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Filing date: **01/11/2016**

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

Proceeding	91216725
Party	Defendant Godswill H. Oletu DBA Zenithmart
Correspondence Address	GODSWILL H OLETU 370 W PLEASANTVIEW AVE STE 2-120 HACKENSACK, NJ 07601-8004 UNITED STATES oletu@oletu.com, ogodswill@yahoo.com, trademark@zenithmart.com
Submission	Motion to Dismiss 2.132
Filer's Name	Godswill Oletu
Filer's e-mail	oletu@oletu.com,ogodswill@yahoo.com,trademark@zenithmart.com
Signature	/1gho2kome3/
Date	01/11/2016
Attachments	Motion For Judgement Under Rule 2.132 & 2.120.pdf(5525877 bytes)

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer/Plaintiff, v. OLETU, GODSWILL H. Applicant/Defendant.	Opposition No. 91216725 Mark: ZENITHMART

COVER LETTER

The defendant previously submitted (today, January, 11, 2016, tracking no. ESTTA719713); the wrong motion papers via the electronic system for trademark trials and appeals titled: "MOTION FOR JUDGEMENT".

The defendant is sorry for the erroneous submission and ask that, the Board disregard those motion papers and instead replace it, with this motion paper titled: "MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h)"

The Opposer/Plaintiff has been duly notified as indicated in the certification section below of this replacement motion.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer/Plaintiff, v. OLETU, GODSWILL H. Applicant/Defendant.	Opposition No. 91216725 Mark: ZENITHMART

MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h)

NOW COMES defendant, Oletu, Godswill H. a Sole propriety ("Applicant"); without waiving it's rights to offer evidence, hereby filing this instant *Motion for Judgment* pursuant to 37 C.F.R. § 2.132(a), 37 C.F.R. § 2.132(b) and 37 C.F.R. § 2.120(h) against plaintiff ("Zenithmart Inc"). And in support of said motion Applicant provides as follows:

STATEMENTS OF FACTS

1. On September 18, 2013 defendant filed a use-based application (serial number: 86067598) to register the service mark ZENITHMART with the U.S. Patent and Trademark Office (hereinafter 'USPTO") in connection with "The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase

those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others" in international class 35.

2. On January 2, 2014 plaintiff filed a use-based application (serial number: 86156478) to register the service mark ZENITHMART with the USPTO in connection with "On-line retail store services featuring electronics, computers, jewelry, shoes, automotive and tools, home appliances, health and beauty products" in international class 35.

3. On January 22, 2014; plaintiff filed another use-based application (serial number: 86172398) to register the service mark ZENITHMART with the USPTO in connection with "On-line retail store services featuring electronics, computers, televisions, home appliances, jewelry, tablet PCs, shoes, automotive and tools, health and beauty products" in international class 35.

4. On April 8, 2014; defendant's Application (serial number: 86067598) was published for opposition.

5. On May 6, 2014; plaintiff filed an extension of time to oppose defendant's registration and the said extension was granted until June 7, 2014.

6. On June 6, 2014; plaintiff's then Attorney of record filed a Notice of Opposition and this proceeding was instituted.

7. On July 15, 2014; defendant timely filed his Answers to the Notice of Opposition.

8. On August 7, 2014; the parties held their discovery conference and the Interlocutory Attorney was in attendance.

9. On September 15, 2014; defendant severed his Initial Disclosure with some exhibits upon the plaintiff's Attorney of record (*see exhibit D01*).

10. On January 13, 2015; plaintiff's Attorney of record filed a motion to withdraw as Attorney of record for the plaintiff.

11. On January 20, 2015; defendant timely severed the plaintiff's Attorney of record with the following three discovery requests:

a. Applicant's First Set of Request for Production of Documents and Things.

b. Applicant's First Set of Interrogatories Directed to Opposer.

c. Applicant's First Set of Request for Admissions.

(*see exhibits D02, D03 & D04 respectively*).

12. On January 21, 2015; Through email, plaintiff's Attorney of record confirmed through email to the defendant that, he received defendant's discovery requests and that he is passing them to the plaintiff (*see exhibit D05*).

13. On same January 21, 2015; Plaintiff's Attorney of record discussed his pending motion to withdraw and asked the defendant to agree to 30 days extension, this way the plaintiff will have more time for discovery. The defendant agreed, and a consent motion for extension of times was filed and granted.

14. On February 6, 2015; the Board granted Plaintiff Attorney's motion to withdraw and subsequently suspended proceedings for 30 days to allow the Plaintiff time to retain a new Counsel.

15. On March 6, 2015; Plaintiff filled a motion, requesting additional 60 days extension of time to retain a new counsel, which the Defendant opposed.

16. On March 26, 2015; The board granted the Plaintiff motion in part and gave the plaintiff until April 23, 2015 to retain a new counsel or be presumed to be representing himself, pro-se.

17. On April 28, 2015; Plaintiff filled a motion to reopen and to suspend proceedings, requesting additional 180 days extension of times and a rule FRCP 12(b)(6) motion; which the defendant again opposed.

18. On June 16, 2015; The board granted the Plaintiff's motion in part retroactively and resume proceedings on the date of the order and also states that.."*..this proceeding will go forward with the Opposer representing itself."*

19. On July 16, 2015; Expert Disclosures was due, but the defendant did not received any disclosure from the Plaintiff and the Defendant did not send any.

20. On August 15, 2015; The parties' rescheduled discovery period closed, but the Plaintiff never requested for any discovery.

21. After the end of the mandatory 30 days, defendant didn't receive any discovery responses from the plaintiff.

22. Between August 18, 2015 and August 25, 2015; more than seven (7) months after sending discovery requests to the Plaintiff and after not hearing or receiving any discovery

responses from the plaintiff; defendant wrote the plaintiff an email inquiring, why he had not received the discovery responses (*see exhibit D06*).

23. Between August 31, 2015 and September 16, 2015; There were further communications between the parties regarding Defendant's discovery responses that has not been received. Plaintiff effectively stated that he will not be responding to defendant's discovery requests (*see exhibit D07*).

24. On September 29, 2015; Plaintiff's Pretrial Disclosures was due, but plaintiff never sent any Pretrial Disclosure to the defendant.

25. On November 13, 2015; Plaintiff's Trial period ended, but plaintiff did not hold any trial and as such no testimony was taken and no evidence were entered into the record.

ARGUEMENTS

Rule 37 C.F.R. § 2.132(a) & (b) Motion for Judgment for Lack of Prosecution.

