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

Proceeding	91214882
Party	Plaintiff Panama Jack International, Inc.
Correspondence Address	ALLISON R IMBER ALLEN DYER DOPPELT MILBRATH & GILCHRIST PA 255 S. ORANGE AVENUE, SUITE 1401 ORLANDO, FL 32801 UNITED STATES adoppelt@addmg.com, aimber@addmg.com, spayne@addmg.com
Submission	Motion for Sanctions
Filer's Name	Allison R. Imber
Filer's e-mail	aimber@addmg.com
Signature	/Allison R. Imber/
Date	10/09/2014
Attachments	Motion for Sanctions.pdf(14038 bytes) Exhibit A.pdf(187004 bytes)

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

In the Matter of Trademark Application Serial No. 85/932,969
For the Mark **PARROT JACK**
Published in the Official Gazette on October 15, 2013

Panama Jack International, Inc.,

Opposer,

Opposition No. 91214882

vs.

Kelley Wise,

Applicant.

OPPOSER PANAMA JACK INTERNATIONAL, INC.'S MOTION FOR SANCTIONS
AGAINST APPLICANT KELLEY WISE FOR REFUSING TO RESPOND TO DISCOVERY

Comes now Opposer Panama Jack International, Inc. (“Opposer”), by and through its undersigned counsel, and hereby requests the Board enter sanctions against Applicant Kelley Wise (“Applicant”) for refusing to respond to its discovery requests pursuant to 37 CFR § 2.120(g)(2), and in support thereof states as follows:

Pursuant to 37 CFR § 2.120(g)(2), if a party “fails to provide any response to a set of interrogatories or to a set of requests for production of documents and things” and “informs the party seeking discovery that no response will be made thereto, the Board may make any appropriate order” *See Kairos Inst. of Sound Healing, LLC v. Doolittle Gardens, LLC*, 2008 TTAB LEXIS 61, *5 (TTAB Oct. 17, 2008) (precedential) ([i]n contrast, the sanctions provided for under Trademark Rule 2.120(g)(2) may be ordered even in the absence of a prior Board order affirming or reiterating the party’s obligation to make disclosures, but require that the party bearing the obligation affirmatively state that disclosures will not be forthcoming”). Chapter

527.01(b) of the TBMP provides that available sanctions include “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 served Applicant with its First Set of Interrogatories, Requests for Admission, and Requests for Production on August 7, 2014. (Composite Exhibit A). After receiving no reply on September 12, 2014, Opposer’s counsel corresponded with counsel for Applicant, who informed Opposer’s counsel that he did not intend to respond to Opposer’s discovery requests. Accordingly, as Applicant has affirmatively stated that it has no intention of responding to Opposer’s discovery requests, Applicant respectfully requests that the Board enter an order striking Applicant’s Answer and Affirmative Defenses, as well as sustain the Opposition and enter judgment against Applicant.

WHEREFORE, Opposer respectfully requests this Board sustain the Opposition and enter judgment against Applicant.

Respectfully submitted,

Dated: October 9, 2014

/Allison R. Imber/
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**Attorneys for Opposer
Panama Jack International, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U. S. Mail and Email on October 9, 2014, to:

Eric B. Alspaugh, Esq.
Law Office of Eric B. Alspaugh
26895 Alison Creek Road, Ste. B223
Aliso Viejo, CA 92656-5301

/Michel Rodriguez/
Michel Rodriguez

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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_____ /

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Federal Rules of Civil Procedure 33 and 37 C.F.R. §2.120(a) *et seq.*, Opposer Panama Jack International, Inc. ("Opposer"), through its undersigned counsel, hereby propounds the following interrogatories to be answered by Applicant Kelley Wise ("Applicant") in writing and under oath, within thirty (30) days from the date of service.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "us," "our," or "Opposer" shall mean Panama Jack International, Inc., as well as any predecessor, successor, division, subsidiary, officer, director, shareholder, employee, or principal thereof, and/or any attorney or other agent acting on its behalf.

2. As used herein, the terms "you," "your," or "Applicant" shall mean Kelley Wise, as well as any employee, agent, and/or any attorney acting on her behalf.

