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Filing date: **08/07/2015**

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

Proceeding	91214578
Party	Plaintiff LeMans Corporation
Correspondence Address	PAUL J WILLIAMSON VOLD & WILLIAMSON PLLC 8251 GREENSBORO DRIVE, SUITE 340 MCLEAN, VA 22102 UNITED STATES trademark@vwiplaw.com
Submission	Motion to Compel Discovery
Filer's Name	Tara M. Vold
Filer's e-mail	trademark@vwiplaw.com
Signature	/TMV/
Date	08/07/2015
Attachments	Further Motion To Compel And Request Santions.pdf(1407846 bytes) Further Motion To Compel And Request Santions - Exhibit 1.pdf(5101139 bytes) Further Motion To Compel And Request Santions - Exhibit 2.pdf(2987258 bytes) Further Motion To Compel And Request Santions - Exhibits 3 and 4.pdf(3059898 bytes) Further Motion To Compel And Request Santions - Exhibits 5 through 12.pdf(3697123 bytes)

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

LeMans Corporation,)	
	)	Opposition No. 91214578
Opposer,)	
)	
v.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,)	
)	
Applicant.)	

FURTHER MOTION TO COMPEL AND REQUEST FOR SANCTIONS

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, LeMans Corporation (“Opposer”) moves the Board to: (i) issue the requested sanctions in connection with the refusal by Lemar Lewis (“Applicant”) to provide full and complete responses to Opposer’s First Set of Interrogatories and Opposer’s First Request for Production of Documents; (ii) compel Applicant to respond to Opposer’s Second Set of Interrogatories and Opposer’s Second Request for the Production of Documents; and (iii) deem as admitted each of the unanswered requests in Opposer’s First Set of Requests for Admission.

Rule 120(e)(1) Statement

The Board’s Order of January 30, 2015 (reinstated on April 16, 2015) required Applicant to provide full and unobjected to responses to the Opposer’s First Set of Interrogatories and Opposer’s First Set of Document Requests (collectively “Opposer’s First Set of Discovery Requests”). Opposer made good faith effort by emails on June 30, 2015, July 21, 2015 and August 4, 2015 to get the complete responses from Applicant, without success.

The responses to Opposer's Second Set of Interrogatory Requests, Second Set of Document Requests and First Set of Requests for Admission (collectively, "Opposer's Second Set of Discovery Requests") were due July 10, 2015. Nothing was received by Opposer and a good faith effort to get these responses was made by email on July 21, 2015 and August 4, 2015, without success.

History

Applicant's repeated delays and unresponsive filings have caused both Opposer and this Board significant effort and resources seeking compliance by Applicant with his obligations in this proceeding. While Applicant's failure to comply with and respect the rules of this tribunal are well documented in Opposer's prior filings with the Board, for purposes of the instant motion, the Opposer sets for the relevant history from Opposer's first Motion to Compel.

On December 17, 2014, Opposer moved the Board for an order compelling Applicant to respond to Opposer's First Set of Discovery Requests (originally served back on April 24, 2014) without objections.

On December 20, 2014, Opposer received by email "Applicant's Response to Opposer's First Set of Interrogatories" and "Applicant's Response to "Opposer's First Set of Request for Production of Documents." On December 30, 2014, Opposer's counsel received by email Applicant's 17 pages of "Document Production."

On December 31, 2014, Opposer filed a Supplemental Filing in Continued Support of the Motion to Compel on grounds that Applicant's "form" responses and 17 pages of produced documents were substantively meaningless and provided Opposer with essentially no responsive information.

On January 30, 2015, the Board issued an Order granting as conceded Opposer's Motion to Compel and ordering Applicant to serve full and complete responses to Opposer's First Set of Discovery Requests without objection. The Board further noted that in the event Applicant failed to respond to Opposer as ordered, the Board may entertain a motion for sanctions, including the entry of judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 1.120(g).

Following months of additional delays due to the intervening withdrawal of Applicant's second counsel, the Board issued an Order on April 16, 2015 granting Applicant an additional 30 days to respond to Opposer's First Set of Discovery Requests in compliance with the Board's January 30, 2015 order.

On May 5, 2015, Applicant served oppose with (i) "Applicant's Response to Opposer's First Set of Requests for Product", "Applicants Response to Opposer Interrogatories" and "Thoro First Production of Documents." On May 7, 2015, Applicant sent a follow up email identified as "Responses to interrogatories without typos" to Opposer on May 7, 2015. Applicant's May 5th and May 7th emails with attachments are enclosed as **Exhibit 1 and 2 respectively.**

On June 10, 2015, Opposer sent an email to Applicant identifying with specificity the deficiencies of Applicant's responses to Opposer's First Set of Discovery Requests, including the fact that the interrogatories remained unverified, and requested Applicant provide a Supplemental Set of Responses in compliance with the Federal Rules of Civil Procedure ("FRCP") and the Board's January previous orders no later than June 30, 2015. A copy of Opposer's June 10, 2015 email is enclosed as **Exhibit 3.**

That same day, June 10, 2015, Opposer served Applicant with Opposer's Second Set of Discovery Requests. A copy of Opposer's June 10, 2015 email attaching the Second Set of Discovery Requests is enclosed as **Exhibit 4.**

On July 1, 2015, Opposer received an email from Applicant requesting a resumption of settlement talks. On July 2, 2015, Opposer declined further negotiations noting the lack of any meaningful settlement terms having been offered by Applicant and noting Applicant had produced no evidence to date supporting his claims of use of the THORO mark in commerce. Opposer reasserted its expectation of receipt of timely responses to the outstanding discovery requests.

On July 8, 2015, Applicant filed a Motion to Dismiss. Two days later, on July 10, 2015, Applicant filed a Motion to Extend the Time to Answer the Second Set of Discovery Requests. Opposer filed a combined response to the motions on July 13, 2015. On July 16, 2015, the Board issued an Order indicating that neither of Applicant's motions would be given consideration for the reasons outlined in the Order. This left Applicant's responses to outstanding discovery as unmet, and on July 16, 2015 Opposer requested Applicant comply by July 20, 2015 on Opposer's First Set of Discovery Requests and by July 24, 2015 on the Opposer's Second Set of Discovery Requests – giving Applicant yet additional time to respond. A copy of Opposer's July 16, 2015 email is attached **Exhibit 5**.

On July 20, 2015, Applicant served on Opposer "updated" responses to Opposer's First Set of Interrogatories and indicated "I will be seconding 2nd [sic] set of responses shortly." A copy of Applicant's July 20, 2015 email and attachment is enclosed as **Exhibit 6**. Several hours later, Opposer received an email entitled "Second Set of interrogatories", however, there was no content or attachment to the email. A copy of Applicant's second June 21, 2015 email is enclosed as **Exhibit 7**.

The very next day, on July 21, 2015, Opposer sent an email to Applicant again identifying with specificity the continued deficiencies in Applicant's responses to Opposer's

First Set of Discovery Requests. A copy of Opposer's July 21, 2015 email setting forth the deficiencies is enclosed as **Exhibit 8**.

Opposer sent a second email to Applicant a few minutes later confirming receipt of an email entitled "Second Set of interrogatories" but noting there was no content or attachment to the email. A copy of Opposer's second July 21, 2015 email is enclosed as **Exhibit 9**.

Later that day, Opposer received a string of emails from Applicant that were unresponsive to Opposer's request for correction of the deficiencies in Applicant's response to Opposer's First Set of Discovery Requests. Copies of Opposer's follow up emails and attachments sent on July 21, 2015 are enclosed as **Exhibit 10**.

Having received no substantive responses to the identified deficiencies in Applicant's responses to Opposer's First Set of Discovery Requests by the July 21, 2015 deadline, and having not received any documents in response to Opposer's Second Set of Discovery Request by the July 24, 2015 deadline (or any reason for Applicant's failure to respond), Opposer sent Applicant a final email on August 4, 2015 indicating that Opposer would be proceeding with another Motion to Compel with the Board. A copy of Opposer's August 4, 2015 email is enclosed as **Exhibit 11**. Later that day Opposer received a response from Applicant indicating "Do what you have to do, and we will do the same...." A copy of Applicant's August 4, 2015 email is enclosed as **Exhibit 12**. This clearly reflected the intent of Applicant not to respond to the outstanding discovery requests.

As noted in Opposer's Motion, the Trademark Trial and Appeal Board Manual of Procedure ("TBMP") provides that a party which fails to respond to discovery interrogatories or document requests during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed by the

propounding party, to have forfeited its right to object to discovery on the merits. *See* TBMP §§ 403.03 and 407.01, *citing* *Bison Corp. v. Perfecta Chemie B.V.*, 4 U.S.P.Q.2d 1718 (TTAB 1987); *Luehrmann v. Kwik Kopy Corp.*, 2 U.S.P.Q.2d 1303 (TTAB 1987).

Opposer further notes that Applicant's untimely discovery responses also violate the Board's October 17, 2014 Order which set a discovery response deadline of November 14, 2014 (as extended with the consent of Opposer to December 1, 2014). In these circumstances, Section 527.01(a) of the TBMP provides that the following sanctions, *inter alia*, may be entered by the Board for failure to comply with an order relating to discovery: striking all or part of the pleadings of the disobedient party; refusing to allow the disobedient party to support or oppose designated claims or defenses; prohibiting the disobedient party from introducing designated matters in evidence; and entering judgment against the disobedient party.

Opposer believes Applicant's flagrant disregard for the rules and for the Orders of this tribunal merit an entering of judgment against Applicant.

However, in the absence of such a judgment, Opposer requests that the Board impose the following discretionary sanctions to permit Opposer to move forward with the prosecution of this action:

- (i) Applicant's unverified written responses to Opposer's First Set of Interrogatories be deemed insufficient and that Applicant not be allowed to introduce or rely upon facts or documents in this case that were encompassed by the interrogatory requests;
- (ii) Applicant's written responses and documents produced in response to Opposer's First Set of Document Requests be deemed insufficient and that Applicant not be

allowed to introduce or rely upon facts or documents in this case that were encompassed by the document requests;;

(iii) Applicant be barred from now introducing any evidence, including documents or testimony that would have been responsive to Opposer's Second Set of Interrogatories;

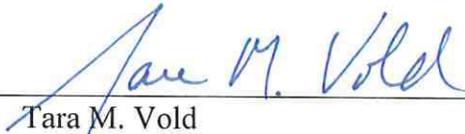
(iv) Applicant be barred from now introducing any evidence, including documents or testimony that would have been responsive to Opposer's Second Set of Document Requests;

Respectfully submitted,

LeMans Corporation

Date: August 7, 2015

By:



Tara M. Vold
J. Paul Williamson
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22012
571-395-4630

Attorneys for the Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FURTHER MOTION TO COMPEL AND REQUEST FOR RELIEF was served via email on this 7th day of August, 2015 to Applicant at the following email address: lemarlewis@hotmail.com.

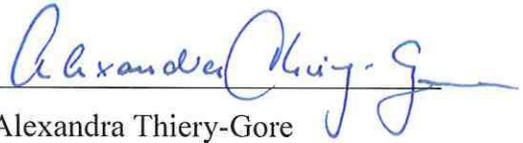

Alexandra Thiery-Gore

EXHIBIT 1

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, May 05, 2015 7:44 AM
To: Tara Vold
Subject: APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
Attachments: APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS 1-27.pdf; Applicants Response To Opposers Interrogatories 1-16.pdf; Thoro First Production of Documents.pdf

Tara,

Here are the responses to document request.

Regards,

LeMar Lewis

WITNESS STATEMENT

Name: CHARLIE S. LEWIS JR

I, CHARLIE, swear or affirm:

That I personally know Lemar Lewis and he was actively marketing, selling and producing his Thoro mark on clothing, apparel and marketing materials in Fall 2001.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

10/30/2014
Date

Charlie S. Lewis Jr.
Name

WITNESS STATEMENT

Name: Rasheed Wiggins

I, Rasheed Wiggins, swear or affirm:

That I personally know Lemar Lewis and he was actively marketing, selling and producing his Thoro mark on clothing, apparel and marketing materials in Fall 2001.