An Applicant in the position of a defendant may appropriately file a motion for judgment directed to the sufficiency of the trial evidence of the petitioner in the position of a plaintiff, where the plaintiff/petitioner's testimony period has passed and the plaintiff has not taken testimony or offered any evidence to support its case. Pursuant to 37 CFR § 2.132(a) & 37 CFR § 2.132(b), the defendant may, without waiving it's rights to offer evidence in the event the motion is denied, move for dismissal for failure of the plaintiff to prosecute (37 CFR § 2.132(a)) and also that based upon the law and the fact, the plaintiff has shown no right to relief (37 CFR §

2.132(b))**.** *see Hewlett-Packard Co. v. Olympus Corp., 931 F.2d 1551, 18 USPQ2d 1710, 1712 (Fed. Cir 1991);* which states that..."..Board did not abuse discretion in denying motion to reopen testimony and dismissing proceeding on motion to dismiss, where plaintiff submitted no evidence and failed to make a prima facie case"; also *see Procyon Pharmaceuticals Inc. v. Procyon Biopharma Inc.,* 61 USPQ2d 1542, 1544 (TTAB 2001), (motion to extend testimony period denied; motion to dismiss granted); see also *SFW Licensing Corp. and Shoppers Food Warehouse Corp. v. Di Pardo Packing Ltd.,* 60 USPQ2d 1372, 1374 (TTAB 2001), also *Atlanta Fulton County Zoo Inc. v. De Plama,* 45 USPQ2d 1858 (TTAB 1998) (motion to reopen discovery and testimony periods denied, motion to dismiss granted).

The purpose of the motion under 37 CRF § 2.132(a) & 37 CRF § 2.132(b) is to save the defendant the expense and delay of continuing with the trial in those cases, where the plaintiff has failed to offer any evidence during the testimony period.

In the instant case, the plaintiff did not request for discovery; the plaintiff refused to response to discovery requests from the defendants and when the defendant reminded the plaintiff of this fact, he essentially stated that, he will not be responding to the said discovery requests; the plaintiff also failed to send his Pretrial Disclosures and the plaintiff did not take any testimony in this proceedings.

Ultimately, however, and it is suggested most dispositive of the instant matter, plaintiff failed to submit even one scintilla of evidence to the Board during its trial period. It is thus respectfully submitted to the Board that this case is the exact case envisioned by 37 CFR §

2.132(a) & 37 CRF § 2.132(b) and its purpose of saving the defendant the expense and delay of continuingith the trial in those cases where plaintiff has failed to offer any evidence during its testimony period.

Plaintiff, throughout the pendency of this case, has established a pattern of non-prosecution culminating in the failure to submit any evidence during its own trial period. Aside from initiating the instant matter, plaintiff has done nothing, including failing to comply with discovery schedules or to provide responses to properly submitted discovery requests, and has ultimately failed to prosecuting this case.

37 CFR § 2.132(c) gives the Board the discretion to honor a motion to dismiss because of lack of prosecution, even when such a motion is filled late. As can be seen in the instant case, it will make no judicial sense to continue this matter. The records in this case are closed, the plaintiff cannot introduced any evidence and the plaintiff have to live with the records 'as is', even if this case is prolonged or delayed further. Furthermore, since the records are void of any testimony or evidence to support the plaintiff's allegations, the plaintiff cannot prove standing; which is the lowest bar that the plaintiff must cross in other to proceed. If the plaintiff cannot even prove standing, it will not be in the interest of justice to continue this case any further and the plaintiff will not be prejudiced, as he have to live with the records he established at trial, (which is nothing).

Rule 37 C.F.R. § 2.120(h) Motion for Judgment Based on Automatic Admissions.

TBMP § 527.01(d) provides that, If a party upon which requests for admission have been served fails to serve a timely response thereto, the requests will stand admitted (automatically), and may be relied upon by the propounding party pursuant to 37 CFR 2.120(j)(3)(i). And that, when no response has been served, it is not necessary or appropriate for the propounding party to file a motion to deem the requests admitted, as the requests are admitted by the operation of the law.

In the instant case, defendant served the plaintiff with a Request for Admission and the plaintiff did not response and by the operation of the law, the following requests stands admitted by the plaintiff:

REQUEST No. 1

Admit that as at September 18, 2013; when the Applicant filed its trademark application all and any your domain names allegedly used as source identifier for Opposer's use of the mark 'Zenithmart' in eCommerce were parked, not active and not operational.

REQUEST No. 2

Admit that, the current website www.zenithmart.us allegedly own by Opposer and allegedly serving as the source identifier for Opposer's alleged use of the mark 'Zenithmart' in eCommerce did not launch until December, 2013 or after.

REQUEST No. 3

Admit that, Opposer never used the mark 'Zenithmart' in US interstate commerce, until after his alleged source identifier domain name www.zenithmart.us allegedly launched in December, 2013 or thereafter.

REQUEST No. 4

Admit that, Opposer does not own any warehouse in US.

REQUEST No. 5

Admit that, Opposer did not file 2012 Federal and/or State Income tax returns for services allegedly offered under the mark 'Zenithmart'.

REQUEST No. 6

Admit that, Opposer did not file 2013 Federal and/or State Income tax returns for services allegedly offered under the mark 'Zenithmart'.

REQUEST No. 7

Admit that, Opposer is not the one that package or ship items allegedly sold on his website.

REQUEST No. 8

Admit that, items allegedly sold on Opposer's website, when shipped, does not contain shipping label or any signage or words or description or logo indicating that, they were sold by Opposer or offered through Opposer's website.

REQUEST No. 9

Admit that, a recipient of an item(s) allegedly sold by Opposer from www.zenithmart.us allegedly owned and operated by Opposer and as at or up till May, 2014; will not be able associate the received item(s) to Opposer or his mark 'Zenithmart'; as there is no indication in the package, packing label, etc indicating that the item is associated to/or received from Opposer's or his mark "Zenithmart".

REQUEST No. 10

Admit that, as at January 2, 2014 & January 22, 2014; when Opposer filed the two Application rely upon for bases for this Opposition; Opposer's online listings at www.zenithmart.us or as contain in the specimen of use in his filing does not contain 'Buy It Now' button, 'Add to Cart Button' or any other means by which the general public can consummate an offer or transaction on his website.

Questor Corp. v. Dan Robbins & Associates, Inc., 199 USPQ 358, 361 n.2 (TTAB 1978), aff'd, 599 F.2d 1009, 202 USPQ 100 (CCPA 1979) (by failing to answer requests for admissions, opposer admitted that it abandoned use of certain registered marks). Under Fed. R. Civ. P. 36, a requested admission is deemed admitted unless a written answer or objection is provided to the requesting party within thirty days after service of the request, or within such time as the parties agree to in writing. Once an admission is admitted or deemed admitted, it becomes a judicial admission, and a party may not introduce evidence to contradict it. Marshall, 767 S.W.2d at 700; Sherman Acquisition II LP v. Garcia, 229 S.W.3d 802, 812 (Tex. App.—Waco 2007, no pet.); Beasley v. Burns, 7 S.W.3d 768, 769-70 (Tex. App.—Texarkana 1999, pet. denied).

In the instant case, not only that; the plaintiff did not respond to defendant's request for admission or the other discovery requests; plaintiff bluntly refused to response and plaintiff have not responded and by the tune of the Plaintiff's email (*exhibit D07*), the plaintiff appear not willing to response..

Consequently, since the instant record does not contain any contrary testimony or additional evidence from the plaintiff; and the plaintiff cannot enter any additional evidence into the records; the effective reading of admitted REQUEST No. 1 and REQUESTION No.2 is that; the only alleged source identifier for plaintiff's use of the mark (www.zenithmart.us) was not operational as at September 18, 2013 and it did not launch until December, 2013 or thereafter. This gives the defendant priority over the mark 'ZENITHMART' as the defendant's filing date is superior to any date that the plaintiff can rely upon for priority.