3. As used herein, the term "your mark" shall mean the mark shown in U.S. Trademark Application Serial No. 85/932969.

4. As used herein, the term “our marks” shall mean the marks shown in U.S. Trademark Registration Nos. 4,218,118; 4,105,917; 3,439,050; 3,624,655; 3,413,548; 1,354,252; 1,784,193; 2,802,252; 1,354,251; 1,690,257; 1,667,691.

5. As used herein, the term “communicate” or “communications” means the act or fact of communicating, whether orally, nonverbally, telephonically, telegraphically, electronically, in writing, by recording, or otherwise.

6. As used herein, the word “document” shall mean, in addition to its common meaning, correspondence, letters, e-mails (including hard copy, electronic, and archived versions thereof), memoranda (including written memoranda of telephone conversations, other oral communications, discussions, agreements, acts and activities), telegrams, telexes, cables, telephone records, including cellular telephone records, reports, tests, samples, studies, compilations of data, filings, pamphlets, diaries, records, charts, lists, analyses, graphs, log books, diagrams, cost estimates, worksheets, contracts, agreements, books, catalogs, price lists, price quotations, financial statements, books of account, journals, ledgers, expense reports and other financial reports, audits, work papers, profit and loss statements, annual reports, state and federal tax returns, purchase orders, invoices, billings, credit processing materials, data sheets, tapes, photographs, transcripts, motion pictures, slides, photostats, microfilm, microfiche, maps, receipts, directives, bulletins, communiqués, press releases, newspaper clippings, handbills or written advertisements, circulars, notices, messages, tabulations, notes, economic or statistical studies, surveys, polls, minutes, instructions, requests, cancelled checks, calendars, check pads, appointment books, scrap books, notebooks, stenographic note pads, specifications, drawings, diagrams, sketches, electronic documents, on-line documents, electronic mail, computer disks, hard drive documents, computer data bases, and each draft, electronic or non-identical copy of

the foregoing, including those which have notations and writings that do not appear on the originals, now or formerly in your actual or constructive possession, custody or control, or of which your representatives or agents have knowledge.

7. As used herein, the words “identity” or “identify,” when referring to a person, means to state that person’s full name, current business and residence addresses, and current business and residence telephone and fax numbers, and when referring to a legal entity such as a partnership or corporation, means to give its name, its state of formation or incorporation, and its current business addresses and telephone and fax numbers.

8. As used herein, the words “identity” or “identify,” when referring to a document shall mean, as to each such document, to:

- a. State its customary business description;
- b. State its number, if any (e.g., invoice or purchase order number);
- c. State its date;
- d. Identify its authors, addressors, or senders;
- e. Identify its addressees or recipients, if any, including all persons provided with copies;
- f. Identify its custodian, if you have the document or a copy in your possession, custody or control;
- g. Identify all persons, other than you, who possess, have custody of, or have control over it or any copy thereof; and
- h. Set forth the substance of its subject matter.

9. As used herein, the words “identity” or “identify,” when referring to a communication shall mean, as to each such communication, to:

- a. Identify each person present or involved as a party to it;
- b. Specify its date;
- c. State how the communication was made (e.g., by telephone, person-to-person, letter, e-mail or the like);
- d. State where the communication was made (e.g., if by telephone, where each person involved actually participated);
- e. State the substance of what was communicated by each person present or involved as a party to it; and

- f. Identify any document that was prepared, either contemporaneously or subsequently, that records, sets forth, summarizes, refers to, or relates to the substance of the communication.

10. Where any interrogatory cannot be answered in full, then state, in detail, the reasons for your inability to answer fully.

11. If you object to any interrogatory or portion thereof on the ground that it requests information that is privileged or is encompassed within the attorney work-product doctrine, then you shall provide the following information, except only to the extent it may call for the precise information you object to disclosing:

- a. The nature of the privilege or doctrine you claim;
- b. The identity of all documents subject to the privilege or doctrine you claim, and the identity of all persons known to you to have seen the document; and
- c. The identity of all oral communications subject to the privilege or doctrine you claim, and the identity of all persons to whom the substance of the oral communication has been disclosed or made known.