I also purchased clothing in Fall 2001 from Lemar Lewis that contained the Thoro mark on the clothing.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

10/30/14
Date

Rasheed Wiggins
Name



TRADEMARK

Sign Out

Trademarks | Reports | Administration
Trademark Registrations

Trademark Registration#: 7948

Mark Type: Trademark Service Mark Livestock Word Mark

Applicant Name: LeMar & Lewis
Address Line 1: 3355 Lake Tiny Circle
Address Line 2:
City: Orlando State: FL Zip: 29687
Country:

Scanning Address

Trademark Information

State Organized:
Trademark Name: Thoro
Mark Description: The word "Thoro" written with the "T" passing through the middle of the top portion of the letter "h" followed by the letters "o-r-o" all connected through cursive style script
Goods or Services:

Trademark Classes:

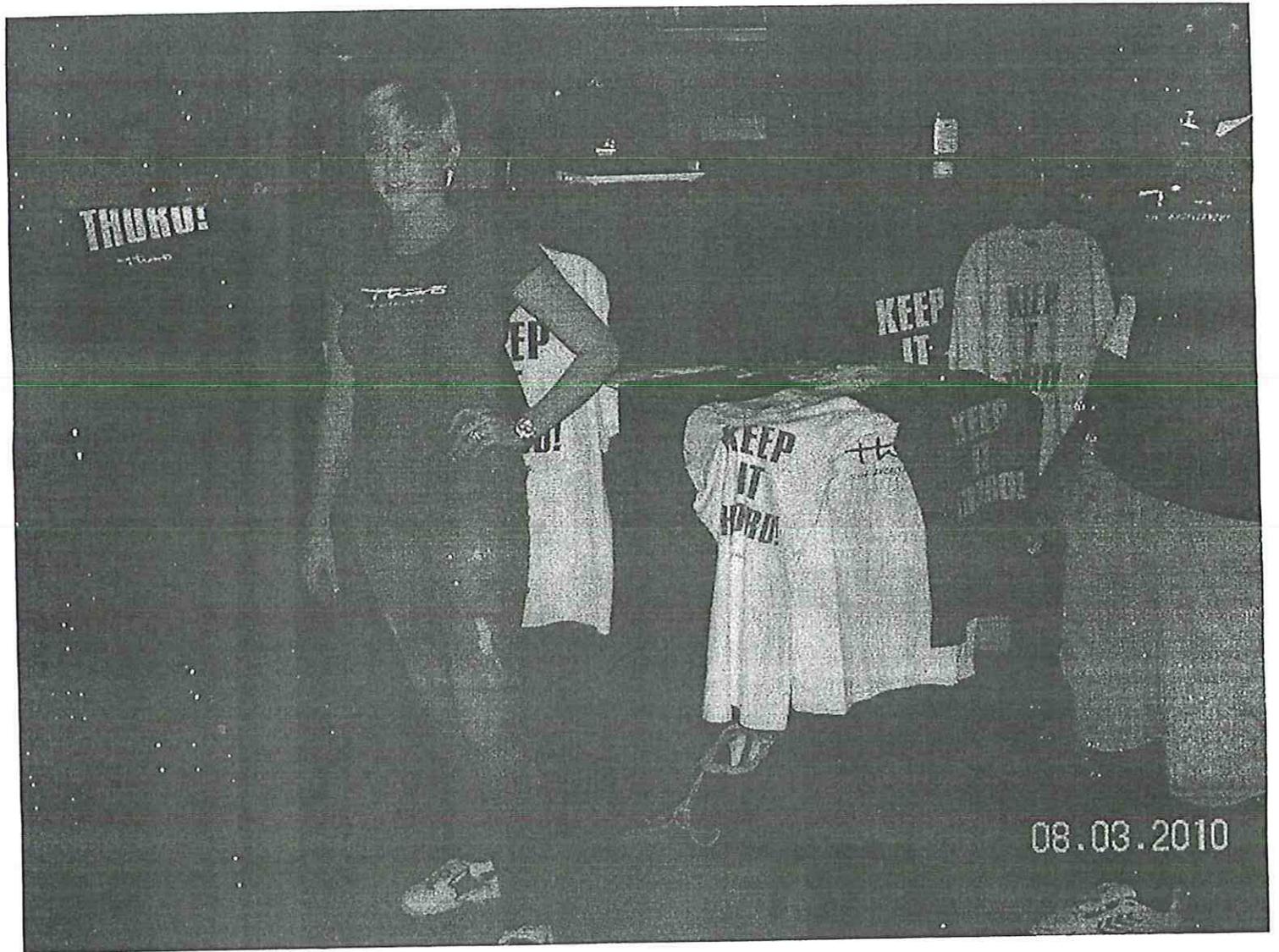
Date of 1st Use: Date of 1st Use in SC:
Registered Date: 12/31/2002 Expiration Date: 12/31/2007
Last Renewal Date: Last Assignment Date:

Notes: Migrated Classes: Trademark # 25

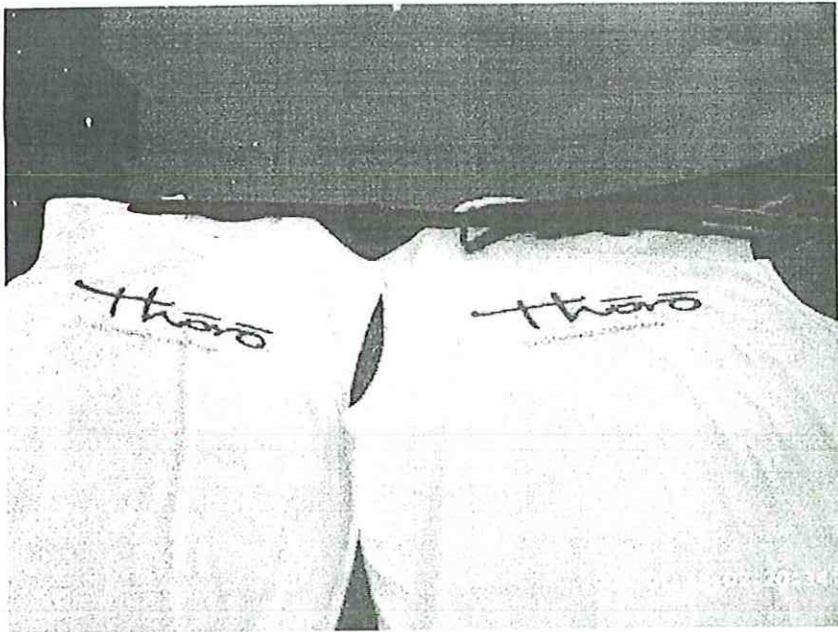
Payment Information
Method Cash Amount 0.00 Check #
Total Charge: \$ 0.00
Total Paid: \$ 0.00
Balance: \$ 0.00
12/31/2002