Based on admitted REQUEST No. 4; Opposer never used the mark 'ZENITHMART' in US interstate commerce, until after his alleged source identifier domain name www.zenithmart.us allegedly launched on December, 2013 or thereafter. Again, defendant's constructive priority date of September 18, 2013 (trademark filling date) is superior to any date that the plaintiff may rely upon for priority, since plaintiff did not engage in US interstate commerce until December, 2013 or thereafter.

Based on admitted REQUEST No. 8 and REQUEST No. 9; even if plaintiff alleged to have sold any goods or services; the general public cannot associate the mark 'ZENITHMART' to plaintiffs' goods and services. Therefore, mark is not distinctive of plaintiff's goods and services.

Therefore, based on the records and the admitted requests for admission; the plaintiff cannot prove priority of use over the mark, rather the records and admitted requests clearly shows that, the defendant have priority over the mark based on his filing date of September 18, 2013 over plaintiff's filing dates of January 2, 2014 and January 22, 2014 or over any other date that the plaintiff may rely upon for priority.

Since plaintiff cannot prove priority over defendant or rather, since the defendant have priority over the plaintiff; it then means plaintiff cannot prevail on his petition. If plaintiff cannot prove priority as in the instant case, it then means plaintiff cannot prove or prevail on the question of likelihood of confusion.

Furthermore, since the records in this case are closed and the records did not contain any testimony or evidence from the plaintiff, it means the plaintiff cannot prove any of it's allegations or pleadings as contained in the Notice of opposition filed on June 6, 2014. Since, the plaintiff cannot prove any of his pleading, continuing this case will be a mere academic exercise.

WHEREFORE, it is respectfully submitted to the Board that the question of priority be resolved in favor of the defendant based on the facts of this case and the law and/or; that it be resolved that the plaintiff cannot prove standing or priority. Consequently; that the instant matter be resolved in favor of the defendant and against the petitioner/plaintiff as argued above. Further that; under rule 37 CFR § 2.132(a), that the matter be dismissed and resolved against the plaintiff for not taking any testimony during this proceeding. Furthermore that; under rule 37 CRF § 2.132(b), that the matter be dismissed and resolved against the plaintiff, for lacking of prosecution or for lack of standing or for having shown no right to relief. Finally that; plaintiff petition be dismissed under rule 37 C.F.R. § 2.120(h), based on plaintiff's effective admissions to defendant's requests for admission and that an order of dismissal, with prejudice, be entered by the Board against the plaintiff.

Dated this 11th day of January, 2016.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF FILING

The undersigned hereby certifies that a copy of this replacement MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h), was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system on January 11th, 2016.

Dated this 11th day of January, 2016.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 11th day of January, 2016, a true and complete copy of the foregoing replacement MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h), was served upon Opposer/Plaintiff of record by email and a courtesy copy by [1]first class mail, postage prepaid and addressed to:

1. Tochukwu Mbiamnozie
   Zenith-Mart, Inc
   30 Wall Street Floor 8
   New York, NY 10005
   United State of America.

2. Tochukwumbiamnozie@gmail.com

3. Zenithmart@gmail.com

Signed: ____/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se.)
/d/b/a Zenithmart
370W.Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

[1]The parties stipulated to service by email, as contained on the Board's order of August 15, 2015. However, all three emails contained in the records as belonging to the plaintiff are non-functional as they are returning the defendant's email back undelivered (see exhibits D08, D09 & D10). Defendant reached out to plaintiff through another known email addresses (Tochukwumbiamnozie@gmail.com & Zenithmart@gmail.com, see exhibit D11) that are not of record, requesting that plaintiff update his email address of record, but plaintiff refused. Plaintiff does not have any telephone number on the record and the Plaintiff's alleged website of record 'www.zenithmart.us' is offline (see exhibits D12, D13 & D14).

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer/Plaintiff, v. OLETU, GODSWILL H. Applicant/Defendant.	Opposition No. 91216725 Mark: ZENITHMART

DECLARATION OF APPLICANT IN SUPPORT OF
HIS MOTION FOR JUDGEMENTUNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h)

1. I am Mr. Godswill Oletu and I am the Applicant/Defendant in this proceeding and that, I am the Sole propriety and owner of Zenithmart.

2. I am fully familiar with the business records of Zenithmart and its use of the mark 'Zenithmart'

3. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently to these facts. . I submit this declaration on the basis of my own personal knowledge and in support of my Motion for Judgment.

4. Attached hereto as EXHIBIT D01; is a true and correct copy of Applicant's Initial Disclosure, severed upon on Opposer's Attorney of record on September 15, 2014.

5. Attached hereto as EXHIBIT D02; is a true and correct copy of Applicant's First Sets of Request for production of documents and things, severed upon on the Opposer's Attorney of record on January 20, 2015.

6. Attached hereto as EXHIBIT D03; is a true and correct copy of Applicant's First Sets Interrogatories directed to Opposer, severed upon on the Opposer's Attorney of record on January 20, 2015.

7. Attached hereto as EXHIBIT D04; is a true and correct copy of Applicant's First Sets of Request Admission, severed upon on the Opposer's Attorney of record on January 20, 2015.

8. Attached hereto as EXHIBIT D05; is a true and correct copy of email confirmation received on January 21, 2015; from Plaintiff's Attorney of record that Applicants Discovery Requests (herein addressed as Exhibits D02, D03 & D04), were received and that the requests are been passed to the Plaintiff.

9. Attached hereto as EXHIBIT D06; contain true and correct copies of the emails exchanged between the Applicant and Plaintiff during Applicant's, inquiring as to why discovery responses have not been received.

10. Attached hereto as EXHIBIT D07; are true and correct copies of the emails that Applicant received from Plaintiff between August 31, 2015 and September 16, 2015; in response to his inquiring as to why discovery responses have not been received and Applicant's further response to Plaintiff.

10. Attached hereto as EXHIBITS D08, 09 & 10; are true and correct copies of the Mail Delivery errors email that Applicant received on December 28, 2015; when the Applicant sent email to Plaintiff's emails (tmbiam@zenithmart.us, info@zenithmart.us & trademark@zenithmart.us respectively).

11. Attached hereto as EXHIBIT D11; contain true and correct copy of the email Applicant sent to Plaintiff on December 28, 2015; regarding his non-functioning email addresses and the need to update his email address of record with the TTAB. The email was sent to Plaintiff's previously known gmail.com email addresses (Tochukwumbiamnozie@gmail.com & Zenithmart@gmail.com), see exhibits D06 & D07.

12. Attached hereto as EXHIBITS D12, 13 & 14; are true and correct copies of the captures of the Plaintiff's website of record, taken on November 5, 2015, December 7, 2015 and January 10, 2016; showing that Plaintiff's website is non-functional.

I declare under the penalty of perjury, under the laws of the United States of America that, the foregoing is true and correct.

Executed this 11th day of January, 2016 at Parsippany, New Jersey.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

Exhibit D01.

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

In the Matter of Trademark Application Serial No. 86067598 Published in the Official Gazette April 8, 2014.

