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

Proceeding	91214578
Party	Defendant LeMar Xavier Lewis
Correspondence Address	LEMAR XAXIER LEWIS 33 WEST TRADE STREET , UNIT 100 CHARLOTTE, NC 27708 UNITED STATES lemarlewis@hotmail.com
Submission	Other Motions/Papers
Filer's Name	LeMar X. Lewis
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Signature	/LEMAR X.LEWIS/
Date	05/07/2015
Attachments	Response to interrogatories 1-27.pdf(137371 bytes )

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

LeMans Corporation, : Opposer, :

v.

: Opposition No. 91214578

: LeMar Xavier Lewis, : Applicant. :

APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS

RESPONSES TO REQUEST FOR PRODUCTION

Applicant responds as follows:

REQUEST NO. 1: All documents and things which reflect, refer to, relate to, concern or support the claimed first use of the mark THORO by, or on behalf of, Applicant with regard to the products identified in Application Serial No. 85/956,925 on September 5, 2001.

RESPONSE: See signed witness statements of first hand knowledge of proof of claimed first in use date. Due to the extent of time that has elapsed since the the time of first use , additional forms of documentation that could support claim of use could be obtained.

WitnessesnRasheed Wiggins/ Charlie Lewis

REQUEST NO. 2:

All documents and things which reflect, refer to, relate to, concern or support the claimed continued use of the mark THORO by, or on behalf of, Applicant with regard to the products identified in Application Serial No. 85/956,925 as of June 11, 2013.

RESPONSE: Please attached document

REQUEST NO. 3: All documents and things which reflect, refer to, relate to, concern or support the claimed continued use of the THORO mark set forth in Registration No. 3, 206,498 ("the

THORO Design") by, or on behalf of, Applicant for the products identified in Registration No. 3,206,498 as of October 21, 2012.

RESPONSE: Please see attached document

REQUEST NO. 4: All documents and things which reflect, refer to, relate to evidence or concern the consumer understanding of, the consumer acceptance of, consumer reaction to, or the trademark availability of the designation THORO for Applicant's products identified in Serial No. 85/956,925.

RESPONSE: Please see attached document

REQUEST NO. 5: All documents and things which reflect, refer to, relate to, evidence or concern any trademark use or use analogous to trademark use of THORO (including any composite terms or designs incorporating the designation "THORO") occurring on or before June 11, 2013 by or on behalf of Applicant, for any products and/or services offered by Applicant.

RESPONSE: Please see attachment

REQUEST NO. 6: Representative documents and things which reflect, refer to, relate to or concern any trademark use or use analogous to trademark use of THORO (including any composite terms incorporating the designation "THORO"), occurring after June 11, 2013 by or on behalf of Applicant, for any products and/or services offered by Applicant.

RESPONSE: Please see attachment

REQUEST NO. 7: All documents and things which reflect, refer to, relate to or evidence any searches conducted by or on behalf of Applicant concerning the designation THORO, and any opinions requested or received by Applicant regarding the right to use and/or to register the designation THORO in the United States in connection with the products and identified in Application Serial No. 85/956,925 or for any other products or services offered by Applicant.

RESPONSE: The requested documentation is not currently available at this time.

#### THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

REQUEST NO. 8: Representative documents and things which reflect, refer to, relate to or concern advertising and/or promotional and/or marketing activity carried on or planned by Applicant in connection with any of Applicant's products and services, including those products identified in application Serial No. 85/956,925, on which or in connection with which the designation "THORO" has been used or is intended to be used in any fashion by Applicant.

RESPONSE: The requested documentation is not currently available at this time.

REQUEST NO. 9: Representative documents and things which reflect, refer to, relate to or concern any and all trade shows, professional shows, professional meetings, seminars and conventions where Applicant, or another on Applicant's behalf, has promoted or offered for sale products and/or services, or is scheduled to promote or offer for sale products and/or services, which products and/or services are offered by Applicant or which products are covered by application Serial No. 85/956,925 and where such products and/or services are identified by the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO").

RESPONSE: Please see attached document.

REQUEST NO. 10: Representative documents sufficient to show the actual or projected annual dollar volume of Applicant's sales in the United States of each of the products identified in application Serial No. 85/956,925, if any, under the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO"), from the first sale of each such product to the present.

RESPONSE: Requested documents are not currently available at this time.

REQUEST NO. 11: Representative documents sufficient to show the actual or projected annual advertising and promotional expenditures in the United States by or on behalf of Applicant relating to the promotion of any products and/or services offered by Applicant, including those products identified in application Serial No. 85/956,925 if any, under the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO").

RESPONSE: These documents are currently not available at this time.

REQUEST NO. 12: Representative documents and things which reflect, refer to, relate to or evidence the date the designation "THORO" was first used by or on behalf of Applicant, for each product and/or service identified in response to Interrogatory No. 1.