Trademark Logo

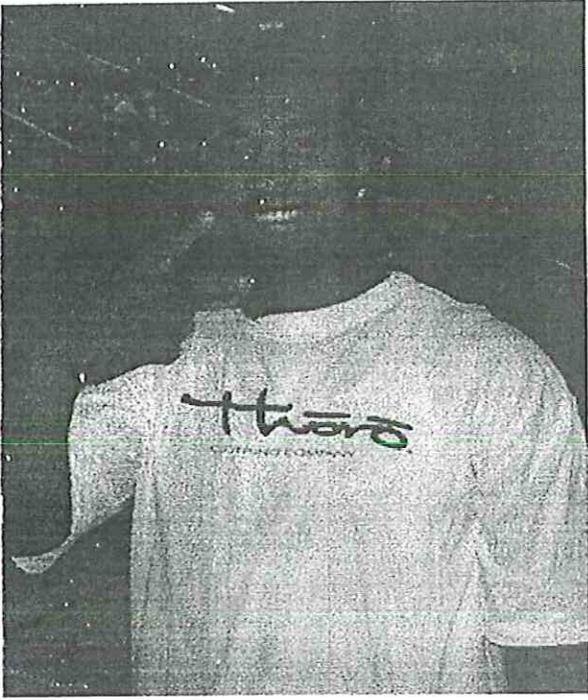
Save Scanning Certificate



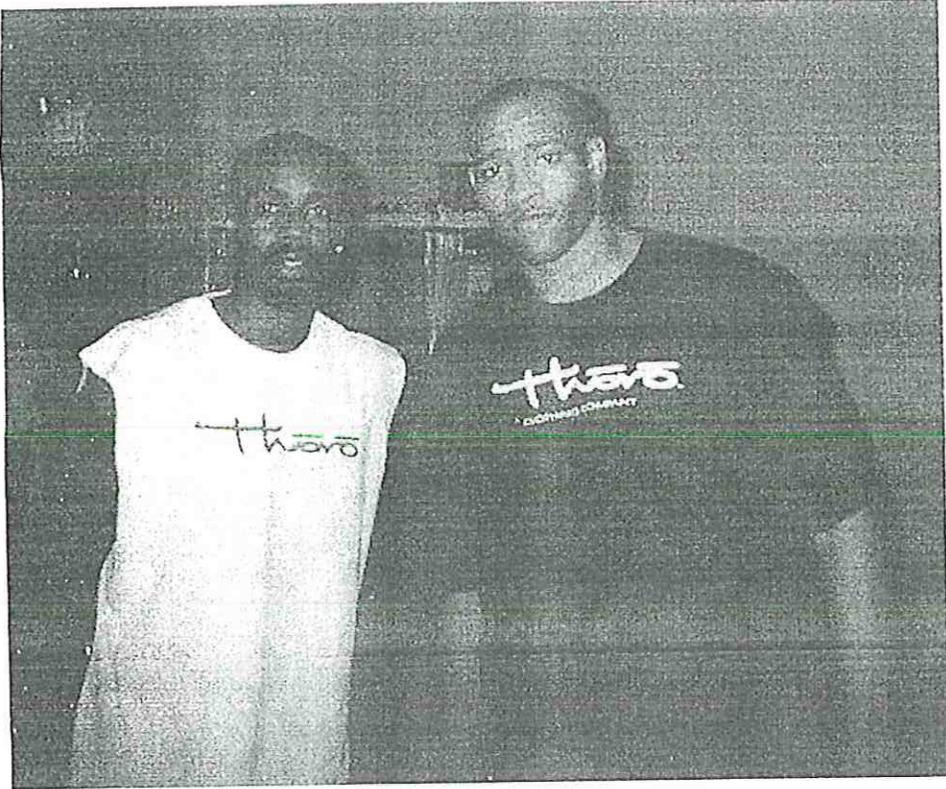
THO 00004



THO 00005



THO 00006



THO 00007

Fitted Hat

Retail Price
\$21.99
Wholesale
\$9.00



100% Acrylic Flat & Billed
Sizes: 7, 7 1/4, 7 1/2, 8

Tank Top

Retail Price
\$24.99
Wholesale
\$9.00



100% Pima Cotton, Embroidered Logo
Sizes: L, XL, 2XL
Colors - Black, White

THORO CLOTHING COMPANY

WWW.ThoroWear.com | PH: 407.920.5806 | Lemar@ThoroHats.com

Mail To:
333 W. TRADE ST.
SUITE 210
CHARLOTTE, NC. 28202

Stuntin



Retail Price
\$24.99
Wholesale
\$9.00

Skull Head Shirt



Retail Price
\$49.99
Wholesale
\$20.00

Signature Shirt



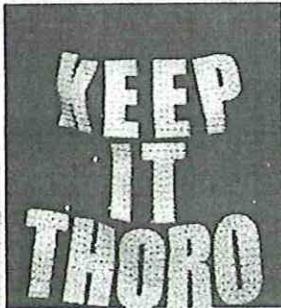
Retail Price
\$24.99
Wholesale
\$9.00

100% Cotton Printed Logo
Sizes L, XL, 2XL, 3XL

100% Cotton
Sizes L, 2XL, 3XL,

100% Double Stitched Cotton
Sizes L, 2XL, 3XL, 4XL

Keep It Thoro Rhinestone T-Shirt



Retail Price
\$99.99
Wholesale
\$40.00

100% Cotton
Swarovski Crystals
Sizes L, XL, 2XL, 3XL

Face Fear



Retail Price
\$49.99
Wholesale
\$20.00

100% Cotton
Sizes L, XL, 2XL, 3XL

Keep It Thoro T-Shirt



Retail Price
\$24.99
Wholesale
\$9.00

100% Cotton, Printed Logo
Sizes L, XL, 2X, 3X

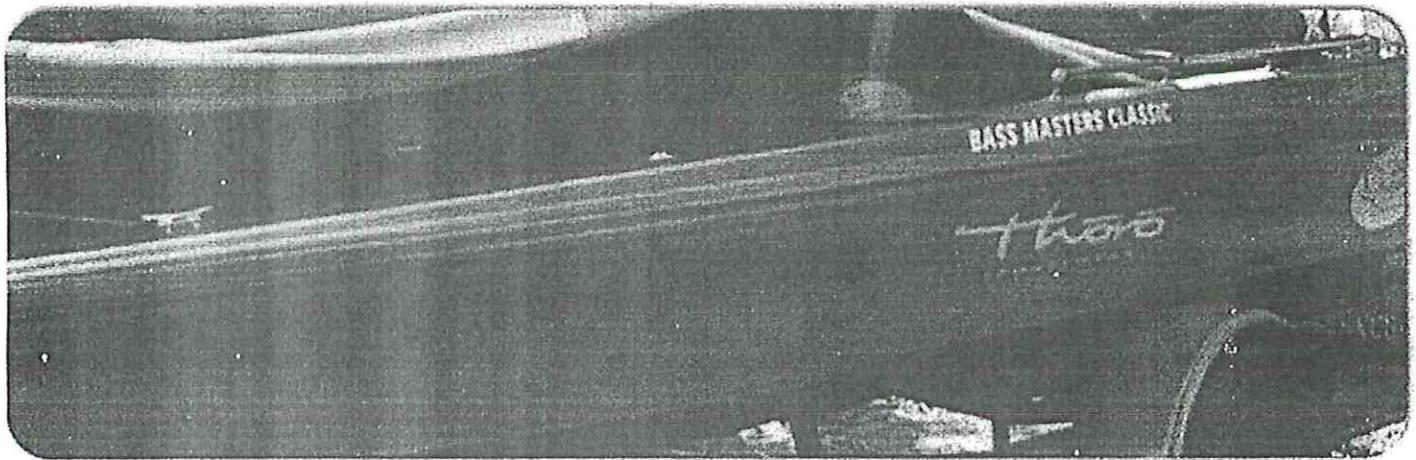
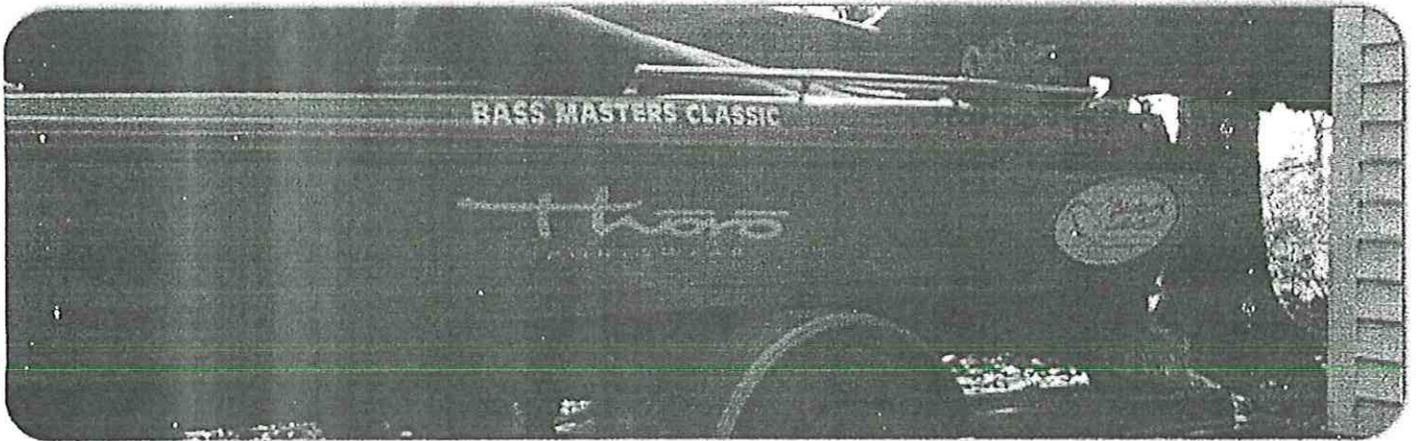
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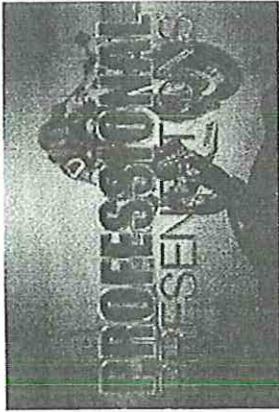
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F Like 0 **T**weet 0 **S**hare 0 **S**hare

Catalogs created for sales and distribution of new thoro clothing line.



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Stuntin

**STUNTIN
IS A
HABIT...**

Retail Price \$24.99
Wholesale \$9.00

Skull Head Shirt



Retail Price \$49.99
Wholesale \$20.00

Signature :



CALENDAR

DECEMBER 2014

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20

thoro

SPORTSWEAR

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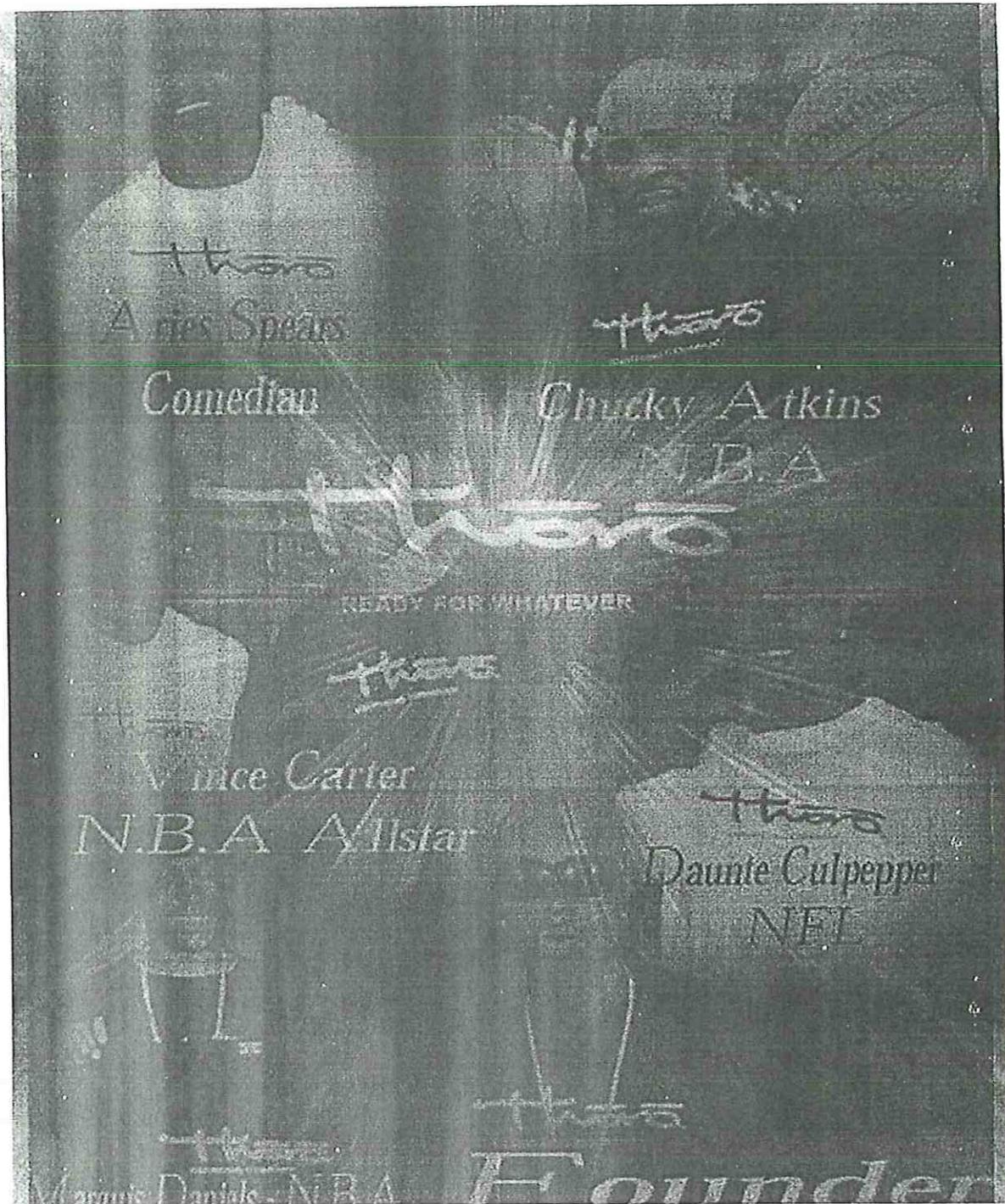


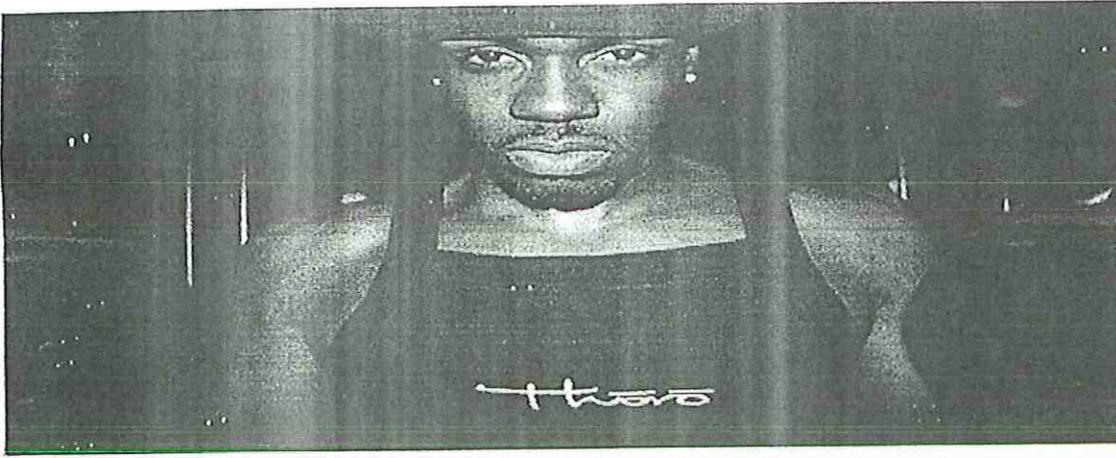
[@thorosportswear](https://www.instagram.com/thorosportswear)