ZENITH-MART INC., Opposer, v. OLETU, GODSWILL H. Applicant.	Opposition No. 91216725 Mark: ZENITHMART

APPLICANT'S INITIAL DISCLOSURES

Applicant; Oletu, Godswill H.; hereby submits its initial disclosures as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure 37 C.F.R. 2.120(a)(3).

A. In accordance with Rule 26(a)(1)(A), the following person is likely to have discoverable, non-privileged information that Applicant may use to defend itself and also to support its claims, unless solely for impeachment.

1. Applicant (Use same contact on file with TTAB).

Subject: Use and ownership of the Applicant's mark; design, inspiration and creation for Applicant's mark; Applicant's business operations and activities; Applicant's goods and services; Applicant's trademark application; facts and defenses alleged in the Notice of Opposition and the Answer and Affirmative defenses thereto.

Applicant reserves the right to amend this list at any time or upon identification of other individuals through discovery or through development of the case and issues.

B. In accordance with Rule 26(a)(1)(B), a copy of or description by category of all documents and things now in the Applicant's possession, custody or control that it may use to support its claims or defenses, unless solely for impeachment are:

1. Documents associated with Applicant's federal trademark application.

2. Documents reflecting Applicant's first use date of its mark in December 2006.

3. Documents reflecting subsequent and continual use for years; 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

4. Feedbacks from hundreds of Customers, who had utilized Applicant's services offered, under the ZENITHMART mark from January 2007 to 2014.

5. Documents reflecting communication, transactions; etc e.g. eMails, Fax, etc with third parties that provides services for Applicant's ZENITHMART business.

6. Documents reflecting Applicant's claims against Opposer.

A representative sample of these documents is attached hereto, and described as follows:

(1). Applicant's Initial Disclosure (AD01-p1 & AD01-p2)

Delaware State's Certificate of Good Standing for OLETU Systems LLC, also indicating Company's association with the Applicant.

(2). Applicant's Initial Disclosure (AD02-p1 & AD02-p2)

New Jersey State's Certificate of Good Standing for STANCE Technology Solutions Inc, also indicating Company's association with the Applicant.

(3). Applicant's Initial Disclosure (AD03).

Applicant Sales Invoice & transaction details for goods sold under the ZENITHMART mark dated 12/20/2006. Note that, Applicant in tend to rely on this invoice for priority (unredacted).

(4). Applicant's Initial Disclosure (AD04).

One Sample representative ZENITHMART Sales invoice & transaction details for 2007 (unredacted).

(5). Applicant's Initial Disclosure (AD05-p1 & AD05-p2).

One Sample representative ZENITHMART Sales invoice & transaction details for 2008 (unredacted).

(6). Applicant's Initial Disclosure (AD06-p1 & AD06-p2).

One Sample representative ZENITHMART Sales invoice & transaction details for 2009.

(7). Applicant's Initial Disclosure (AD07-p1 & AD07-p2).

One Sample representative ZENITHMART Sales invoice & transaction details for 2011.

(8). Applicant's Initial Disclosure (AD08-p1 & AD08-p2).

One Sample representative ZENITHMART Sales invoice & transaction details for 2012.

(9). Applicant's Initial Disclosure (AD09).

One Sample representative ZENITHMART Sales invoice & transaction details dated 1/25/2013, prior to Applicant's Trademark filing of 9/18/2013.

(10). Applicant's Initial Disclosure (AD10-p1 & AD10-p2).

One Sample representative ZENITHMART Sales invoice & transaction details dated 7/9/2013, prior to Applicant's Trademark filing of 9/18/2013.

(11). Applicant's Initial Disclosure (AD11-p1 & AD11-p2).

One Sample representative ZENITHMART Sales invoice & transaction details dated 8/16/2013, prior to Applicant's Trademark filing of 9/18/2013

(12). Applicant's Initial Disclosure (AD12-p1 & AD12-p2).

One Sample representative ZENITHMART Sales invoice for 2014.

(13). Applicant's Initial Disclosure (AD13).

2014 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences.[1]

(14). Applicant's Initial Disclosure (AD14).

2013 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences. [1]

(15). Applicant's Initial Disclosure (AD15).

2013, 2012 & 2011 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences.[1]

(16). Applicant's Initial Disclosure (AD16).

2009 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences.[1]

(17). Applicant's Initial Disclosure (AD17).

2008 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences.[1]

(18). Applicant's Initial Disclosure 0022 (AD18).

2007 Sample representative feedback from actual Applicant's ZENITHMART customers about their experiences.[1]

[1]Note that all feedbacks are publicly available on the internet at:
http://feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&userid=ogodswill&ftab=FeedbackAsSeller

Note that, all the above listed and provided supporting documents and things were produced as a result of the Applicant rendering services from 2006 to date, under the ZENITHMART mark.

Further note that, In additional to the above eighteen (18) disclosure items; Applicant reserves the right to amend this list at any time or upon identification of other documents and things through discovery, research, investigation or through the development of this case and issues.

Dated this 15th day of September, 2014.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of September, 2014, a true copy of the foregoing APPLICANT'S INITIAL DISCLOSURES, was served upon Opposer's attorney of record by eMail, and addressed to:

1. Adam S. Weiss; Aweiss@polsinelli.com
2. Karin Sullivan; KESullivan@polsinelli.com
3. USPT@polsinelli.com

Signed: ____/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se.)
/d/b/a Zenithmart
370W.Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

State of Delaware

SECRETARY OF STATE
DIVISION OF CORPORATIONS
P.O. BOX 898
DOVER, DELAWARE 19903

140989329

AD01-P1

07-24-2014

9071889
GODSWILL OLETU
370 W. PLEASANTVIEW AVE
STE #2-120
HACKENSACK NJ 07601

DESCRIPTION	AMOUNT
OLETU SYSTEMS LLC	
3952039 8300 Certificate in Re Short Certification Fee	50.00
FILING TOTAL	50.00
TOTAL PAYMENTS	50.00
SERVICE REQUEST BALANCE	.00

Delaware

The First State

AD01-P2

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "OLETU SYSTEMS LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FOURTH DAY OF JULY, A.D. 2014.

Jeffrey W. Bullock, Secretary of State

3952039 8300

AUTHENTICATION: 1563601

140989329

DATE: 07-24-14

You may verify this certificate online at corp.delaware.gov/authver.shtml

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
LONG FORM STANDING WITH OFFICERS AND DIRECTORS

AD02-1P

STANCE TECHNOLOGY SOLUTIONS INC

0400238094

With the Previous or Alternate Name

ZENITHMART (Alternate Name)

I, the Treasurer of the State of New Jersey, do hereby certify that the above-named New Jersey Domestic Profit Corporation was registered by this office on June 25, 2008.

As of the date of this certificate, said business continues as an active business in good standing in the State of New Jersey, and its Annual Reports are current.

I further certify that the registered agent and registered office are:

Godswill Oletu
370 W. Pleasantview Av, Ste 2-120
Hackensack, NJ 07601

I further certify that the incorporator is:

Karen Sena
Po Box 13092
Tucson, AZ 85732

I further certify that as of the date of this certificate, the following were listed as officers/directors of this business on the last Annual Report filed in this office on: June 3, 2013.

