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

Proceeding	91213286
Party	Plaintiff Starbuzz Tobacco, Inc.
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# EXHIBIT C

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

**STARBUZZ TOBACCO, INC.,**

**Opposer,**

**v.**

**SIS RESOURCES, LTD.,**

**Applicant.**

**Opposition No. 91213286**

**Serial No. 85/846,992**

**Mark: MOCHA MIST**

**OPPOSER'S FIRST SET  
OF REQUESTS FOR  
PRODUCTION OF  
DOCUMENTS TO  
APPLICANT SIS  
RESOURCES, LTD.**

**TO SIS RESOURCES, LTD. AND ITS ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Opposer Starbuzz Tobacco, Inc. (“Starbuzz”) requests that Applicant SIS RESOURCES, LTD., produce for inspection and copying the documents in the possession, custody or control of Applicant that are called for in the numbered requests set forth here. The documents to be produced within thirty (30) days of the date of service hereof at the Jerisat Law Offices at 10871 Garden Grove, CA 92843.

## DEFINITIONS

Unless the context clearly requires otherwise, the following definitions and instructions shall apply to these Requests for Production and all other discovery requests in this action unless otherwise provided:

1. As used herein, the term “AND” includes “OR,” and the term “OR” includes “AND.”

2. “SIS” shall refer to Applicant SIS RESOURCES LTD., including its employees, agents, officers, attorneys, contractors, accountants, consultants, investigators, predecessors and successors-in-interest and all persons acting or purporting to act on its behalf.

3. “OPPOSER” shall refer to Opposer, Starbuzz Tobacco, Inc., a California corporation.

4. “APPLICANT” shall refer to Applicant SIS RESOURCES LTD. in the above-captioned matter.

5. “BLUE MIST MARK” shall refer to the BLUE MIST Mark (U.S. Reg. No. 3,619,407).

6. “CITRUS MIST MARK” shall refer to the CITRUS MIST Mark (U.S. Reg. No. 3,695,500)

7. “TROPICAL MIST MARK” shall refer to the TROPICAL MIST Mark (U.S. Reg. No. 4,196,957)

8. “HAWAIIAN MIST MARK” shall refer to the HAWAIIAN MIST Mark (U.S. Reg. No. 4,196,953)

9. “PEACH MIST MARK” shall refer to the PEACH MIST Mark (U.S. Reg. No. 4,287,968)

10. “STARBUZZ MARKS” shall refer to the, BLUE MIST, CITRUS MIST, TROPICAL MIST, HAWAIIAN MIST and PEACH MIST marks.

11. “PRODUCT” shall refer to the flavored tobacco products sold under the Starbuzz Marks.

12. “INFRINGEMENT MARK” shall refer to Applicant’s COOL MIST mark.

13. “COOL MIST” shall refer to Applicant’s mark Ser. No. 85/812,071.

14. “EARNINGS” shall refer to any and all profits, income, revenues, dividends, or any other kind of acquisition of value or economic benefit, including but limited to, taxable income under the United States Tax Code.

15. “USPTO” means the United States Patent and Trademark Office.

16. “DOCUMENT(S)” means any writing or recording as defined in Rule 1001 of the Federal Rules of Evidence, including but not limited to, any written, printed, typed, recorded, or other graphic matter of any kind or nature and shall include, without limitation, all writings, drawings, graphs, charts, books, technical materials, photographs, microfilm, magnetic media, computer records, e-

mails, text messages, electronically stored information, and other media from which information can be obtained. This will include, without limitation, initials, stamped indicia, comments, or notations not part of the original text or photographic reproduction thereof, is a separate document. "DOCUMENT" shall also include any data compilations from which information can be obtained or translated if necessary by SIS through detection devices into reasonably useable form.

17. When referring to a person, "TO IDENTIFY" means to give, to the extent known, the person's full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. When referring to a company, "TO IDENTIFY" means to give, to the extent known, the company's full corporate name, a brief description of the general nature of the business, its state of incorporation, the address and principal place of business; and the identity of the officers or other persons having knowledge of the matter with respect to which the company has been identified. Once a person or company has been identified in accordance with this subparagraph, only the name of that person or company need be listed in response to subsequent discovery requesting the identification of that person or company.

18. When referring to documents, "TO IDENTIFY" means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the

document; and (d) author(s), addressee(s), and recipient(s).

19. “DESCRIBE,” “REFER,” “RELATE,” “RELATING TO” and “RELATES TO” mean, without limitation, relating to, regarding, constituting, concerning, mentioning, referring to, describing, summarizing, evidencing, listing, relevant to, demonstrating, or tending to prove, disprove, or explain.