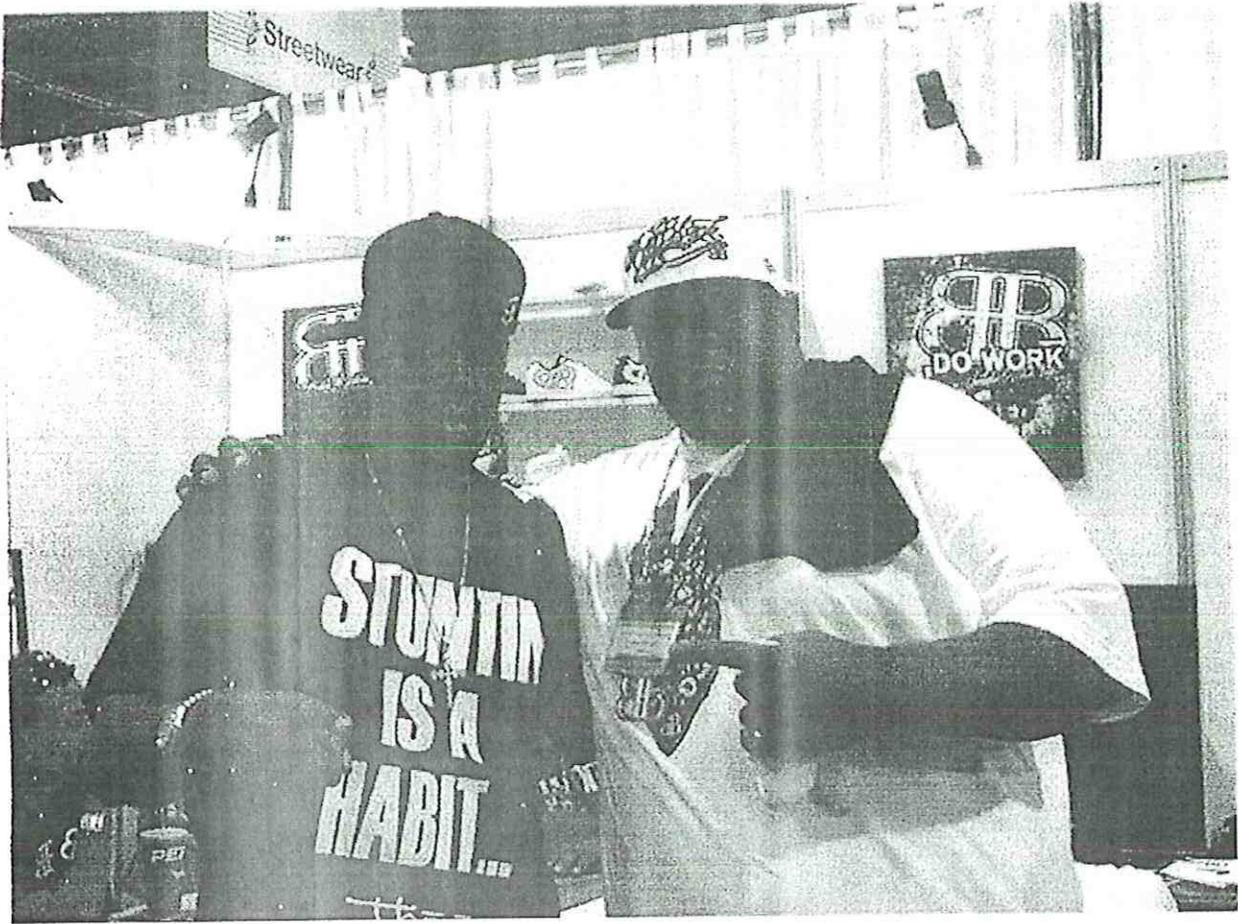
thorosportswear@gmail.com

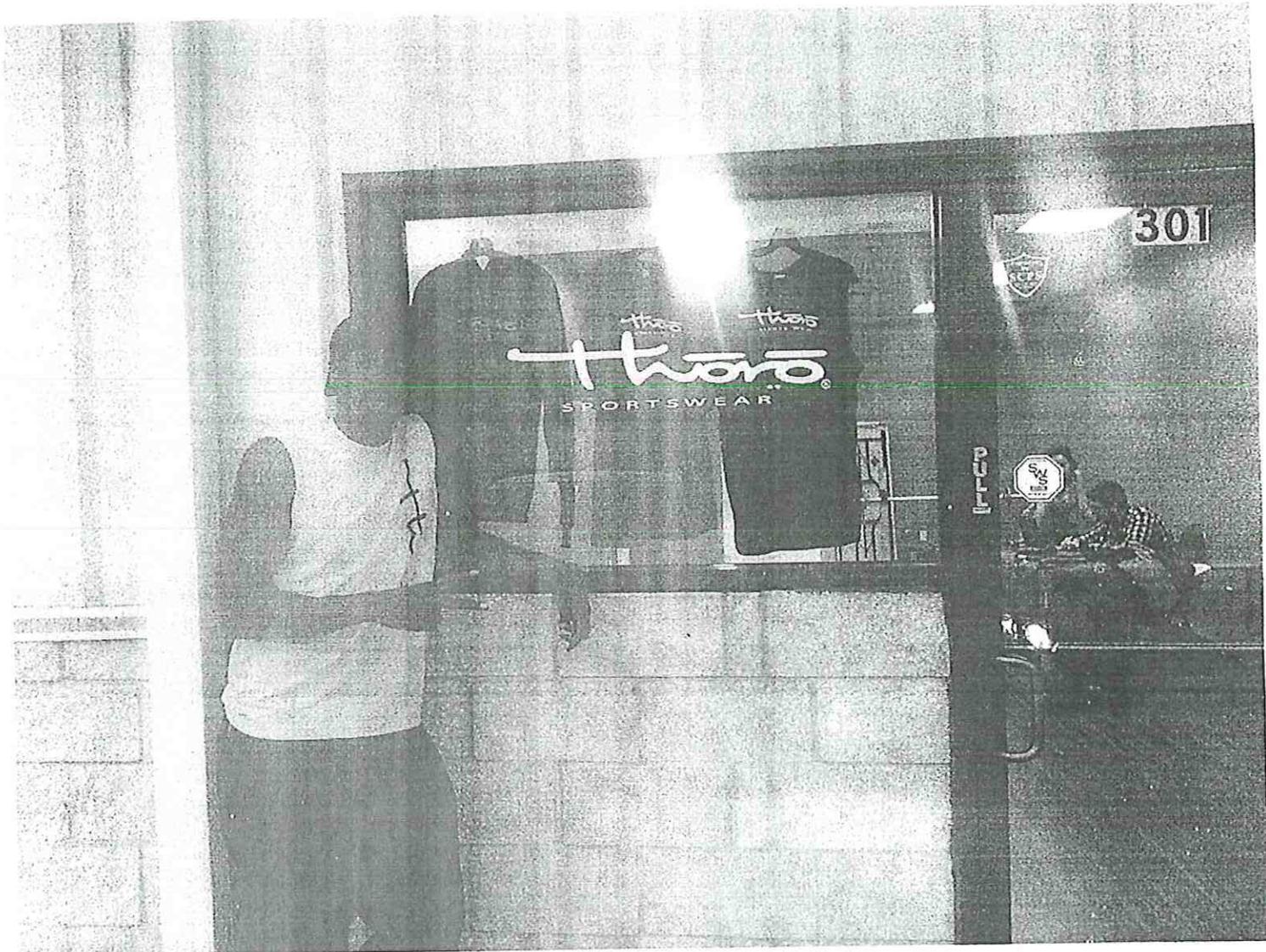
THO 00013





THO 00015





THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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.

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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.

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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; 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.

RESPONSE:

All non- Applicant's possession will be made available for inspection and copying.

Applicant objects to this request on the grounds that it is vague, overbroad, unduly burdensome and oppressive, and not calculated to lead to the discovery of admissible evidence. Without waiving any objections, all non-privileged responsive documents in Applicant's possession will be made available for inspection and copying.

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102, on this 5th day of May, 2015.

/LeMar Lewis /

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

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

LeMans Corporation, : Opposer, :

v.

: Opposition No. 91214578

: LeMar Xavier Lewis, : Applicant. :

Applicants Response To Opposers Interrogatories 1-16

INTERROGATORY NO. 1

Identify with each product and/or service promoted or sold, or proposed to be promoted or sold by Applicant (see definitions and instructions) under the designation "THORO" (see definitions and instructions) at any time in the United States,

Sportswear, Gym Bags, Headware, eyewear, sports/athletic/gym equipment, body care products, jewelry, fragrances

INTERROGATORY NO. 2

Identify the person or persons in the employ of or associated in any manner with Applicant most knowledgeable with respect to the following.

Selection and adoption of the designation "THORO" for the products set forth in application Serial No. 85/956,925;

the current uses and any intended uses of the designation "THORO" (including any composite or design presentations); and

any sales and advertising, or intended sales and advertising of any of the products

identified in application Serial No. 85/956,925 or any services offered or to be offered under the designation "THORO" (including any composite or design terms incorporating the designation

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

'THORO").

Diondre Lewis

Jason Alphonso

INTERROGATORY NO. 3

Identify each publication and broadcast advertisement (e.g., radio, television, email, web site) authorized by or on behalf of Applicant in which any of the goods and/or services identified in application Serial No. 85/956,925 have been offered under the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO") by identifying the following:

The title(s) and date(s) of each publication in which any advertisement appeared or is scheduled to appear; and

Each actual or scheduled broadcast by date(s), and station(s) or web site(s), and whether the broadcast was or will be on radio, television or computer.

Response

Thoro "Willis Mcgahee" television advertising 2007

Daunte Culpepper Television add "ESPN" 2007

Thorowear.com company website

INTERROGATORY NO. 4

Identify any instances of actual confusion, mistake or deception known to Applicant as to the source or origin, a sponsorship or an association as between its use of "THORO" (including any composite or stylized terms incorporating the designation "THORO") for any goods and/or services and Opposer's use of THOR, by identifying for each such instance the following:

the date of such instance and the person or entity confused;

the nature of the confusion; and

the person in Applicant's organization to whom the instance was reported or to whose

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

attention the instance was first brought.

Response

None to my knowledge

INTERROGATORY NO. 5

Identify (see definitions and instructions) all third persons using, applying for or having registered any mark or designation incorporating the term "THORO", "THOR" or a phonetic equivalent to "THOR" that Applicant shall rely on in support of any claimed affirmative defenses in Applicant's Answer. On such uses, applications or registrations and state:

(a) the mark/designation being used and/or the mark applied for or registered the goods and/or services offered or proposed to be offered under the mark/designation, and when Applicant first became aware of such use, application or registration.

Response

None applicable.

INTERROGATORY NO. 6

Identify the activity which provided the basis for the claim of bona fide use of the THORO mark in commerce on September 5, 2001 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

The production of clothing and apparel with a label "Thoro" on tags namely labels on the apparel. Products where sold face to face to family, friends , close associates and at times the general public.

INTERROGATORY NO. 7

Identify the activity which provided the basis for the claim of bona fide continuing use of

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

the THORO mark in commerce on June 11, 2013 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

*Sales events, tradeshow, promoting at various venues, celebrity promotions, signs and banner product.

INTERROGATORY NO. 8

Identify the activity which provided the basis for the claim of bona fide continuing use of the THORO mark in commerce on October 21, 2012 as reflected in Registration No. 3,206,498, specifically including the nature of the use and the point of sale for any alleged products.

Response:

Ⓞ Website, various sales events

INTERROGATORY NO. 9

Identify any and all periods of non-use of the THORO mark since the claim of bona fide use in commerce on September 5, 2001. 3,206,498

Response:

*None

INTERROGATORY NO. 10

Identify the reason that a Section 15 Affidavit of Incontestability was not filed with the Section 8 Continued Use Affidavit on October 21, 2012 in connection with Registration No.

Response:

None applicable

INTERROGATORY NO. 11

Describe when and by what means Applicant first became aware of Opposer's THOR products and/or services. Further, identify the person or persons who first became aware of

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

Opposer's THOR products and/or services.

Response

Not Applicable

INTERROGATORY NO. 12

Describe with particularity all of the channels of trade in or through which Applicant markets and sells, or intends to market and sell, under the designation "THORO" any of the products and/or services offered by Applicant,

Response

Website, various sales events , sportswear retailers..

INTERROGATORY NO. 13

Identify all bases that Applicant shall rely upon for the Applicant's assertions in Affirmative Defense No. 1 that:

- (a) Opposer's Registrations are directed to goods and/or services which are are "distinguishable" from the Applicant's goods;
- (b) Opposer's Registrations are directed to channels of trade which are are "distinguishable" from the Applicant's channels of trade; and
- (c) Opposer's Registrations are directed to consumers who are "distinguishable" from the Applicant's consumers; INTERROGATORY NO. 14

Identify with particularity how, if at all, Applicant plans to market any of the products and/or services offered under the THORO name or mark to any consumer base or market.