Chief Exec. Officer (CEO) *Godswill Oletu*

Resigned

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
LONG FORM STANDING WITH OFFICERS AND DIRECTORS

AD02-R2

STANCE TECHNOLOGY SOLUTIONS INC

0400238094

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Trenton, this 15th day of June, 2014

Andrew P Sidamon-Eristoff
Acting State Treasurer

Certification# 132560434

Verify this certificate at
https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

AD03

6 Order Complete

Sign In ····· Billing Address ····· Shipping Address ····· Shipping Method ····· Payment ····· Com

Your order receipt:

Zenith Mart - Secure2U Inc.
Order Number: 35804
Date: 12/20/2006

RECEIPT - PRINT FOR REFERE

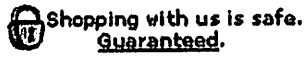
Ship To:
. Brennan Stained Glass Studio Inc
1288 W. Genesee Street
Syracuse, New York
13204, United States

Bill To:
Mr. Godswill Oletu
29 Central Avenue
Hasbrouck Heights, New Jersey
07604, United States

Qty	Product	Shipping	Unit Price	Total
1	Bell & Howell Solar powered Floodlight (Set of 2)	DMSTC-STD	$38.45	$38.45
			Subtotal:	$38.45
			Shipping:	$5.45
			Total:	$43.90 USD

This purchase will appear as "Secure2U Inc." on your credit card statement.

Questions or Comments:
Please direct any questions or comments about your order to support@secure2u.com.



Auction Zenith Mart Store
Our motto is...

AD04

6 Order Complete

Sign In · Billing Address · Shipping Address · Shipping Method · Payment · Com

Your order receipt:

Auction Zenith Mart Store - Secure2U Inc.
Order Number: 37108
Date: 1/4/2007

RECEIPT - PRINT FOR REFERE

Ship To:
. Max Shapiro
330 S. Barrington Avenue, Unit #210
Los Angeles, California
90049, United States

Bill To:
Mr.
29 Central Avenue
Hasbrouck Heights
, New Jersey
07604, United States

Qty	Product	Shipping	Unit Price	Total
1	Leak Ender 2000	DMSTC-STD	$10.55	$10.55

Subtotal: $10.55
Shipping: $5.45

Total: $16.00 USD

This purchase will appear as "Secure2U Inc." on your credit card statement.

Questions or Comments:
Please direct any questions or comments about your order to support@secure2u.com.

GeoTrust SECURED BY | Secure2u PREFERRED PARTNER | VISA | Shopping with us is safe. Guaranteed. | LIVE HELP Unavailable

AD05-P1

PayPal

ZenithMart

Packing Slip

Ship To:	Novovia C/O DragonKnight Advisor	**Ship From:**	Oletu Systems LLC http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears
Address:	14 bis rue augereau 75007 paris Ile de france France	**Address:**	370 W. Pleasantview Avenue STE#2-120 Hackensack, NJ 07601 United States
Email:	olivier.gaude@novovia.com	**Email:**	ogodswill@yahoo.com
		Phone:	201-286-1352
Auction ID:	novovia	**Auction ID:**	ogodswill

Transaction ID: 7A225563R3768010A

Item #	Item Title	Qty	Price	Subtotal
160217640469	Cisco 7961G-GE Series VoIP Phone, 7900 7960 7961 7961G	5	$175.00 USD	$875.00 USD

Shipping & Handling: $209.50 USD
Shipping Insurance: $0.00 USD
Total: $1,084.50 USD
This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

ADOS-P2

OK to ship

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Not Eligible

Ship to address

Novovia C/O DragonKnight Advisor
14 bis rue augereau
75007 paris Ile de france
France

eBay Payment Received (Unique Transaction ID #7A225563R3768010A)

Risk Alert: Maximum Amount Triggered View My Risk Controls

Business Contact Information

Customer Service Email: contact@novovia.com

Customer Service Phone: +33 175436090

Total amount: $1,084.50 USD
Fee amount: -$42.60 USD
Net amount: $1,041.90 USD
Date: Mar 12, 2008
Time: 09:47:00 PDT
Status: Completed

Item #	Item Title	Qty	Price	Subtotal
160217640469	Cisco 7961G-GE Series VoIP Phone, 7900 7960 7961 7961G	5	$175.00 USD	$875.00 USD

Shipping & Handling via USPS Priority Mail International (includes any seller handling fees):	$209.50 USD
Shipping Insurance :	--
Total:	$1,084.50 USD

Payment From: NOVOVIA SARL (The sender of this payment is **Non-U.S. - Verified**)
Buyer's ID: novovia
Buyer's Email: olivier.gaude@novovia.com
Payment Sent to: ogodswill@yahoo.com

Payment Type: Instant

AD06-P1

PayPal

ZenithMart

Packing Slip

Ship To: Redacted

Address: Redacted
Norway

Email: Redacted

Auction ID: Redacted

Ship From: Oletu Systems LLC
http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears

Address: 370 W. Pleasantview Avenue
STE#2-120
Hackensack, NJ 07601
United States

Email: ogodswill@yahoo.com

Phone: 201-286-1352

Auction ID: ogodswill

Transaction ID: 6U9626286B902684P

Item #	Item Title	Qty	Price	Subtotal
160343609806	Cisco WS-X6K-SUP2-2GE Supervisor Engine w/PFC2 & MSFC2	1	$295.00 USD	$295.00 USD

Shipping & Handling: $58.50 USD
Shipping Insurance: $0.00 USD
Total: $353.50 USD
This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD06-P

OK to ship

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Not Eligible

Ship to address

Redacted

Norway

eBay Payment Received (Unique Transaction ID #6U9626286B902684P)

Total amount: $353.50 USD
Fee amount: -$14.09 USD
Net amount: $339.41 USD
Date: Jun 29, 2009
Time: 05:55:10 PDT
Status: Completed

Item #	Item Title	Qty	Price	Subtotal
160343609806	Cisco WS-X6K-SUP2-2GE Supervisor Engine w/PFC2 & MSFC2	1	$295.00 USD	$295.00 USD

Shipping & Handling via USPS Priority Mail International (includes any seller handling fees):	$58.50 USD
Shipping Insurance :	--
Total:	$353.50 USD

Payment From: Redacted (The sender of this payment is **Non-U.S. - Verified**)
Buyer's ID:
Buyer's Email:
Payment Sent to: ogodswill@yahoo.com

Payment Type: Instant

Shipping:
[Print Packing Slip | Add Tracking Info]

Description: Redacted e

AD07-P1

PayPal

ZenithMart

Packing Slip

Ship To: Redacted

Address: Redacted

Russia

Email: Redacted

Auction ID: Redacted

Ship From: Oletu Systems LLC
http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears

Address: 370 W. Pleasantview Avenue
STE#2-120
Hackensack, NJ 07601
United States

Email: ogodswill@yahoo.com

Phone: 201-286-1352

Auction ID: ogodswill

Transaction ID: 3BF36748S2335051U

Description	Options	Qty	Price
Apple iPhone 4 - 16GB - Black (AT&T) Smartphone - NO RESERVES #160683191936		1	$325.00 USD