12. As used herein, the singular shall include the plural, and vice versa; the use of the word “any” shall include and encompass the word “all” and vice versa; the use of the disjunctive shall include the conjunctive, and vice versa; and unless the context indicates otherwise, the use of any gender includes all other genders.

13. If you choose in accordance with Rule 33(d), Fed.R.Civ.P., to answer any interrogatory by providing us a reasonable opportunity to inspect your records, then you shall identify each document you intend to provide, and state the basis for your contention that the burden of deriving or ascertaining the answer from your records is substantially the same for us as for you.

INTERROGATORIES

1. State the name, address and position of each individual participating in answering of these Interrogatories.

2. Explain the creation, adoption, and development of your mark, including when your mark was conceived and by whom it was conceived.

3. Explain the creation, adoption, and development of the following design, including when it was conceived and by whom it was conceived:



4. Explain why you changed the above-referenced design to the following design on your website:



5. Explain why you placed the following statement on your website: “Harold says: AAWWKK!!! There’s only one Parrot Jack! Accept no tourist clothes from dated poseurs!”

6. Explain when your mark was first used anywhere and in interstate commerce on clothing.

7. Identify the owner of your mark.

8. Explain why you are the owner of your mark.

9. Explain why Parrot Jack LLC is not the owner of your mark.

10. Explain the relationship between you and Parrot Jack LLC.

11. Explain why the website located at the domain name <www.parrotjack.com> states that “[t]he name Parrot Jack is a Registered Trademark and the content of this site are copyright (c) 2013 Parrot Jack LLC.”
12. Identify all documents evidencing or relating to your bona fide intention to use your mark in commerce on clothing since May 15, 2013.
13. Identify all uses of your mark on social media websites of which you are aware.
14. Describe any trademark clearance searches or reports that you conducted or have had conducted on your behalf directed to your mark.
15. Identify how and when you first became aware of us or our marks.
16. Identify all trademark applications or registrations for your mark, including the region (state or country) and the application or registration number.
17. Identify any and all goods or services sold under your mark.
18. For each identified good or service identified in response to the interrogatory above, provide the total revenues associated with such sales.
19. Identify the manufacturer(s) of any clothing items that bear your mark.
20. Describe the channels of trade in which your mark is used.
21. Identify all retail stores and online retail stores which sell any clothing items bearing your mark.
22. Describe the typical type of consumer (including but not limited to any demographics of such consumers) to whom you market or intend to market any of the clothing items offered or intended to be offered under your mark.
23. For each year since inception of use, state by month and state your annual gross sales in dollars and in units for each of your clothing items sold under your mark.

24. Identify the types of advertising, whether print, electronic or other, that you employ and/or intend to employ to advertise and/or promote clothing offered under your mark.

25. List each domain name that you have purchased, registered, or have attempted to register or purchase, to offer clothing under your mark.

26. Identify the regions (county, city, state and/or country) in which you advertise or promote or intend to advertise or promote the clothing offered under your mark.

27. List the dollar amount of expenditures per year (as well as per state) that you spend on promotion or advertising for your mark.

28. State whether your advertisements or promotions for your mark were done by you or a third party, and if by a third party, identify such third party.

29. Identify the regions (county, city, state and/or country) in which you believe you have developed extensive consumer recognition or prominence for your mark, and the reasons for this belief.

30. For each type of clothing sold or intended to be sold under your mark, state the price(s) that will be charged.

31. Describe your efforts to build good will and consumer recognition within the United States for any products or services bearing your mark.

32. Identify by name, date, and parties, all current and past licensing agreements, assignments, or other arrangements between you and any third party relating to the use of your mark in the United States.

33. Excluding attorney-client and work product privileged communications, describe your enforcement efforts for your mark, including all instances surrounding any challenges or

demands you have made to third parties, or third parties have made to you, concerning the use of your mark.

34. Excluding attorney-client and work product privileged communications, identify all individuals and entities that you have contacted for assistance in enforcing your alleged trademark rights in your mark, including employees, friends, colleagues, attorneys, public relation personnel, and indicate the type of assistance provided.

35. Describe all inquiries, comments or communications between you and third parties relating to or referring to the similarity between your mark and our marks.

36. Identify and describe all factual bases and specific items of evidence, if any, which support your allegation that our marks are not confusingly similar to your mark.