RESPONSE: The requested documents are currently not available at this time.

REQUEST NO. 13: All documents and things which reflect, refer to, relate to or evidence any and all surveys or reports of consumer understanding, recognition or perception of any mark or designation consisting of or incorporating the designation "THORO" or Opposer's THORO mark that Applicant has ever conducted, prepared or had conducted or prepared.

RESPONSE: Not available

REQUEST NO. 14: All documents and things which reflect, refer to, relate to or evidence any and all surveys, reports or opinions concerning consumer confusion or likelihood of confusion as between Applicant's use or proposed use of THORO for any goods and/or services and Opposer's THOR mark that Applicant has ever conducted, prepared or had conducted or prepared.

RESPONSE: None

REQUEST NO. 15: All documents and things which reflect, refer to, relate to or concern any information given in response to Opposer's Interrogatory No. 4 which requests, among other things, the identification of all instances of actual confusion, mistake or deception known to Applicant as to the source or origin, a sponsorship or an association as between Applicant's use or proposed use of "THORO" and Opposer's use of THOR.

RESPONSE: None

REQUEST NO. 16: To the extent no produced in response to Request No. 15, all documents and things which reflect, refer to or concern any mail (including electronic mail), telephone calls, checks, orders, inquiries, payments, complaints, deliveries or other communications or materials which were received by Applicant but which were address to or which appeared to have been intended for Opposer or which relate to Opposer's products and/or services offered under Opposer's THOR Marks.

RESPONSE: none available at this time

REQUEST NO. 17: All documents and things which concern, reflect, refer to, relate to or mention Opposer's products and/or services offered under Opposer's THOR Marks.

RESPONSE: none available at this time

REQUEST NO. 18: Representative documents and things which reflect, refer to, relate to or concern any state or federal trademark applications filed by Applicant which would cover any marks consisting of or including the designation "THORO" for any of the products and/or services.

RESPONSE: Please see attached document.

REQUEST NO. 19: Representative documents and things which reflect, refer to, relate to or concern advertising agency or public relations firm activity, including correspondence,

for any of the products and/or services of Applicant, including those products identified in application Serial No. 85/956,925, offered or to be offered under the designation

Without waiving any objections, all non-Applicant's possession will be made available for inspection and copying.

"THORO."

RESPONSE: Please see attached document

REQUEST NO. 20: To the extent not provided in response to an earlier request, all documents and things which reflect, refer to, relate to or concern any information given in response to Opposer's Interrogatory No. 5.

RESPONSE: Please see attached document

REQUEST NO. 21: To the extent not provided in response to an earlier request, documents sufficient to show all channels of trade through which Applicant's products and/services, offered or to be offered under the designation "THORO" move or will move and the marketing channels used or intended to be used by Applicant for such products and/or services.

RESPONSE: Please see attached document.

REQUEST NO. 22: Documents sufficient to show or reflect the nature of the purchasers to whom Applicant markets, or to whom Applicant intends to market any of its "THORO" products and/or services, including those products identified in application Serial No. 85/956,925.

RESPONSE: Athletes and fitness enthusiasts. Please see attached document.

REQUEST NO. 23: To the extent not produced in response to an earlier request, a representative example of each different advertisement or promotional item presently distributed by or for Applicant, or which is planned to be distributed by or for Applicant, that mentions, identifies or describes any products and/or services offered by Applicant, including those identified in application Serial No. 85/956,925, and which are offered or are to be offered by Applicant under the designation "THORO."

RESPONSE: The requested documentation is not currently available at this time.

REQUEST NO. 24: Representative documents and things which reflect, refer to, relate to or concern any licenses taken or given by Applicant or contemplated by Applicant (or any predecessor of Applicant) relating to the designation "THORO."

; RESPONSE: The requested documentation is not currently available at this time.

REQUEST NO. 25: Representative documents and thing which reflect, refer to, relate to or concern any assignments taken or given by Applicant (or any predecessor of Applicant) which relate to the designation "THORO."

RESPONSE: The requested documentation is not currently available at this time.

REQUEST NO. 26: Any documents and things which reflect, refer to, relate to or concern any information given in response to Opposer's Interrogatory No. 9.

REQUEST NO. 27: Any documents and things which reflect, refer to, relate to or concern any information given in response to Opposer's Interrogatory No. 10.

RESPONSE: Please see attachment

To the extent not otherwise produced, all documents mentioned or identified in response to Opposer's First Set of Interrogatories No. 1-16 to Applicant.

RESPONSE: Please see attached document

Respectfully submitted,

LeMar Lewis

LeMar Lewis

33 West Trade Street unit 100

Charlotte N.C 27708

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent, via email, to Tara M. Vold, at [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com), Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102, on this 5th day of May, 2015.

/LeMar Lewis /