Shipping & Handling: $43.25 USD
Shipping Insurance: $0.00 USD
Total: $368.25 USD
This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD07+n

OK to ship

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Eligible (More about Seller Protection)

Seller Protection address

redacted

Russia

Express Checkout Payment Received (Unique Transaction ID #3BF36748S2335051U)

Shopping Cart Contents

Qty	Item	Options		Price
1	Apple iPhone 4 - 16GB - Black (AT&T) Smartphone - NO RESERVES Item # 160683191936			$325.00 USD
			Amount	$325.00 USD

Item Total: $325.00 USD

Sales Tax:

Shipping: $43.25 USD

Seller discount or charges: $0.00 USD

Total amount: $368.25 USD

Fee amount: -$14.66 USD

Net amount: $353.59 USD

Date: Nov 18, 2011

Time: 13:27:33 PST

Status: Completed

Insurance: $0.00 USD

Payment From: redacted (The sender of this payment is **Non-U.S. - Verified**)

Buyer's ID:

Buyer's Email:

Payment Sent to: ogodswill@yahoo.com

AD03-P1

PayPal

ZenithMart

Packing Slip

Ship To:	Redacted	**Ship From:**	Oletu Systems LLC http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears
Address:	Redacted United States	**Address:**	370 W. Pleasantview Avenue STE#2-120 Hackensack, NJ 07601 United States
Email:	Redacted	**Email:**	ogodswill@yahoo.com
		Phone:	201-286-1352
Auction ID:	Redacted	**Auction ID:**	ogodswill

Transaction ID: 10377026GY157063D

Description	Options	Qty	Price
A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage #160842089158		1	$22.00 USD

Shipping & Handling:$13.00 USD
Shipping Insurance: $0.00 USD
Total: $35.00 USD
This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD08-P2

OK to ship

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Eligible (More about Seller Protection)

Seller Protection address

Redacted
Mitchell, NE 69357-1657
United States
Confirmed

Express Checkout Payment Received (Unique Transaction ID #10377026GY157063D)

Shopping Cart Contents

Qty	Item	Options	Price
1	A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage Item # 160842089158		$22.00 USD
		Amount	$22.00 USD

Item Total: $22.00 USD
Sales Tax:
Shipping: $13.00 USD
Seller discount or charges: $0.00 USD

Total amount: $35.00 USD
Fee amount: -$1.32 USD
Net amount: $33.68 USD
Date: Jul 13, 2012
Time: 09:49:26 PDT
Status: Completed

Insurance: $0.00 USD

Payment From: Redacted (The sender of this payment is Verified)
Buyer's ID: Redacted
Buyer's Email: Redacted
Payment Sent to: ogodswill@yahoo.com

Ship To:

Redacted

Belleville, MI 48111

AD 09

Order ID: 106-8336642-6101840

Thank you for buying from Zenithmart Devices N Fashion Wears on Amazon Marketplace.

Shipping Address:	Order Date:	Jan 25, 2013
Redacted	Shipping Service:	Standard
	Buyer Name:	Redacted
Belleville, MI 48111	Seller Name:	Zenithmart Devices N Fashion Wears

Quantity	Product Details	Price	Total	
1	**Live Worldly, Live Brazilian Ipanema Bag in White Multi** **SKU:** 160953584178 **ASIN:** B009WDNMNS **Listing ID:** 0111N2XUHGH **Order Item ID:** 58574778632234 **Condition:** New	$13.99	Subtotal: Shipping: Total:	$13.99 $4.49 $18.48
			ORDER TOTAL:	**$18.48**

Returning your item:
Go to "Your Account" on Amazon.com, click "Your Orders" and then click the "seller profile" link for this order to get information about the return and refund policies that apply.
Visit http://www.amazon.com/returns to print a return shipping label. Please have your order ID ready.

Thanks for buying on Amazon Marketplace. To provide feedback for the seller please visit www.amazon.com/feedback. To contact the seller, please visit Amazon.com and click on "Your Account" at the top of any page. In Your Account, go to the "Orders" section and click on the link "Leave seller feedback". Select the order or click on the "View Order" button. Click on the "seller profile" under the appropriate product. On the lower right side of the page under "Seller Help", click on "Contact this seller".

PayPal

ZenithMart

AD10-P1

Packing Slip

Ship To: Redacted

Address: Redacted
Fort Lauderdale, FL 33304-4338
United States

Email: Redacted

Auction ID: Redacted

Ship From: Oletu Systems LLC
http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears

Address: 370 W. Pleasantview Avenue
STE#2-120
Hackensack, NJ 07601
United States

Email: ogodswill@yahoo.com

Phone: 201-286-1352

Auction ID: ogodswill

Transaction ID: 19522842PN650192X

Description	Options	Qty	Price
Jones New York Tahitian Pink Viscose Women Scarf, $24.98 #160958876851		1	$10.00 USD
Jones New York Lemonsorbet Yellow Viscose Women Scarf, $24.98 #160958822832		2	$19.00 USD

Shipping & Handling: $4.97 USD

Total: $33.97 USD

This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD10 - R

Shipped

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Eligible (More about Seller Protection)

Seller Protection address

Redacted
Fort Lauderdale, FL 33304-4338
United States
Confirmed ?

Express Checkout Payment Received (Unique Transaction ID #19522842PN650192X)

Shopping Cart Contents

Qty	Item	Options	Price
1	Jones New York Tahitian Pink Viscose Women Scarf, $24.98 Item # 160958876851		$10.00 USD
2	Jones New York Lemonsorbet Yellow Viscose Women Scarf, $24.98 Item # 160958822832		$19.00 USD
		Amount	$29.00 USD

Item Total: $29.00 USD
Sales Tax:
Shipping: $4.97 USD
Seller discount or charges: $0.00 USD

Total amount: $33.97 USD
Fee amount: -$1.29 USD
Net amount: $32.68 USD
Date: Jul 9, 2013
Time: 05:49:33 PDT
Status: Completed

Insurance: $0.00 USD

Payment From: Redacted (The sender of this payment is **Verified**)
Buyer's ID:
Buyer's Email:

AD11-P1

PayPal

ZenithMart

Packing Slip

Ship To:	Redacted	**Ship From:**	Oletu Systems LLC http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears
Address:	Redacted New York, NY 10017-6842 United States	**Address:**	370 W. Pleasantview Avenue STE#2-120 Hackensack, NJ 07601 United States
Email:	Redacted	**Email:**	ogodswill@yahoo.com
		Phone:	201-286-1352
Auction ID:	Redacted	**Auction ID:**	ogodswill

Transaction ID: 9XP26165W4885435G

Description	Options	Qty	Price
Puffy Padded Soft Light Nylon Black/Grey Tote Weekender Traveling Handbag NEW [Blacks,Black] #160952410005		2	$45.90 USD

Shipping & Handling: $7.98 USD
Shipping Insurance: $0.00 USD
Total: $53.88 USD
This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD11 - P2

OK to ship

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Eligible (More about Seller Protection)

Seller Protection address

Redacted
New York, NY 10017-6842
United States
Confirmed

Mobile Express Checkout Payment Received (Unique Transaction ID #9XP26165W4885435G)