20. “CORRESPONDENCE” means any letter, memorandum, email, fax or other writing.

21. “CONCERNING” means referring to, describing, evidencing.

22. “COMMUNICATION(S)” means any transfer of information of any kind, orally, in writing, or by any other manner, at any time or place, and under any circumstances whatsoever and shall include, but is not limited to, the following: contracts or agreements; drawings or sketches; invoices, orders, or acknowledgements; diaries or reports; forecasts or appraisals; memoranda of telephonic or in person communications by or with any person; other memoranda, letters, telegrams, telexes, or cables prepared, drafted, received or sent; tapes transcripts, or recordings; photographs, pictures, or films; electronic mail, computer programs, computer data, or computer printouts; or graphic, symbolic, recorded, or written materials of any nature whatsoever.

23. “PERSON” includes, without limitation, any natural person, proprietorship, corporation, partnership, trust, joint venture, association,

organization, business entity or governmental agency.

24. The use of the singular includes the plural, and vice versa. The use of one gender includes all others, appropriate in context

## **REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION NO. 1:**

Produce all Documents sufficient to identify SIS's relationship with Green Smoke, Inc.

### **REQUEST FOR PRODUCTION NO. 2:**

Produce all Documents sufficient to identify SIS's relationship with Sammy Capuano.

### **REQUEST FOR PRODUCTION NO. 3:**

Produce all Documents sufficient to identify SIS's relationship with Silicon Innovations, Inc.

### **REQUEST FOR PRODUCTION NO. 4:**

Produce all Documents sufficient to identify SIS's relationship with Sorsa Holdings, Inc.

### **REQUEST FOR PRODUCTION NO. 5:**

Produce all Documents sufficient to identify SIS's relationship with Ori E. Adivi.

**REQUEST FOR PRODUCTION NO. 6:**

Produce all Documents sufficient to identify SIS's relationship with Robert Levitz.

**REQUEST FOR PRODUCTION NO. 7:**

Produce all Documents sufficient to identify SIS's relationship with Gs Vapors, Inc.

**REQUEST FOR PRODUCTION NO. 8:**

Produce all Documents sufficient to identify SIS's relationship with Reuven Levitz.

**REQUEST FOR PRODUCTION NO. 9:**

Produce all Documents sufficient to identify SIS's relationship with GS Sorsa, Inc.

**REQUEST FOR PRODUCTION NO. 10:**

Produce all Documents sufficient to identify SIS's relationship with Sorsa Holdings, Inc.

**REQUEST FOR PRODUCTION NO. 11:**

Produce all Documents sufficient to identify SIS's relationship with Reuven Ravitz.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all Documents sufficient to identify SIS's relationship with Fine

Wine and Flowers, Inc.

**REQUEST FOR PRODUCTION NO. 13:**

Produce all Documents sufficient to identify SIS's corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 14:**

Produce all Documents sufficient to identify Green Smoke, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all Documents sufficient to identify Sorsa Holdings, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 16:**

Produce all Documents sufficient to identify Gs Sorsa, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 17:**

Produce all Documents sufficient to identify Gs Vapors, Inc.'s corporate structure including articles of incorporation, identities of corporate officers,

shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 18:**

Produce all Documents sufficient to identify Silicon Innovations, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 19:**

Produce all Documents sufficient to identify Fine wine and flowers, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

**REQUEST FOR PRODUCTION NO. 20:**

Produce all Documents sufficient to show the first date of use of the mark MOCHA MIST in commerce anywhere in the world.

**REQUEST FOR PRODUCTION NO. 21:**

Produce all Documents that describe how SIS adopted the MOCHA MIST mark, including the identity of all alternative marks considered by SIS before selecting MOCHA MIST Mark and the reason such alternative marks were rejected.

**REQUEST FOR PRODUCTION NO. 22:**

Produce all Documents that identify any and all domain names registered by or associated with SIS that incorporate or include the MOCHA MIST Mark.

**REQUEST FOR PRODUCTION NO. 23:**

Produce all Documents that identify by address each location in which SIS is in fact doing business.

**REQUEST FOR PRODUCTION NO. 24:**

Produce all Documents that identify by address each location in which SIS has done business in the past

**REQUEST FOR PRODUCTION NO. 25:**

Produce all Documents that identify any and all locations, including geographic areas or territories, in which SIS intends to market any product any product/service under the MOCHA MIST Mark in the future.

**REQUEST FOR PRODUCTION NO. 26:**

Produce all Documents that identify any periods of discontinuance of use of the mark MOCHA MIST.

**REQUEST FOR PRODUCTION NO. 27:**

Produce all Documents that specify the manner and goods/services in which the MOCHA MIST Mark has been used or is used being used.