Response:

Website, Social Media, Flyers, Brochures, Print Ads, Radio ads, Television Ads, Celebrity endorsements

INTERROGATORY NO. 15

Identify (a) all authorized licensees of the THORO marks; and (b) any assignments to

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

which Applicant is a party that relate to the THORO marks.

Response

None

INTERROGATORY NO. 16

Identify those persons who had more than a clerical role in the answering of the foregoing interrogatories or in any search for documents in connection with said interrogatories or the Opposer's First Request for Production of Documents.

Response

N.A

Date: May 5 , 2015

Submitted by,

/LeMar Lewis/

LeMar Lewis

LeMar Lewis

33 W. Tradestreet

Charlotte N.C 28202

Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served via electric mail on this 5th day Of May, 2015 upon the following:

Tara M. Vold, at trademark@vwiplaw.com, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102

EXHIBIT 2

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Thursday, May 07, 2015 5:04 PM
To: Tara Vold
Subject: Responses to interrogatories without typos
Attachments: applicants response 1-16 revised.pdf; Response to interrogatories 1-27 revised.pdf

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.

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; 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.

RESPONSE:

All non- Applicant's possession will be made available for inspection and copying.

Applicant objects to this request on the grounds that it is vague, overbroad, unduly burdensome and oppressive, and not calculated to lead to the discovery of admissible evidence. Without waiving any objections, all non-privileged responsive documents in Applicant's possession will be made available for inspection and copying.

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, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102, on this 5th day of May, 2015.

/LeMar Lewis /

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

LeMans Corporation, : Opposer, :

v.

: Opposition No. 91214578

: LeMar Xavier Lewis, : Applicant. :

Applicants Response To Opposers Interrogatories 1-16

INTERROGATORY NO. 1

Identify with each product and/or service promoted or sold, or proposed to be promoted or sold by Applicant (see definitions and instructions) under the designation

"THORO" (see definitions and instructions) at any time in the United States,

Sportswear, Gym Bags, Headware, eyewear, sports/athletic/gym equipment, body care products, jewelry, fragrances

INTERROGATORY NO. 2

Identify the person or persons in the employ of or associated in any manner with Applicant most knowledgeable with respect to the following.

Selection and adoption of the designation "THORO" for the products set forth in application Serial No. 85/956,925; the current uses and any intended uses of the designation "THORO" (including any composite or design presentations); and any sales and advertising, or intended sales and advertising of any of the products identified in application Serial No. 85/956,925 or any services offered or to be offered under the designation "THORO" (including any composite or design terms incorporating the designation "THORO").

Diondre Lewis

Jason Alphonso

INTERROGATORY NO. 3

Identify each publication and broadcast advertisement (e.g., radio, television, email, web site) authorized by or on behalf of Applicant in which any of the goods and/or services identified in application Serial No. 85/956,925 have been offered under the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO") by identifying the following:

The title(s) and date(s) of each publication in which any advertisement appeared or is scheduled to appear; and

Each actual or scheduled broadcast by date(s), and station(s) or web site(s), and whether the broadcast was or will be on radio, television or computer.

Response

Thoro "Willis Mcgahee" television advertising 2007

Daunte Culpepper Television add 'ESPN" 2007

Thorowear.com company website

INTERROGATORY NO. 4

Identify any instances of actual confusion, mistake or deception known to Applicant as to the source or origin, a sponsorship or an association as between its use of "THORO" (including any composite or stylized terms incorporating the designation 'THORO') for any goods and/or services and Opposer's use of THOR, by identifying for each such instance the following:

the date of such instance and the person or entity confused; the nature of the confusion; and the person in Applicant's organization to whom the instance was reported or to whose attention the instance was first brought.

Response

None to my knowledge

INTERROGATORY NO. 5

Identify (see definitions and instructions) all third persons using, applying for or having registered any mark or designation incorporating the term "THORO", "THOR" or a phonetic equivalent to "THOR" that Applicant shall rely on in support of any claimed affirmative defenses in Applicant's Answer. On such uses, applications or registrations and state: (a) the mark/designation being used and/or the mark applied for or registered the goods and/or services offered or proposed to be offered under the mark/designation, and when Applicant first became aware of such use, application or registration.

Response

None applicable.

INTERROGATORY NO. 6

Identify the activity which provided the basis for the claim of bona fide use of the THORO mark in commerce on September 5, 2001 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

The production of clothing and apparel with a label "Thoro" on tags namely labels on the apparel. Products where sold face to face to family, friends, close associates and at times the general public.

INTERROGATORY NO. 7

Identify the activity which provided the basis for the claim of bona fide continuing use of

the THORO mark in commerce on June 11, 2013 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

*Sales events, tradeshows, promoting at various venues, celebrity promotions, signs and banner product.

INTERROGATORY NO. 8

Identify the activity which provided the basis for the claim of bona fide continuing use of the THORO mark in commerce on October 21, 2012 as reflected in Registration No. 3,206,498, specifically including the nature of the use and the point of sale for any alleged products.

Response:

① Website, various sales events

INTERROGATORY NO. 9

Identify any and all periods of non-use of the THORO mark since the claim of bona fide use in commerce on September 5, 2001. 3,206,498

Response:

*None

INTERROGATORY NO. 10

Identify the reason that a Section 15 Affidavit of Incontestability was not filed with the Section 8 Continued Use Affidavit on October 21, 2012 in connection with Registration No.

Response:

None applicable

INTERROGATORY NO. 11

Describe when and by what means Applicant first became aware of Opposer's THOR products and/or services. Further, identify the person or persons who first became aware of Opposer's THOR products and/or services.

Response

Not Applicable

INTERROGATORY NO. 12

Describe with particularity all of the channels of trade in or through which Applicant markets and sells, or intends to market and sell, under the designation "THORO" any of the products and/or services offered by Applicant,

Response

Website, various sales events , sportswear retailers..

INTERROGATORY NO. 13

Identify all bases that Applicant shall rely upon for the Applicant's assertions in Affirmative Defense No. 1 that:

1. Opposer's Registrations are directed to goods and/or services which are are "distinguishable" from the Applicant's goods;
2. Opposer's Registrations are directed to channels of trade which are are "distinguishable" from the Applicant's channels of trade; and
3. Opposer's Registrations are directed to consumers who are "distinguishable" from the

Applicant's consumers; INTERROGATORY NO. 14

Identify with particularity how, if at all, Applicant plans to market any of the products and/or services offered under the THORO name or mark to any consumer base or market.

Response:

Website, Social Media, Flyers, Brochures, Print Ads, Radio ads, Television Ads, Celebrity endorsements

INTERROGATORY NO. 15

Identify (a) all authorized licensees of the THORO marks; and (b) any assignments to which Applicant is a party that relate to the THORO marks.

Response

None

INTERROGATORY NO. 16

Identify those persons who had more than a clerical role in the answering of the foregoing interrogatories or in any search for documents in connection with said interrogatories or the

Opposer's First Request for Production of Documents.

Response

N.A

Date: May 5 , 2015

Submitted by,

/LeMar Lewis/

LeMar Lewis

LeMar Lewis

33 W. Tradestreet

Charlotte N.C 28202

Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served via electric mail on this 5th day Of May, 2015 upon the following:

Tara M. Vold, at trademark@vwiplaw.com, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102

EXHIBIT 3

Tara Vold

From: Tara Vold
Sent: Wednesday, June 10, 2015 1:44 PM
To: Lemar Lewis
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: LEMANS CORPORATION v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Mr. Lewis,

On April 16, 2015, the Trademark Trial and Appeal Board issued an order in the above-referenced opposition proceeding (the "Order") requiring you to serve on LeMans: (1) written and verified supplemental responses to Opposer's first set of interrogatories without objections on the merits; (2) written and verified supplemental responses to Opposer's first set of document requests without objections on the merits; and (3) all responsive documents by copying them at Applicant's own expense and delivering them to Opposer.

You served LeMans with unverified Supplemental Responses to Opposer's Interrogatory and Supplemental Responses to Opposer's Document Requests on May 5, 2015 (and a second copy (described as "without typos") on May 7, 2015. Applicant takes issue with the responses provided for the reasons set forth below and requests that second Supplemental Set of Responses in compliance with the Federal Rules of Civil Procedure ("FRCP") and the Order be provided no later than **June 30, 2015**.

Identified Issues in Responses:

- Interrogatory Responses are not verified.
- Response to Interrogatory No. 2 identifies Diondre Lewis and Jason Alphonso as individuals with knowledge responsive to the request but does not provide any indication of address, place of employment or last known business affiliation as required in the definitions to the Interrogatory Requests. As such, LeMans is left without knowing the legal relationship or connection, if any, of these individuals with yourself, nor any means to contact these individuals. LeMans requires complete identification of these individuals.
- Response to Interrogatory Request No. 3 provides insufficient specificity to allow LeMans to identify the referenced publication/broadcast advertisement. Applicant must provide the specific date or dates on which the advertisements aired or were printed, the relevant station and means of broadcast.
- No response to Interrogatory Request No. 13 was provided.
- As a general matter, the documents produced in response to the Opposer's Document Requests were not produced as ordinarily kept in the business nor designated according to the specific Document Request as required by the FRCP. LeMans requires the designation as to the specific Document Request(s) to which each document relates.
- Many of the written responses to Document Requests included the statement "The requested documentation is not currently available at this time" or "none available at this time." See Responses to Interrogatory Request Nos. 7, 8, 10, 11, 12, 16 17, 23, 24, 25. This is not acceptable. FRCP 34(b)(2)(B) requires that the response either "state that inspection and related activities will be permitted as requested or state an objection to the request, including the reasons." Since the Order requires you to respond without objection and to produce documents to LeMans at your own expense, you must respond to each and every one of the identified Document Requests, identifying either that the requested documents have been identified and will be produced (at Applicant's expense), or stating that no such documents exist.

- Response to Document Request No. 19 is internally conflicting and not in compliance with the Order. The Response states “Without waiving any objections, all non- Applicant’s possession will be made available for inspection and copying. ‘THORO.’ Please see attached document.” LeMans requires an intelligible and complying response, and specific identification of any documents produced in response to this request.
- Response to Document Request No. 26 fails to remove the objections as required by the Board’s April 16, 2015 Order. Accordingly, LeMans requires a response without objection.
- Document Request No. 26 seeks documents relating to information on any periods of non-use of the THORO mark. Your Response to Document Request No. 26 states “All non- Applicant’s possession will be made available for inspection and copying.” Opposer requires that such documents be produced in compliance with the Order.
- The documents contained in your production (IHO 00001-00017) are mostly undated and provide no information as to the place or context of the photos. Further, they are not designated as to which Document Request they were deemed responsive. Opposer requires such information to be able to understand the relevance of these documents.

We are also serving today additional discovery requests which you will receive shortly from our office under separate email cover. Responses to these additional sets of discovery requests are due **July 10, 2015**.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



THIS ELECTRONIC MESSAGE CONTAINS CONFIDENTIAL INFORMATION FROM VOLD & WILLIAMSON PLLC AND IT MAY CONSTITUTE A PRIVILEGED ATTORNEY-CLIENT COMMUNICATION. THE INFORMATION IS INTENDED TO BE FOR THE EXCLUSIVE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS ELECTRONIC MESSAGE IN ERROR, PLEASE NOTIFY ME IMMEDIATELY BY EMAIL, TVOLD@VWIPLAW.COM OR BY TELEPHONE AT 571-395-4631.

EXHIBIT 4

Tara Vold

From: Carolyn Tourbaf
Sent: Wednesday, June 10, 2015 1:58 PM
To: Lemar Lewis
Cc: Paul Williamson; Alexandra Thiery-Gore; Tara Vold
Subject: RE: LEMANS CORPORATION v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Attachments: Opp Second Set of Document Requests.pdf; Opp Second Set of Interrogatories.pdf; Opp First Set of Requests to Admit.pdf

Mr. Lewis,

Enclosed are the following documents being served on you today via email and first class mail in connection with the above referenced opposition.