Shopping Cart Contents

Qty	Item	Options		Price
2	Puffy Padded Soft Light Nylon Black/Grey Tote Weekender Traveling Handbag NEW [Blacks,Black] Item # 160952410005			$45.90 USD
			Amount	$45.90 USD

Item Total: $45.90 USD
Sales Tax:
Shipping: $7.98 USD
Seller discount or charges: $0.00 USD

Total amount: $53.88 USD
Fee amount: -$1.86 USD
Net amount: $52.02 USD
Date: Aug 16, 2013
Time: 12:09:50 PDT
Status: Completed

Insurance: $0.00 USD

Payment From: Redacted (The sender of this payment is **Verified**)
Buyer's ID: Redacted
Buyer's Email: Redacted
Payment Sent to: ogodswill@yahoo.com

AD12 - P1

PayPal

ZenithMart

Packing Slip

Ship To:	Redacted	**Ship From:**	Oletu Systems LLC http://stores.ebay.com/Zenithmart-Devices-N-Fashion-Wears
Address:	Redacted Jackson, MI 49201 United States	**Address:**	370 W. Pleasantview Avenue STE#2-120 Hackensack, NJ 07601 United States
Email:	Redacted	**Email:**	ogodswill@yahoo.com
		Phone:	201-286-1352
Auction ID:	Redacted	**Auction ID:**	ogodswill

Transaction ID: 5U827610EG3270044

Description	Options	Qty	Price
Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Green] #160960373275		4	$19.96 USD
Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Purple] #160960373275		3	$14.97 USD
Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Yellow] #160960373275		1	$4.99 USD
Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Red] #160960373275		4	$19.96 USD

Total: $59.88 USD

This is not a bill.

Note: Thanks for your purchase at Zenithmart Devices N eBay Store. We look forward to doing business with you again.

Transaction Details

AD12-P2

Shipped Track

Payment Status: Completed

We recommend that you:

- Ship to the buyer's address on this page
- Use a shipping service with signature confirmation
- Save all tracking information or other proof of shipment

Tips to sell securely

Seller Protection

Eligible (More about Seller Protection)

Seller Protection address

Jackson, MI 49201
United States
Confirmed ?

Express Checkout Payment Received (Unique Transaction ID #5U827610EG3270044)

Shopping Cart Contents

Qty	Item	Options	Price
4	Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Green] Item # 160960373275		$19.96 USD
3	Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Purple] Item # 160960373275		$14.97 USD
1	Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Yellow] Item # 160960373275		$4.99 USD
4	Parceria Carioca Small Multi-Color Cosmetic Design Coin, Wallet Purse [Red] Item # 160960373275		$19.96 USD
		Amount	$59.88 USD

Item Total: $59.88 USD
Sales Tax:
Shipping: $0.00 USD
Seller discount or charges: $0.00 USD

Total amount: $59.88 USD
Fee amount: -$2.04 USD
Net amount: $57.84 USD
Date: Feb 13, 2014
Time: 08:39:35 PST
Status: Completed

Insurance: $0.00 USD
Custom: redacted

AD13

File Edit View History Bookmarks Tools Help

eBay Feedback Profile for ogo...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&userid=ogodswill&iid=-1&de=off&items=25&interv

Hi, Godswill! | Daily Deals | Sell | Customer Support DEAL FRENZY UP TO 70% OFF My eBay

ebay Shop by category Search All Categories Search

Home > Community > Feedback forum > Feedback profile

Feedback profile

Report a buyer

ogodswill (454) Top Rated: Seller with highest buyer ratings

Positive Feedback (last 12 months): 100%
(How is Feedback percentage calculated?)
Member since: Sep-14-02 in United States

- Proven track record of excellent service
- Ships quickly, with tracking provided on over 90% of items sold
- Has a minimum of 100 selling transactions per year

Learn more

View reviews & guides

Recent Feedback ratings (last 12 months)

	1 month	6 months	12 months
Positive	3	49	123
Neutral	0	0	1
Negative	0	0	0

Detailed seller ratings (last 12 months)

Criteria	Average rating	Number of ratings
Item as described	★★★★★	63
Communication	★★★★★	68
Shipping time	★★★★★	71
Shipping and handling charges	★★★★★	69

ebay MONEY BACK GUARANTEE
Get the item you ordered or get your money back.
Learn what's included

Feedback as a seller | Feedback as a buyer | All Feedback | Feedback left for others

249 Feedback received (viewing 1-25)

Revised Feedback: 0

Period: All

Feedback	From Buyer/price	Date/time
excellent ebayer Macy's M Style Lab Cotton w/Silver Strips Ladies Hat (#160952464823)	shoe.deprived67 (25) US $8.99	May-21-14 18:24 View Item
Very cute excellent seller, great communication, Thank you Material Girl By Madonna Grey Small HandBag, Purse (#160953249762)	jadelucas28 (1407) ~~US $11.99~~ Best Offer Price was Accepted	May-20-14 08:01 View Item
Very cute excellent seller, great communication, Thank you M Style Lab Small Green Frog HandBag (#160954861143)	jadelucas28 (1407) ~~US $7.99~~ Best Offer Price was Accepted	May-20-14 08:01 View Item
Super fast shipping. Thank you. DKNY Red Burgundy Leather Quilted Nappa w/Jewel Bag Satchel, Style#743210504 (#160958074965)	9882268 (413) ~~US $210.00~~ Best Offer Price was Accepted	May-06-14 12:30 View Item
Thank you! Item as described.	jessicabondi (115)	Apr-29-14 17:14

AD14

File Edit View History Bookmarks Tools Help

Connecting...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&userid=ogodswill&iid=-1&de=off&items=25&interv

Google

Hi, Godswill! | Daily Deals | Sell | Customer Support | DEAL FRENZY UP TO 70% OFF | My eBay

ebay Shop by category Search All Categories Search

Home > Community > Feedback forum > Feedback profile

Feedback profile

Report a buyer

ogodswill (454) Top Rated: Seller with highest buyer ratings ?

Positive Feedback (last 12 months): 100%
[How is Feedback percentage calculated?]
Member since: Sep-14-02 in United States

View your Seller Dashboard
View items for sale
View seller's Store
View ID history
View eBay My World
View reviews & guides

Recent Feedback ratings (last 12 months) ?

	1 month	6 months	12 months
Positive	3	49	123
Neutral	0	0	1
Negative	0	0	0

Detailed seller ratings (last 12 months) ?

Criteria	Average rating	Number of ratings
Item as described	★★★★★	63
Communication	★★★★★	68
Shipping time	★★★★★	71
Shipping and handling charges	★★★★★	69

ebay MONEY BACK GUARANTEE
Get the item you ordered or get your money back.
Learn what's included

Feedback as a seller | Feedback as a buyer | All Feedback | Feedback left for others

249 Feedback received (viewing 76-100)

Revised Feedback: 0 ?