**REQUEST FOR PRODUCTION NO. 28:**

Produce all Documents that describe in detail the circumstances surrounding SIS's decision to expand or change its selection of products/services offered under or in connection with the MOCHA MIST Mark.

**REQUEST FOR PRODUCTION NO. 29:**

Produce all Documents that identify all person(s) who have or have had any input whatsoever in selecting MOCHA MIST Mark.

**REQUEST FOR PRODUCTION NO. 30:**

Produce all Documents that identify by name all affiliated companies of SIS, past and present, including without limitation, all subsidiaries, parent companies, franchisees, franchisors, licensors, licensees, retailers, distributors and all otherwise affiliated companies.

**REQUEST FOR PRODUCTION NO. 31:**

Produce all Documents that identify all agreements entered into by SIS relating to or referring to the MOCHA MIST Mark, including without limitation, all assignments, coexistence agreements, consent agreements, licenses, franchise agreements, distribution agreements, fundraising agreements and other agreements.

**REQUEST FOR PRODUCTION NO. 32:**

Produce all Documents that identify all searches, investigations or any opinions conducted concerning availability and possible conflicts arising out of SIS's usage, adoption or registerability of the MOCHA MIST Mark or other mark incorporating the term "MIST" in connection with any goods or services.

**REQUEST FOR PRODUCTION NO. 33:**

For each search, investigation or opinion identified in Interrogatory No. 32,

specify the date on which each search, investigation, or opinion was performed or rendered and the person(s) conducting such search or investigation or rendering such opinion.

**REQUEST FOR PRODUCTION NO. 34:**

Produce all Documents that identify any survey, poll or study conducted or caused to be conducted, on a formal or informal basis, relating to SIS's usage of the MOCHA MIST Mark or other mark incorporating the term "MIST" in connection with the marketing, advertising, promotion, identification, sale, or distribution of any goods or services, including, but not limited to, any survey, poll or study involving possible confusion with any marks used by Petitioner.

**REQUEST FOR PRODUCTION NO. 35:**

For each survey, poll or study identified in Interrogatory No. 34, produce all Documents that identify the date of each survey, poll or study and the names and addresses of each person involved in conducting the survey, poll or study.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all Documents that Describe all circumstances surrounding Applicant's first knowledge of Opposer, including officers' directors' first knowledge, including the names, addresses, relationship to SIS, and dates of employment, if applicable, of all persons known to SIS having such knowledge, the earliest date that each such person gained such knowledge, and the means by

which each such person gained such knowledge, including identification of all documents or conversations relevant to the manner in which each such person gained such knowledge and communication of such knowledge to SIS.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all Documents that identify all advertising media used by SIS in connection with any goods or services in association with the MOCHA MIST Mark, including without limitation, the Internet, newspapers, magazines, flyers and other print media, billboards, television and radio.

**REQUEST FOR PRODUCTION NO. 38:**

Produce all Documents for each media identified in response to Interrogatory No. 37, that identify specifically the advertising channels or outlets within such medium, (e.g., website address, title, magazine or newspaper, station and/or call number or letters) to promote each good and/or service under or in association with the MOCHA MIST mark and identify the date that SIS first used the MOCHA MIST Mark in such advertising channel or outlet.

**REQUEST FOR PRODUCTION NO. 39:**

Produce all Documents that identify any trademark dispute(s), including, without limitation, litigation, opposition proceedings, cancellation proceedings, administrative domain name proceedings, and/or cease and desist requests relating to the MOCHA MIST Mark,” in which SIS has ever been involved as a challenged

or challenging party.

**REQUEST FOR PRODUCTION NO. 40:**

For each instance identified in response to Interrogatory No. 39, produce all Documents that summarize the substance of and response to each dispute.

**REQUEST FOR PRODUCTION NO. 41:**

Produce all Documents that identify each person expected to be called during this proceeding as a witness, including all fact and expert witnesses.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all Documents that support SIS' denial of any allegations in the notice of opposition filed by Opposer Starbuzz.

**REQUEST FOR PRODUCTION NO. 43:**

Produce all Documents concerning SIS's factual and legal contentions in this opposition.

DATED: February 13, 2014

/s/Martin Jerisat  
Martin E. Jerisat  
Starbuzz Tobacco, Inc.  
10871 Forbes Ave.,  
Garden Grove, CA 92843

CERTIFICATE OF SERVICE

I certify that a copy of these Requests for Production is being served via United States Mail on this the 13th day of February 2014, to the following:

Rachel D Brandeis Danielov  
GREEN SMOKE INC.  
20533 Biscayne Blvd Suite 784  
Miami, FL 33180-1529

/Martin Jerisat/