1. Opposer's Second set of Interrogatory Requests
2. Opposer's Second Set of Document Requests
3. Opposer's First Set of Requests to Admit

Regards,

Carolyn K. Tourbaf
Director of Client Services
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4632
ctourbaf@vwiplaw.com



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

LeMans Corporation,)	
	)	Opposition No. 91214578
Opposer,)	
)	
V.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,)	
)	
Applicant.)	

OPPOSER'S LEMANS CORPORATION'S FIRST SET OF REQUESTS TO ADMIT

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120(h) of the Trademark Rules of Practice, Opposer, LeMans Corporation, hereby requests that Applicant, Lemar Xavier Lewis, admit or deny the following requests for admission ("Requests") by serving written responses thereto on Opposer's counsel (by email as agreed to by the parties) within thirty (30) days after service, in accordance with the Trademark Rules of Practice. Opposer adopts the definitions and instructions set forth in Opposer's First Set of Interrogatories Nos. 1-16 to Applicant.

IF APPLICANT FAILS TO SPECIFICALLY ADMIT OR DENY ANY OF THE REQUESTS, OR SET FORTH WITH PARTICULARITY THE REASONS WHY REGISTRANT CANNOT ADMIT OR DENY THE REQUESTS, THE REQUEST WILL BE DEEMED ADMITTED.

REQUESTS TO ADMIT

1. Admit that Charles Lewis is a relative of Applicant.

2. Admit that Charles Lewis is a not an employee of Applicant.
3. Admit that Rasheed Wiggins is a relative of Applicant.
4. Admit that Rasheed Wiggins is a not an employee of Applicant.
5. Admit that none of the photographs produced by Applicant (THO 00004-00007) were taken after August 3, 2010.
6. Admit that the web site materials produced by Applicant (THO 00008-00010) were not accessible through the url www.thorowear.com after September 2011.
7. Admit that the phone number listed on the web site materials produced at THO 00008 does not lead to a number for the Thoro Clothing Company
8. Admit that the phone number listed on the web site materials produced at THO 00008 does not lead to a number for any business owned or operated by Applicant which sells any product under the designation THORO.
9. Admit that Applicant is the owner/operator of the thorowear.com domain name.
10. Admit that the website www.thorowear.com has not been active since September 2011.
11. Admit that Applicant is the owner/operator of the thorosportswear.com domain name.
12. Admit that the website www.thorosportswear.com does not currently display information relating to any product sold under the designation THORO by Applicant.
13. Admit that the website www.thorosportswear.com has never displayed information relating to any product sold under the designation THORO by Applicant.
14. Admit that Applicant is the owner/operator of the thorohats.com domain name.
15. Admit that the website www.thorohats.com has never displayed information relating to any product sold under the designation THORO by Applicant.

16. Admit that the documents produced by Applicant to date (THO00001-00017) contain no records of any sales of products sold by Applicant under the THORO mark.
17. Admit that Applicant has no sales records, including invoices, or receipts for products sold by Applicant under the THORO mark.
18. Admit that Applicant has no sales records, including invoices, or receipts for products sold by Applicant under the THORO mark in interstate commerce.
19. Admit that the documents produced by Applicant to date (THO 00001-00017) contain no records of advertising expenditures relating to products sold by Applicant under the THORO mark.
20. Admit Applicant has no documents reflecting any advertising expenditures relating to products sold by Applicant under the THORO mark.
21. Admit that the documents produced by Applicant to date (THO 00001-00017) contain no records to evidence the first date the designation THORO was used by, or on behalf of, Applicant.
22. Admit Applicant has no documents identifying the alleged date of first use in commerce in the opposed Application Ser. No. 85/956,925 relating to products sold by Applicant under the THORO mark.
23. Admit that no other documents exist in response to Document Request No. 2 beyond the documents previously produced by Applicant THO 00001-00017
24. Admit that no other documents exist in response to Document Request No. 3 beyond the documents previously produced by Applicant THO 00001-00017.
25. Admit that no other documents exist in response to Document Request No. 5 beyond the documents previously produced by Applicant THO 00001-00017.

26. Admit that no other documents exist in response to Document Request No. 6 beyond the documents previously produced by Applicant THO 00001-00017.
27. Admit that no other documents exist in response to Document Request No. 8 beyond the documents previously produced by Applicant THO 00001-00017.
28. Admit that the specimen of use for Application Ser. No.85/956,925 filed for the mark THORO on June 11, 2013 consisted of a picture of a standalone label not attached to a product actually sold under the designation THORO by Applicant.
29. Admit that the specimen of use for App. No. 86/367,828 filed on August 15, 2014 for THÖRÖ consisted of a picture of a standalone label not attached to a product actually sold under the designation THÖRÖ by Applicant.
30. Admit that the specimen supporting the Section 8 Affidavit for Reg. No. 3,206,498 for *Thavo* filed October 21, 2013 consisted of a picture of a standalone label not attached to a product actually sold under the designation *Thavo* by Applicant.
31. Admit that Applicant has not provided to the United States Patent and Trademark Office any photographs of any product sold under the designation THORO, THÖRÖ or *Thavo* by Applicant since the submission of Applicant's Statement of Use for Reg. No. 3,206,498 on October 4, 2006.
32. Admit that the photographs of the products provided to support the Statement of Use for Reg. No. 3,206,498 submitted on October 4, 2006 reflect that the THÖRÖ label was sewn over the existing label or manufacturer's tag.
33. Admit that Applicant has never collected sales tax in connection with any product actually sold under the designation THORO by Applicant.

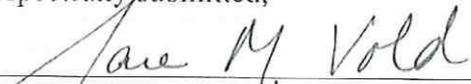
34. Admit that Applicant has never paid sales tax to any state agency in connection with any product actually sold under the designation THORO by Applicant.
35. Admit that Applicant has never registered with any state revenue or tax agency as a retailer of tangible personal property.
36. Admit that Applicant has never reported sales income or revenue in connection with any product actually sold under the designation THORO by Applicant.
37. Admit that Applicant has never obtained a license or permit from any state, municipality or other governmental department in connection with any product actually sold under the designation THORO by Applicant.
38. Admit that Applicant has never reported sales income or revenue in connection with any product actually sold under the designation THORO by Applicant.
39. Admit Applicant had not sold in commerce any t-shirts with the THORO mark as of January 27, 2003.
40. Admit Applicant had not sold in commerce any tank tops with the THORO mark as of January 27, 2003.
41. Admit Applicant had not sold in commerce any polo shirts with the THORO mark as of January 27, 2003.
42. Admit Applicant had not sold in commerce any hats with the THORO mark as of January 27, 2003.
43. Admit Applicant had not sold in commerce any undershirts with the THORO mark as of January 27, 2003.
44. Admit Applicant had not sold in commerce any jerseys with the THORO mark as of January 27, 2003.

45. Admit that applicant has no receipts or invoices for sales in commerce of any t-shirts with the THORO mark prior to January 27, 2003.
46. Admit that applicant has no receipts or invoices for sales in commerce of any tank tops with the THORO mark prior to January 27, 2003.
47. Admit that applicant has no receipts or invoices for sales in commerce of any polo shirts with the THORO mark prior to January 27, 2003.
48. Admit that applicant has no receipts or invoices for sales in commerce of any hats with the THORO mark prior to January 27, 2003.
49. Admit that applicant has no receipts or invoices for sales in commerce of any undershirts with the mark prior to January 27, 2003.
50. Admit that applicant has no receipts or invoices for sales in commerce of any jerseys with the mark prior to January 27, 2003.
51. Admit Applicant had not sold in commerce any athletic shorts with the THORO mark as of June 11, 2013.
52. Admit Applicant had not sold in commerce any baseball caps with the THORO mark as of June 11, 2013.
53. Admit Applicant had not sold in commerce any hats with the THORO mark as of June 11, 2013.
54. Admit Applicant had not sold in commerce any t-shirts with the THORO mark as of June 11, 2013.
55. Admit that applicant has no receipts or invoices for sales in commerce of any athletic shorts with the THORO mark prior to June 11, 2013.

56. Admit that applicant has no receipts or invoices for sales in commerce of any baseball caps with the THORO mark prior to June 11, 2013.
57. Admit that applicant has no receipts or invoices for sales in commerce of any hats with the THORO mark prior to June 11, 2013.
58. Admit that applicant has no receipts or invoices for sales in commerce of any t-shirts with the THORO mark prior to June 11, 2013.
59. Admit Applicant had not sold in commerce any hooded sweatshirts with the THORO mark as of August 15, 2014.
60. Admit that Applicant has no receipts or invoices for sales in commerce of any hooded sweatshirts with the THORO mark prior to August 15, 2014.

Date: June 10, 2015

Respectfully submitted,



Attorneys for Registrant
Tara M. Vold, Esq.
J. Paul Williamson, Esq.
Vold & Williamson PLLC
8251 Greensboro Drive
Suite 340
McLean VA 22102

CERTIFICATE OF SERVICE

I hereby certify that OPPOSER'S FIRST SET OF REQUESTS TO ADMIT was served
was served via first class mail and email on this 10th day of June, 2015 upon the following:

Lemar X. Lewis
33 West Trade Street
Suite 2100
Charlotte, NC 28202
lemarlewis@hotmail.com


Carolyn Tourbaf

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

LeMans Corporation,)	
	)	Opposition No. 91214578
Opposer,)	
)	
V.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,)	
)	
Applicant.)	

OPPOSER'S SECOND SET OF INTERROGATORIES NOS. 17- 22 TO APPLICANT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Opposer, LeMans Corporation, requests that Applicant, Lemar Xavier Lewis, serve upon Opposer (by email as agreed to between the parties) sworn answers to the interrogatories set forth below within thirty (30) days after service, in accordance with the Trademark Rules of Practice. These interrogatories are intended to be continuing in nature and any information which may be discovered subsequent to the service and filing of the answers should be brought to the attention of the Opposer through supplemental answers within a reasonable time following such discovery. Opposer adopts the definitions and instructions set forth in Opposer's First Set of Interrogatories Nos. 1-16 to Applicant.

INTERROGATORIES

INTERROGATORY NO. 17

Identify by name, date and location each and every "sales event," "tradeshow" and/or "promotional event" identified in Applicant's Response to Interrogatory No. 7.

RESPONSE:

INTERROGATORY NO. 18

Identify by name, date and location each and every "sales event" identified in Applicant's response to Interrogatory No. 8.

RESPONSE:

INTERROGATORY NO. 19

Identify by url address each and every "web site" referenced in Applicant's response to Interrogatory No. 8 and the dates such web site(s) have been active.

RESPONSE:

INTERROGATORY NO. 20

Identify by name, location and address each of the "sportswear retailers" identified in Applicant's Response to Interrogatory No. 12.

RESPONSE:

INTERROGATORY NO. 21

Identify by name, location and address each and every supplier of textile and/or finished clothing items, or labels or tags for any product sold under the designation THORO by Applicant.

RESPONSE:

INTERROGATORY NO. 22

Identify each and every company name and/or individual name used by Applicant in connection with the sale of any product under the designation THORO

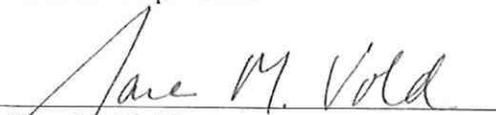
RESPONSE:

Respectfully submitted,

LeMans Corporation

Date: June 10, 2015

By:



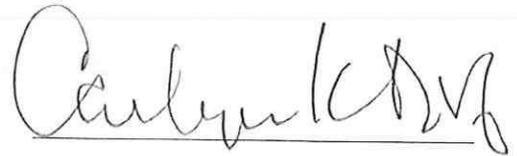
Tara M. Vold
J. Paul Williamson
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22012
571-395-4630

Attorneys for the Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S SECOND SET OF INTERROGATORIES was served via first class mail and email on this 10th day of June, 2015 upon the following:

Lemar X. Lewis
33 West Trade Street
Suite 2100
Charlotte, NC 28202
lemarlewis@hotmail.com

A handwritten signature in black ink, appearing to read 'Carolyn K. Tourbaf', written over a horizontal line.

