with these discovery issues. In an effort to avoid any prejudice for either party we would suggest that all outstanding scheduling deadlines be extended by consent. Please advise if you have any objection to us filing a consented motion to extend all outstanding scheduling deadlines by say 60 days.

At your convenience please let me know when you are available in the coming week to meet and confer on this discovery matter. I am generally available this afternoon, most of the day Friday, as well as most of next week. In light of the impending discovery deadline please let me hear from you in this regard on or before COB next Wednesday, May 28. Thank you in advance for your professional courtesies in that regard.

Best,

Andy

Andrew R. Gilfoil
Attorney

HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3433
Direct: 314.480.1812
Fax: 314.480.1505
Andy.Gilfoil@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

Any tax advice contained in or attached to this message or email string is not intended or written to be used, and cannot be used to (i) avoid penalties that may be imposed on any taxpayer under the Internal Revenue Code or (ii) promote, market, or recommend to another any transaction addressed herein.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.