37. Identify and describe all factual bases and specific items of evidence, if any, which support the allegations contained in your First Affirmative Defense.

38. Identify and describe all factual bases and specific items of evidence, if any, which support the allegations contained in your Second Affirmative Defense.

39. Identify and describe all factual bases and specific items of evidence, if any, which support the allegations contained in your Third Affirmative Defense.

40. Identify and describe all factual bases and specific items of evidence, if any, which support the allegations contained in your Fourth Affirmative Defense.

41. Identify each instance of actual confusion, mistake, or deception known to you between your mark and our marks.

42. Identify all persons you intend to call during the testimony phase of these proceedings, describe the substance of their expected testimony, and provide their relationship with you.

43. Identify any documents or information you intend to use or submit as evidence in this opposition in support of your defenses.

44. Explain why you do not believe there is any likelihood of confusion between our marks and your marks.

45. Identify all third party uses of the word “Jack” on which you intend to rely to support your Second Affirmative Defense.

46. Explain why you contend that the word “Jack” is an unprotectable common name and not inherently distinctive nor become distinctive with respect to our goods as alleged in your Third Affirmative Defense.

47. Explain the factual basis for your Fourth Affirmative Defense.

Respectfully submitted,

Dated: August 7, 2014

/Allison R. Imber/
David L. Sigalow, Esq.
Allison R. Imber, Esq.
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**Attorneys for Opposer
Panama Jack International, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U. S. Mail and Email on August 7, 2014, to:

Eric B. Alspaugh, Esq.
Law Office of Eric B. Alspaugh
26895 Alison Creek Road, Ste. B223
Aliso Viejo, CA 92656-5301

/Stephanie D. Simmons/
Stephanie D. Simmons

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Opposer,

Opposition No. 91214882

vs.

Kelley Wise,

Applicant.

OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT

Pursuant to Rule 36, Federal Rules of Civil Procedure, Opposer Panama Jack International, Inc. ("Opposer"), hereby propounds the following Request for Admissions to Applicant Kelley Wise ("Applicant").

INSTRUCTIONS

Applicant is requested to admit or deny the truth of each of the statements of fact hereinafter stated. Applicant is instructed that:

1. Each of the matters of which an admission is requested shall be deemed admitted unless Applicant responds otherwise within thirty days.
2. If Applicant admits a statement, Applicant shall do so by placing the words "Admit" or "Admitted" under the statement. If Applicant denies a statement, Applicant shall do so by placing the words "Deny" or "Denied" under the statement and setting forth in detail the basis upon which Applicant denies each such statement. If Applicant objects to a statement,

Applicant shall do so by writing “Objection” under the statement and then setting forth the basis of the objection in sufficient detail that the TTAB may rule on the objection.

3. Lack of information or knowledge is not the basis for denial unless it is stated that reasonable but unsuccessful inquiry has been made to discover the truth of the statement. It is also not a basis to deny a statement by claiming that the statement presents a genuine issue of fact to be determined at trial.

4. If, in response to any statement, it is Applicant’s position that the statement is true in part or as to some items but not true in full or as to all items, then answer separately as to each part or item, admitting those parts which are true and denying those parts not admitted and explaining why they are denied.

5. To the extent Applicant deems all or part of any statement contained herein objectionable, Applicant shall state each part of the statement to which objection is made, the specific grounds for the objection.

DEFINITIONS

1. As used herein, the terms “we,” “us,” “our,” or “Opposer” shall mean Panama Jack International, Inc., as well as any predecessor, successor, division, subsidiary, officer, director, shareholder, employee, or principal thereof, and/or any attorney or other agent acting on its behalf.

2. As used herein, the terms “you,” “your,” or “Applicant” shall mean Kelley Wise, as well as any employee, agent, and/or any attorney acting on her behalf.

3. As used herein, the term “your mark” shall mean the mark shown in U.S. Trademark Application Serial No. 85/932969.

4. As used herein, the term “our marks” shall mean the marks shown in U.S. Trademark Registration Nos. 4,218,118; 4,105,917; 3,439,050; 3,624,655; 3,413,548; 1,354,252; 1,784,193; 2,802,252; 1,354,251; 1,690,257; 1,667,691.