Carolyn K. Tourbaf

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

LeMans Corporation,)	
	)	Opposition No. 91214578
Opposer,)	
)	
V.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,)	
)	
Applicant.)	

OPPOSER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer, LeMans Corporation, hereby requests that Applicant, Lemar Xavier Lewis, produce for inspection and copying at the offices of counsel for Opposer, Vold & Williamson PLLC, 8251 Greensboro Drive, Suite 340, McLean VA, 22102, within thirty (30) days following the date of service of these requests, or at such other time, place or method as the parties may mutually agree upon.

For purposes of Opposer's First Request for Production of Documents, Opposer adopts the definitions and instructions set forth in Opposer's First Set of Interrogatories Nos. 1-16 to Applicant.

If privilege is claimed as to any document, Applicant shall fully identify the document as to date, name and capacity of the author(s), the name and capacity of all addressees, and the subject and general nature of the document (as "letter" or "opinion"). The ground for the claim of privilege shall also be given (such as attorney-client privilege, work product privilege, etc.).

REQUESTS

Opposer requests production of the following:

(17) Sales records for each of the years 2001-2015 for any product alleged to have been sold under the designation THORO by Applicant.

(18) Records of advertising expenditures for for each of the years 2001-2015 for any product offered under the designation THORO by Applicant.

(19) Records of marketing expenditures for each of the years 2001-2015 for any product offered under the designation THORO by Applicant.

(20) Any and all Agreements for each of the years 2001-2015 with suppliers to Applicant of the textiles and/or finished clothing items used in connection with any product sold under the designation THORO by Applicant.

(21) Any and all Agreements for each of the years 2001-2015 with suppliers to Applicant of any labels for any product sold under the designation THORO by Applicant.

(22) Any documents relating to Applicant's purchase of labels bearing the mark THORO.

(23) Any documents, including invoices, relating to Applicant's purchase of clothing items on which the THORO mark has been applied.

(24) Any documents relating to who applied, and how they applied, the THORO mark to any clothing items offered or sold by Applicant.

(25) Applicant's tax records for each of the years 2001-2015 which reflect any expenses incurred and/or income received for any product sold under the designation THORO by Applicant.

(26) The tax records for any company for which Applicant is a principal for each of the years 2001-2015 which reflect any expenses incurred and/or income received for any product sold under the designation THORO by Applicant.

(27) The Applicant's records for complying with any state sales tax obligations for sale of any products offered under the designation THORO, including but not limited to North Carolina and South Carolina from 2001-2015.

(28) Any and all documents things which reflect, refer to, relate to or concern any information given in response to Opposer's Interrogatory No. 19.

(29) Any and all documents related to any catalog requested from, or prepared by, Nimbus Media Group LLC for Applicant or for THORO Clothing Limited.

(30) Any and all records relating to Applicant's registration with any State Department of Revenue (or comparable agency) in connection with Applicant's retail sales of tangible personal property.

(31) Any and all licenses permits, or requests from licenses or permits by Applicant for purposes of making retail sales of any product offered under the designation THORO by Applicant.

(32) Any and all documents relating to or consisting of the “Thorosprotsweat Investor Prospectus Inputs.”

(33) To the extent not otherwise produced, all documents mentioned or identified in response to Opposers’ Second Set of Interrogatories No. 17-22 to Applicant.

Respectfully submitted,

LeMans Corporation

Date: June 10, 2015

By:



Tara M. Vold

J. Paul Williamson

VOLD & WILLIAMSON PLLC

8251 Greensboro Drive, Suite 340

McLean, VA 22012

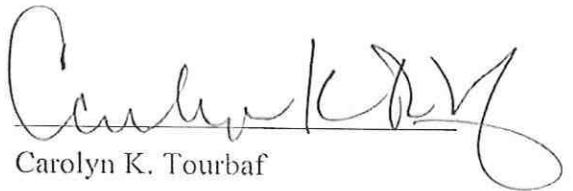
571-395-4630

Attorneys for the Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S SECOND SET OF DOCUMENT REQUESTS was served via first class mail and email on this 10th day of June, 2015 upon the following:

Lemar X. Lewis
33 West Trade Street
Suite 2100
Charlotte, NC 28202
lemarlewis@hotmail.com



Carolyn K. Tourbaf

EXHIBIT 5

Paul Williamson

From: Paul Williamson
Sent: Thursday, July 16, 2015 5:05 PM
To: 'lemarlewis@hotmail.com'
Cc: Tara Vold; Alexandra Thiery-Gore
Subject: IMMEDIATE ACTION REQUIRED; LeMans Corporation v Lemar Lewis (THORO); Discovery Responses Due; LEMA.260USOP
Attachments: 20150716163823098.pdf
Importance: High

Dear Mr. Lewis

Presumably, you have seen the Board's Order. If not, a copy is attached.

Since the Board has left the case deadlines intact, we must have your responses satisfying the deficiencies in your answers and production to our first set of discovery requests as outlined in our letter of June 10, 2015 by this coming Monday, July 20.

We must have your complete responses to our second set of discovery requests (which were due July 10, 2015 and where the Board has refused your extension request) by Friday, July 24, 2015.

Since you are already in default given the Board's Order, these specified deadlines are more than generous.

Respectfully,

Paul Williamson

J. Paul Williamson
Vold & Williamson PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
Ph: 571-395-4633
Em: pwilliamson@vwiplaw.com

EXHIBIT 6

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Monday, July 20, 2015 4:26 PM
To: Tara Vold; Paul Williamson
Subject: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories
Attachments: 2015_07_20_16_14_17.pdf

Tara/Paul

These are the "updated" responses to the first set of interrogatories...I will be seconding 2nd set of responses shortly..

regards,

LeMar

**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 (Updated) Responses

To Opposer's First Set of Interrogatories & Document Request No.'s

2,3,7,8,,10,11,12,13,16,17,19,23,24,25,26,

INTERROGATORY NO. 2:

Identify the person or persons in the employ of or associated in any manner with Applicant most knowledgeable with respect to the following: Selection and adoption of the designation "THORO" for the products set forth in application Serial NO. 85/956,925; The current uses and intended uses of the designation "THORO" (including any composite or design presentations); and Any sales and advertising, or intended sales and advertising of any of the products identified in application Serial No. 85/956,925 or any services offered or to be offered under the designation "THORO" (including any composite or design terms incorporating the designation "THORO").

RESPONSE:

Diondre Lewis 33 west trade street suite 100 Charlotte N.C 27708 Investor/

Jason Alphonso. / Consultant / 407-466-7846

INTERROGATORY 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: See attached document

INTERROGATORY NO. 13:

Identify all bases that Applicant shall rely upon for the Applicant's assertions in Affirmative Defenses No. 1 that:

(a) Opposer's Registrations are directed to goods and/or services which are "distinguishable" from the Applicant's goods;

(b) Opposer's Registrations are directed to channels of trade which are "distinguishable" from the Applicant's channels of trade; and

(c) Opposer's Registrations are directed to consumers who are "distinguishable" from the Applicant's consumers.

Response

(a) Opposer offers clothing related to the motorsports industry applicant does not

(b) Opposer offers clothing related to the motorsports industry applicant does not

(c) Opposer offers clothing related to the motorsports industry applicant does not

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: No such document exist

INTERROGATORY 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: No such document exist

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: No such document exist

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: No such document exist

INTERROGATORY 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: No such document exist

INTERROGATORY 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: No such document exist

INTERROGATORY 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. No such documents exist

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. No such documents exist

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

RESPONSE: No such documents exist

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 : No such document exist

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: No such document exist

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: No such document exist

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.

RESPONSE: No such documents exist

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent, via email, to Tara M. Vold, at trademark@vwiplaw.com, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102, on this 20th day of July, 2015.

LeMar Lewis

33 West Trade Street unit 100

Charlotte N.C 27708

LeMar Lewis 7-20-2015

Lemar Lewis

EXHIBIT 7

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, July 21, 2015 12:02 AM
To: Tara Vold; Paul Williamson
Subject: 2nd set of interrogatories

EXHIBIT 8

Tara Vold

From: Paul Williamson
Sent: Tuesday, July 21, 2015 7:51 AM
To: Lemar Lewis
Cc: Tara Vold; Alexandra Thiery-Gore
Subject: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP

Importance: High

Dear Mr. Lewis

As detailed below, these responses in connection with the deficiencies noted in Tara's email of June 10, 2015 are not complete. Unless your second email sent last night at 12:02 a.m. was supposed to include additional responses in regard to our First sets of Interrogatories and Document Requests (the email had no content and no attachments), and you resend it with the content and/or attachments, we will need the continued deficiencies corrected today, July 21, 2015.

Continued Deficiencies

1. The full set of interrogatory responses to our First Set of Interrogatories, including the updated responses sent late yesterday, have not been verified as required by the rules.
2. The updated response to Interrogatory No. 2 still does not include the current place of employment for either designated individual, nor an address for Jason Alphonso.
3. You still have not responded to the issues raised with the original answer to Interrogatory No. 3 – what you list in your updated responses as Interrogatory No. 3 is actually Document Request No.3.
4. You have not provided the required designation of each of the 17 documents you have produced to the specific Document Request to which each was purportedly produced – as required by the Federal Rules of Civil Procedure.
5. You have not provided any information as to the context, date (in most cases) or place for any of the photos included among the produced documents.

This continued lack of attention to your discovery responsibilities will need to be raised with the Board if we don't have COMPLETE responses today.

Respectfully,

Paul Williamson

J. Paul Williamson
Vold & Williamson PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
Ph: 571-395-4633
Em: pwilliamson@vwiplaw.com

EXHIBIT 9

Tara Vold

From: Paul Williamson
Sent: Tuesday, July 21, 2015 7:53 AM
To: Lemar Lewis
Cc: Tara Vold; Alexandra Thiery-Gore
Subject: FW: 2nd set of interrogatories

Mr. Lewis

Below is the sum and substance of your second email to us sent last night at 12:02 a.m.

Respectfully,

Paul Williamson

J. Paul Williamson
Vold & Williamson PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
Ph: 571-395-4633
Em: pwilliamson@vwiplaw.com



From: Lemar Lewis [mailto:lemarlewis@hotmail.com]
Sent: Tuesday, July 21, 2015 12:02 AM
To: Tara Vold <tvold@vwiplaw.com>; Paul Williamson <pwilliamson@vwiplaw.com>
Subject: 2nd set of interrogatories

EXHIBIT 10

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, July 21, 2015 9:16 AM
To: Paul Williamson; Tara Vold
Subject: RE: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP

Mr. Williamson

It has nothing to do with a "lack" of attention no matter which way you attempt to spin it....Lets not act like something is happening that's not...

regards,

LeMar

From: pwilliamson@vwiplaw.com
To: lemarlewis@hotmail.com
CC: tvold@vwiplaw.com; agore@vwiplaw.com
Subject: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP
Date: Tue, 21 Jul 2015 11:50:33 +0000

Dear Mr. Lewis

As detailed below, these responses in connection with the deficiencies noted in Tara's email of June 10, 2015 are not complete. Unless your second email sent last night at 12:02 a.m. was supposed to include additional responses in regard to our First sets of Interrogatories and Document Requests (the email had no content and no attachments), and you resend it with the content and/or attachments, we will need the continued deficiencies corrected today, July 21, 2015.

Continued Deficiencies

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2. The updated response to Interrogatory No. 2 still does not include the current place of employment for either designated individual, nor an address for Jason Alphonso.
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5. You have not provided any information as to the context, date (in most cases) or place for any of the photos included among the produced documents.

This continued lack of attention to your discovery responsibilities will need to be raised with the Board if we don't have COMPLETE responses today.

Tara Vold

From: Paul Williamson
Sent: Tuesday, July 21, 2015 9:31 AM
To: Lemar Lewis
Cc: Tara Vold; Alexandra Thiery-Gore
Subject: RE: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP

Dear Mr. Lewis

If it is not a lack of attention, what is it? All we know is that we can't seem to get full, compliant responses from you notwithstanding the extra time you have had to provide them. We really have tried to be patient, but this is obviously frustrating...