REQUESTS FOR ADMISSIONS

1. Admit that you filed U.S. Trademark Application Serial No. 85/932969 for the mark **PARROT JACK**.

2. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you intended to form a company.

3. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you intended to have a company use your mark .

4. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you did not intend to use your mark.

5. Admit that Parrot Jack LLC is using your mark.

6. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you did not intend to use your mark personally.

7. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you intended to have a company use your mark

8. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you were aware of us.

9. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you were aware of our marks.

10. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you were aware of our use of the mark **PANAMA JACK**.

11. Admit that, at the time you filed U.S. Trademark Application Serial No. 85/932969, you were aware of **PANAMA JACK**-branded clothing.

12. Admit that you intend to sell clothing under the mark **PARROT JACK**.

13. Admit that Parrot Jack LLC intends to sell clothing under the mark **PARROT JACK**.

14. Admit that we sell clothing under the mark **PANAMA JACK**.

15. Admit that our marks are inherently distinctive.

16. Admit that our marks are not descriptive.

17. Admit that the word “JACK” in your mark is identical in appearance to the word “JACK” in our marks.

18. Admit that the word “JACK” in your mark is identical in sound to the word “JACK” in our marks.

19. Admit that your mark is likely to be confused with our marks.

20. Admit that you intend to sell shirts under your mark.

21. Admit that we sell shirts under our marks.

22. Admit that you intend to sell pants under your mark.

23. Admit that we sell pants under our marks.

24. Admit that you intend to sell shorts under your mark.

25. Admit that we sell shorts under our marks.

26. Admit that you intend to sell hats under your mark.

27. Admit that we sell hats under our marks.

Respectfully submitted,

Dated: August 7, 2014

/Allison R. Imber/
David L. Sigalow, Esq.
Allison R. Imber, Esq.
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
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aimber@addmg.com

**Attorneys for Opposer
Panama Jack International, Inc.**

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/Stephanie D. Simmons/
Stephanie D. Simmons

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OPPOSER'S FIRST REQUESTS FOR PRODUCTION TO APPLICANT

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Opposer Panama Jack International, Inc. ("Opposer"), through its undersigned counsel, hereby propounds its First Requests for Production of Documents to Applicant Kelley Wise ("Applicant"). Opposer requests that the Applicant produce the documents designated herein which are in Applicant's possession, custody, or control at the offices of Opposer's counsel at 255 S. Orange Ave., Orlando, Florida, 32801, within 30 days from the date of service, for the purposes of inspection and copying by counsel for Opposer.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "us," "our," or "Opposer" shall mean Panama Jack International, Inc., as well as any predecessor, successor, division, subsidiary, officer, director, shareholder, employee, or principal thereof, and/or any attorney or other agent acting on its behalf.

2. As used herein, the terms “you,” “your,” or “Applicant” shall mean Kelley Wise, as well as any employee, agent, and/or any attorney acting on her behalf.

3. As used herein, the term “your mark” shall mean the mark shown in U.S. Trademark Application Serial No. 85/932969.

4. As used herein, the term “our marks” shall mean the marks shown in U.S. Trademark Registration Nos. 4,218,118; 4,105,917; 3,439,050; 3,624,655; 3,413,548; 1,354,252; 1,784,193; 2,802,252; 1,354,251; 1,690,257; 1,667,691.

5. As used herein, the word “document” shall mean, in addition to its common meaning, electronically stored information, correspondence, memoranda (including written memoranda of telephone conversations, other oral communications, discussions, agreements, acts and activities), communications (including oral, nonverbal, telephonically, telegraphically, in writing, by recording, or otherwise), telegrams, telexes, cables, telephone, records, reports, tests, samples, studies, compilations of data, filings, pamphlets, diaries, records, charts, lists, analyses, graphs, log books, diagrams, cost estimates, worksheets, contracts, agreements, books, catalogs, price lists, price quotations, financial statements, books of account, journals, ledgers, expense reports and other financial reports, audits, work papers, profit and loss statements, annual reports, state and federal tax returns, purchase orders, invoices, billings, credit processing materials, data sheets, tapes, photographs, transcripts, motion pictures slides, photostats, microfilm, microfiche, maps, receipts, directives, bulletins, communiqués, press releases, newspaper clippings, handbills, or written advertisements, circulars, notices, messages, tabulations, notes, economic or statistical studies, surveys, polls, minutes, instructions, requests, cancelled checks, calendars, check pads, appointment books, scrap books, notebooks, stenographic note pads, specifications, drawings, diagrams, sketches and each draft and each

non-identical copy of the foregoing, including those upon which notations and writings have been made which do not appear on the originals, now or formerly in the actual or constructive possession, custody or control of the person or entity referred to, or of Applicant, or of which Applicant or its representatives or agents have knowledge.

WARNING: Computer generated or stored documents, including without limitation, computer files or data, electronic mail, and information on hard disk, CD- ROM, DVD, DAT, tape cartridge, or any other storage medium, including those documents which have been erased but are retrievable, constitute documents within the meaning of these definitions. An inspection of your computer system may be necessary to assure compliance with these requests.

6. As used herein, the words “identity” or “identify,” when referring to a *person* means to state that person’s full name, current business and residence addresses, and current business and residence telephone numbers and when referring to a *legal entity*, such as a partnership and corporation, means to give its name, its state of formation or incorporation, and its current business address and telephone number.

7. All requests to produce a document or communication or the like shall mean as to each such item, to:

- a. State its customary business description;
- b. State its number, if any (e.g., invoice or purchase order number);
- c. State its date;
- d. Identify its authors, addressors, or senders;
- e. Identify its addressees or recipients, if any, including all persons provided with copies;
- f. Identify its custodian if you have the document or a copy, in your possession, custody, or control;
- g. Identify all persons, other than you, that possess, have custody of, or have control over it or any copy thereof; and
- h. Set forth the substance of its subject matter.

8. Where any request for production cannot be answered in full, then state, in detail, the reasons for your inability to fully answer.

9. If you object to any request for production or portion thereof on the ground that it requests information that is privileged or is encompassed within the attorney work-product doctrine, then you shall provide the following information, except only to the extent it may call for the precise information you object to disclosing:

- a. The nature of the privilege or doctrine you claim;
- b. The identity of all documents subject to the privilege or doctrine you claim and the identity of all persons known to you to have seen the document;
- c. The identity of all oral communications subject to the privilege or doctrine you claim and the identity of all persons to whom the substance of the oral communication has been disclosed or made known.

10. As used herein, the singular shall include the plural, and vice versa; the use of the word “any” shall include and encompass the word “all,” and vice versa; the use of the disjunctive shall include the conjunctive, and vice versa; and, unless the context indicates otherwise, the use of any gender includes all other genders.

11. These document requests shall be deemed continuing so as to require supplemental production as additional documents are found or obtained.

DOCUMENT REQUESTS

1. All documents relating to your selection and adoption of your mark.
2. All documents relating to your use of your mark.
3. All documents relating to your application for federal trademark registration of your mark.
4. All documents exchanged between you and the United States Patent and Trademark Office relating to your mark.
5. Documents sufficient to identify when you first became aware of our marks.

6. All documents transmitted between you and third parties relating to us or our marks.
7. All trademark clearance searches or reports for your mark.
8. All documents of which you are aware in which your mark is discussed, reviewed or mentioned.
9. All internal memoranda, meeting minutes, or correspondence relating to your mark.
10. All internal memoranda, meeting minutes, or correspondence relating to us or our marks.
11. All documents that support the dates of first use anywhere and the dates of first use in commerce of any type of clothing bearing your mark.
12. All documents related to the “Parrot Jack” pirate act referred to in your Fourth Affirmative Defense (the “Parrot Jack Pirate Act”).
13. Documents sufficient to identify when you first offered the Parrot Jack Pirate Act.
14. Samples of all of your advertisements for the Parrot Jack Pirate Act, including but not limited to signs, labels, websites, domain names and articles, including all documents that support the dates of use of such advertisements.
15. All documents relating to or showing the actual or intended distribution and/or channels of trade for the Parrot Jack Pirate Act.
16. All documents relating to the amount of gross sales of the Parrot Jack Pirate Act.
17. Documents sufficient to identify the prices you offer or intend to offer the Parrot Jack Pirate Act.