Respectfully,

Paul Williamson

From: Lemar Lewis [mailto:lemarlewis@hotmail.com]
Sent: Tuesday, July 21, 2015 9:16 AM
To: Paul Williamson <pwilliamson@vwiplaw.com>; Tara Vold <tvold@vwiplaw.com>
Subject: RE: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP

Mr. Williamson

It has nothing to do with a "lack" of attention no matter which way you attempt to spin it....Lets not act like something is happening that's not...

regards,

LeMar

From: pwilliamson@vwiplaw.com
To: lemarlewis@hotmail.com
CC: tvold@vwiplaw.com; agore@vwiplaw.com
Subject: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP
Date: Tue, 21 Jul 2015 11:50:33 +0000

Dear Mr. Lewis

As detailed below, these responses in connection with the deficiencies noted in Tara's email of June 10, 2015 are not complete. Unless your second email sent last night at 12:02 a.m. was supposed to include additional responses in regard to our First sets of Interrogatories and Document Requests (the email had no content and no attachments), and

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, July 21, 2015 10:02 AM
To: Paul Williamson; Tara Vold
Subject: RE: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP

Mr. Williamson/Tara

Lets not be coy, legal terminology can practically be considered another tongue. If this is so difficult to comprehend then why doesn't the owner of Thor do the discovery process himself? I understand you and Tara are just "doing what your paid to do" manipulate words and perspectives, We suppose the only dog you have in the raise is your compensation. Everybody doesn't have the time to earn equivalent to a law degree in a matter of a few months while handling numerous other responsibilities. Anything can be "argued" as you already understand, but the merits of this opposition are far overreaching and rooted in fear. they cant compete in the market so they are attempting to dismantle our project in the womb... Clearly the opposer is at an advantage in this arena resource wise, but in the end public opinion is going to have the largest consequences to your clients enterprise...

Americans are tired of large companies over reaching, oppressing and stunting the growth of this country. All you do is take, extract and monopolize. Their is no reason why both brands cant co-exist...But some want it all, in the end the serpent swallows its own tail.....Appropriate responses are forth coming...Regardless if we are unable to pursue our endeavors with our current undertaking, we will have tons of free-time and energy to address all of your clients "tactics" to the people of this great nation. Unless all your products are made in the U.S this may or may not apply to you, is Thor the pagan marvel character? We wonder how the God fearing Christian demographic of your clients brand is going to feel about wearing their products when they are enlightened . You'd be surprised how people are responding to being enlightened about how certain brand represent something they had no clue about. We are attempting to do the right thing for this nation and this is exactly the type of greedy and monopolistic behavior that is destroying it...But hey like I said, you don't have a "dog in this race" so this doesn't apply to you. or maybe it does as an accomplice. It may not appear that way now, but your clients brands fate is tied to ours, but they wont understand that until their bottom-line evaporates . We can win together or lose together. It makes no difference to me.

Leman's / LeMar Thor/ Thoro do you really think this is a coincidence?

God Day

LeMar

From: pwilliamson@vwiplaw.com
To: lemarlewis@hotmail.com
CC: tvold@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP
Date: Tue, 21 Jul 2015 13:31:08 +0000

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, July 21, 2015 12:58 PM
To: Paul Williamson; Tara Vold
Subject: Initial thoughts
Attachments: untitled2.png; untitled78.png; untitled.png

There is a bigger "beast" we are interested in slaying... Nike has to go....They are moving in on your territory as well I see... We have Zero interest in Motorsports.. Thoro is the only brand that can remove this tumor for good... Thoro is cool , its fashion forward, and Thoro represents excellence, and doing things the right way to get the right results..Nike's impulsive, reckless and careless "Just Do IT"? what if you "Just Do It" wrong? More people know what Thoro means then they do Nike.. Just Do It? Or Be Thoro? its not even a question, that's why all their top athletes are wearing our stuff despite having contracts with nike.... All athletes have an "ego" problem and Thoro represents "The Ultimate".... Once we launch our Don't Just Do It Be Thoro Campaign, Have All of our products made in America (including uniformed apparel for the armed forces) our affiliate program that shares its profits with consumers.....Nike will only be able to be found in museums and history books....

If your client wants a bunch of hyped up bible thumpers at all your racing events, waving American flags, carrying bibles, drinking holy water and burning jerseys then I strongly suggest he reconsider this opposition. We only need the standard mark to Defend our brands rights.. Not to Capitalize of Thor's good name... Thoro can go ANYWHERE...THOR doesn't have that kind of versatility... Thor can be king of motorsports and Thoro will handle sportswear and apparel.. We should not be battling eachother here, we need to team up and charge the Throne that is Nike..... Thoro supporters are fanatical, because they are hopeless, passionate and in pain and have nothing but time on their hands because there's not a lot of jobs for young people in America outside of Mcdonalds and Walmart.. If you upset that hope , well they don't have much to lose now do they?

Social media can make it happen really fast to, in a couple post the half the world will get our message..couple cool video's and you can almost hear the stocks dropping..

Nike's a myth Thoro represents The Truth.....Its david and goliath all over again.....consider the alternative Nike continues to dominate and eventually remove Thor all together. They have the money and cool factor to do it whenever they want.....Thor tries to crush us, Nike Crushes Thor, Nike wins...Again...Think about it..

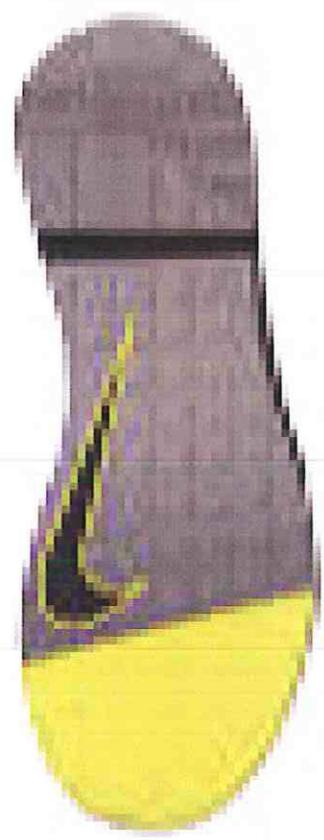
"The enemies of your enemies are your friends"

Thoro U.S.A

Best Regards

LeMar





Introducing The
Horseshoe Boot



Become One
With Your Ride

Mid-range Action
Sneakers **70000**

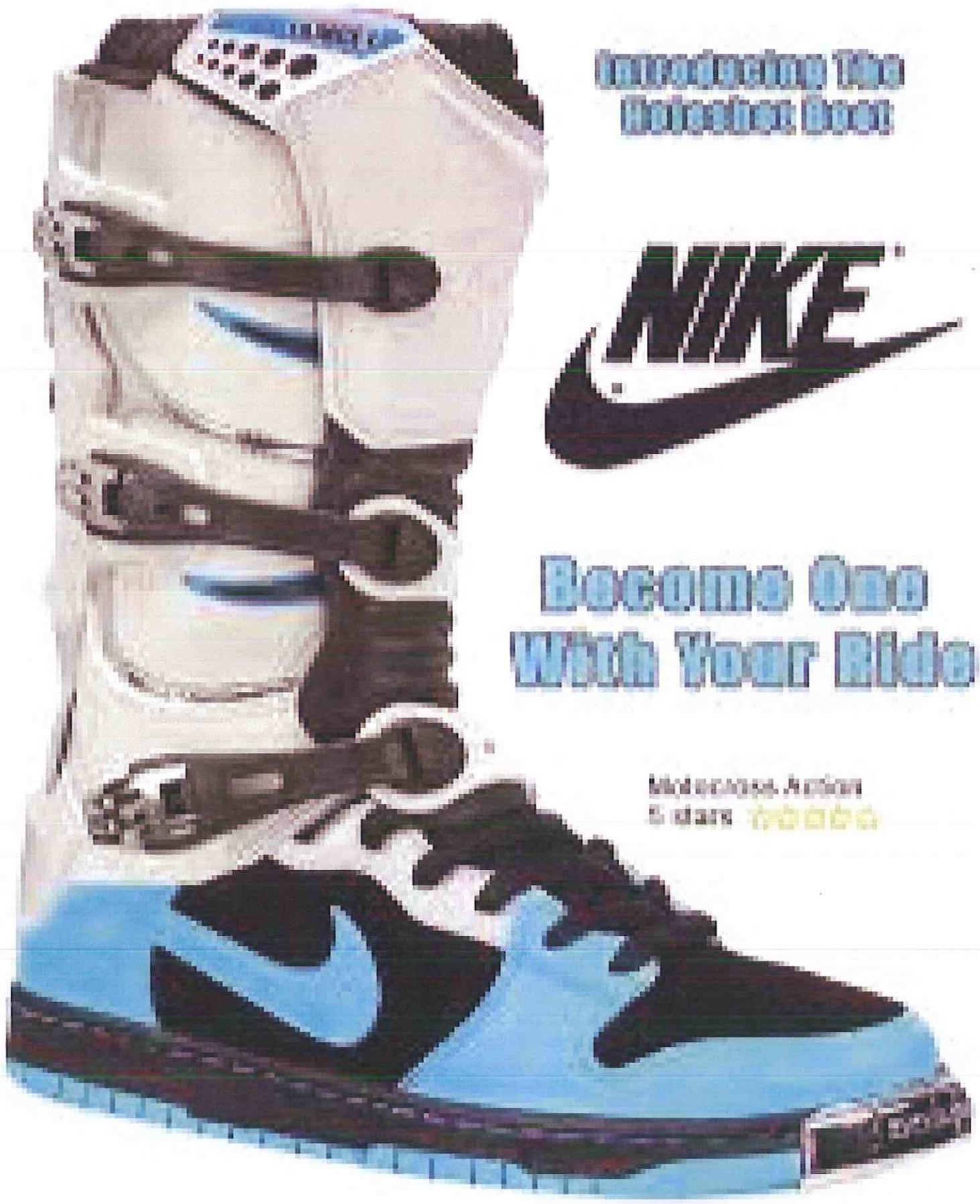


EXHIBIT 11

Tara Vold

From: Tara Vold
Sent: Tuesday, August 04, 2015 3:02 PM
To: 'Lemar Lewis'
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: LeMans Corporation v Lemar Lewis (THORO);Motion to Compel; LEMA.260USOP
Attachments: LeMans v Lemar Lewis Opposition (THORO); Applicants response to 1st set interrogatories; LEMA.260USOP; FW: 2nd set of interrogatories

Mr. Lewis,

Despite repeated efforts, we have received no timely response to the continued deficiencies noted in your responses to Opposer's First set of Interrogatories and Document Requests (due July 21, 2015) and have received no timely responses to Opposer's First Set of Requests of Admission, Second Set of Interrogatories and Second Set of Document Requests (due July 25, 2015). See attached correspondence.

Accordingly, as subsequent communications between you and Mr. Williamson provide no indication that responses will be forthcoming, LeMans will be proceeding with another Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



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EXHIBIT 12

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Tuesday, August 04, 2015 9:06 PM
To: Tara Vold; Paul Williamson
Subject: RE: LeMans Corporation v Lemar Lewis (THORO);Motion to Compel; LEMA.260USOP

Dear, MS. Vold

Do what you have to do, and we will do the same....

Regards,

Lemar

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: LeMans Corporation v Lemar Lewis (THORO);Motion to Compel; LEMA.260USOP
Date: Tue, 4 Aug 2015 19:02:35 +0000

Mr. Lewis,

Despite repeated efforts, we have received no timely response to the continued deficiencies noted in your responses to Opposer's First set of Interrogatories and Document Requests (due July 21, 2015) and have received no timely responses to Opposer's First Set of Requests of Admission, Second Set of Interrogatories and Second Set of Document Requests (due July 25, 2015). See attached correspondence.

Accordingly, as subsequent communications between you and Mr. Williamson provide no indication that responses will be forthcoming, LeMans will be proceeding with another Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
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