18. All documents supporting your contention that you have developed consumer recognition and goodwill with the Parrot Jack Pirate Act.

19. All documents relating to or showing the actual or intended distribution and/or channels of trade for the clothing bearing your mark.

20. All documents relating to or showing the actual and/or intended customers for the clothing bearing your mark.

21. All documents relating to any consumer recognition and goodwill in your mark.

22. All documents relating to the domain name <<http://www.parrotjack.com/>>.

23. All documents relating to your selection, adoption, and use of the following design:



24. All documents relating to your selection, adoption, and use of the following design:



25. Documents sufficient to identify the prices you offer or intend to offer clothing items bearing your mark to consumers.

26. Samples of all of your advertisements bearing your mark, including but not limited to signs, labels, websites, domain names and articles, including all documents that support the dates of use of such advertisements.

27. Samples of any product offered for sale, sold or distributed (including promotional items) bearing your mark, including all documents that support the dates such products have been offered for sale.

28. Document sufficient to identify all products and/or services bearing your mark.

29. All documents relating to the amount of gross sales of any and all clothing items bearing your mark.

30. All documents relating to the amount of gross sales of any products bearing your mark.

31. All documents relating to the amount of gross sales of any services bearing your mark.

32. All documents relating to the amount of advertising expenditures and/or promotional fees for your products and/or services, if any, bearing your mark.

33. All business plans and drafts of business plans in which your mark is mentioned or referenced.

34. All documents relating to the distinctiveness and/or reputation of your mark.

35. All documents showing any market or consumer research, including surveys, regarding your mark.

36. All trademark searches relating to your mark performed by any person, including any searches performed by you prior to filing the application for your mark.

37. All communications, excluding correspondence to and from your counsel, in which Opposer or our mark are discussed.

38. All documents relating to Internet domain names or websites containing your mark.

39. All documents relating to Internet ad words, keywords, metatags, or other Internet advertising tools containing the word “Jack” that are used and/or were purchased by you.

40. All correspondence to and from the owners of any domain name registrations, including registrars, that you have attempted to purchase or actually did purchase, that involves your mark.

41. All documents relating to agreements, contracts, assignments, transfers, sales, or licenses involving your mark.

42. All documents sent by you or on your behalf to enforce your alleged rights in your mark, and the responses and replies thereto.

43. All documents received by you from third parties regarding your alleged rights in your mark, and all responses and replies thereto.

44. All documents and correspondence relating to any actual or threatened litigation or other legal or administrative proceedings to which you have been a party relating to use of your mark.

45. All documents that tend to demonstrate any consumer confusion between your mark and our marks.

46. All documents, correspondence or other items that suggest or support our claim that your mark and our marks are not confusingly similar.

47. All documents showing use of your mark by anyone other than you.

48. All documents relating to your First Affirmative Defense.

49. All documents relating to your Second Affirmative Defense.

50. All documents relating to your Third Affirmative Defense.

51. All documents relating to your Fourth Affirmative Defense.

52. Your corporate records showing meetings of shareholders and directors, resolutions passed, and any other corporate activity relating to your mark and/or to this Opposition, including your “corporate book” of minutes and the like.

53. All business plans or mission statements of any kind relating to your mark created by you at any time before this Opposition was filed.

54. All documents relating to your bona fide intention to use your mark.

55. All documents relating to Parrot Jack LLC’s use of your mark.

56. All documents relating to Parrot Jack LLC’s bona fide intention to use your mark.

57. The operating agreement for Parrot Jack LLC.

58. The corporate records for Parrot Jack LLC.

59. Documents sufficient to evidence your relationship with or position in Parrot Jack LLC.

60. All documents referred to in, or used by you to provide, your responses to Opposer’s First Set of Interrogatories to Applicant.

Respectfully submitted,

Dated: August 7, 2014

/Allison R. Imber/
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**Attorneys for Opposer
Panama Jack International, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U. S. Mail and Email on August 7, 2014, to:

Eric B. Alspaugh, Esq.
Law Office of Eric B. Alspaugh
26895 Alison Creek Road, Ste. B223
Aliso Viejo, CA 92656-5301

/Stephanie D. Simmons/
Stephanie D. Simmons