Period: All

Feedback	From Buyer/price	Date/time
Arrived quickly and well packaged*****EXCELLENT SELLER*****and Thanks!! APT.9 Large Metallic Black Sequin Tote, Shopper, Traveler Bag, Style#HB243317 (#160958184552)	jjkittyspurr (418) US $45.95 Best Offer Price was Accepted	Jul-14-13 00:23
A+++ M Style Lab Yellow Evening Bag with Chain Strap (#160963933139)	pgofvictoria (1406) US $8.95	Jul-09-13 21:18
Cute earrings! Fast shipping! Silver Plated Hoop Earrings, 100mm (#160961120876)	pomoore60 (288) US $3.00	Jul-09-13 10:20

AD 15

File Edit View History Bookmarks Tools Help

eBay Feedback Profile for ogo...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&userid=ogodswill&iid=-1&de=off&items=25&interv

Good communication, good seller, items are ok. Thanks Macy's M Style Lab Green Change Wallet Coin Purse (#160952128886)	djdjur011 (294) ~~US $2.99~~ Best Offer Price was Accepted	Jan-23-13 07:02
so cute!! Material Girl By Madonna Royal Blue HandBag (#160952669270)	roryquintindarie (702) US $12.95	Jan-22-13 15:26
Perfect transaction. Thanks :) Macy's M Style Lab Cheetah Leopard Zebra Animal Print Flap Clutch Wristlet Purse (#160952112036)	jake88man21 (430) US $4.49	Jan-20-13 11:52
All is good! Good seller! Thank you! Apple iPhone 4S - 16GB - Black (Factory Unlocked) Smartphone (Previously AT&T) (#160930448311)	gumanoid2010 (52) US $455.00	Dec-14-12 00:39
Good Seller Great Product A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	bigbobbybob314 (562) US $22.00	Jul-30-12 15:51
Very easy to deal with and shipped much sooner than expected!! Excellent Service A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	groz641 (127) US $22.00	Jul-27-12 12:47
A+ Very good. Thank you. A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	"dadsbasement" (1001) US $22.00	Jul-21-12 10:40
great seller super fast delivery thanks :) A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	bkconner1 (1302) US $22.00	Jul-19-12 11:59
super fast delivery item as described top notch seller thanks so much :) A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	bkconner1 (1302) US $22.00	Jul-19-12 11:58
thanks.perfect.5 star A/C Pro Formula Refrigerant ACP-100 Leak Sealer + Hose + R-134a Pressure Guage (#160842089158)	dds-md (1585) US $22.00	Jul-18-12 14:18
Good seller, extra fast shipping :) Apple iPhone 4 - 16GB - Black (AT&T) Smartphone - NO RESERVES (#160683191936)	supreme-nsk (15) US $325.00	Dec-06-11 19:24

AD16

File Edit View History Bookmarks Tools Help

Connecting...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&userid=ogodswill&iid=-1&de=off&items=25&interv

Google

Hi, Godswill! | Daily Deals | Sell | Customer Support DEAL FRENZY UP TO 70% OFF My eBay

ebay Shop by category Search All Categories Search

Home > Community > Feedback forum > Feedback profile

Feedback profile

ZenithMart

ogodswill (454) Top Rated: Seller with highest buyer ratings ?

Positive Feedback (last 12 months): 100%
[How is Feedback percentage calculated?]
Member since: Sep-14-02 in United States

NEW Report a buyer

View your Seller Dashboard
View items for sale
View seller's Store
View ID history
View eBay My World
View reviews & guides

Recent Feedback ratings (last 12 months) ?

	1 month	6 months	12 months
Positive	3	49	123
Neutral	0	0	1
Negative	0	0	0

Detailed seller ratings (last 12 months) ?

Criteria	Average rating	Number of ratings
Item as described	★★★★★	63
Communication	★★★★★	68
Shipping time	★★★★★	71
Shipping and handling charges	★★★★★	69

ebay MONEY BACK GUARANTEE
Get the item you ordered or get your money back
Learn what's included

Feedback as a seller | Feedback as a buyer | All Feedback | Feedback left for others

249 Feedback received (viewing 201-225)

Revised Feedback: 0 ?

Period: All

Feedback	From Buyer/price	Date/time
everything went perfect, great communication Cisco 6509 Catalyst Switch -Fully Loaded 9 Slots (GigE) (#160345916426)	mike.bethune (3) US $900.00	Aug-18-09 08:20
Nice product, fast shipping! A++++++++ Cisco WS-X6K-SUP2-2GE Supervisor Engine w/PFC2 & MSFC2 (#160343609806)	lillegutt2 (325 ★) US $295.00	Aug-11-09 23:54
item as described Cisco Catalyst 2900 XL 24-port Switch WS-C2924M-XL-EN (#160340815234)	superpickett (889 ★) US $2.99	Jul-06-09 06:36
Ok, perfect !!!! Cisco 3524-PWR-XL-EN Inline Power Catalyst Switch (#160342215592)	craemone (172 ★) US $115.00	Jun-30-09 14:21

AD 17

File Edit View History Bookmarks Tools Help

eBay Feedback Profile for ogo...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&userid=ogodswill&iid=-1&de=off&items=25&interv

Router/Switch Power Cable (#160346010632)	US $1.00	
Fast shipment, switch arrived intact and working. No power cord was included • Reply by ogodswill (Jun-06-09 16:11): Power cord was not in the listing, but had you asked, I would have included one.	summerborn81 (9)	Jun-05-09 03:13
Cisco Catalyst 3550 WS-3550-SMI Switch w/EMI IOS (#160337832085)	US $235.00	
Great price, great communication! Very fast shipping! A+++++++++!	bilbo524 (52 ★)	May-31-09 18:32
Cisco Catalyst 2900 XL 24-port Switch WS-C2924M-XL-EN (#160337842198)	US $9.99	
Great seller! Smooth, fast transaction. Fast shipping & good communication!	cisco-atlanta (296 ★)	May-30-09 17:57
Cisco WS-X5302 Route Switch Module For Switch 5000 (#160337838944)	US $9.99	
Nice seller, fast shipping, would buy again	interactive2007 (102 ★)	May-18-09 15:35
Cisco PIX Firewall 616 Failover Active PIX IOS 8.0(4) (#160332767645)	US $295.00	
Received, well pleased, well done, good job	legxy (193 ★)	Apr-19-09 03:44
CCNA Material (#160227924293)	US $1.00	
Item in excellent shape. Just as described	taeboguy (372 ★)	Apr-01-09 05:53
Cisco Systems 7941 IP PHONE (#160217642521)	US $110.00	
Nice, clean perfect transaction	novovia (50 ★)	Mar-31-09 09:40
Cisco 7961G-GE Series VoIP Phone, 7900 7960 7961 7961G (#160217640469)	US $175.00	
i like these routers quite a bit. fast shipper and a great transaction.	mef79 (292 ★)	Mar-10-09 22:40
Set of 3 Cisco 1720 Routers w/Firewall & IPSEC 3DES IOS (#160214298770)	US $120.00	
Thanks for a nice product!	pmanseau1 (161 ★)	Feb-26-09 19:36
Cisco Systems 2620 Router (#160205777162)	US $50.00	
a ++++	ciscobobos (293 ★) No longer a registered user	Feb-22-09 15:49
CISCO 48 Channels T1 Voice/Data Module, NM-HDV-2T1-48 (#160206526434)	US $550.00	
Excellent Seller, Smooth Transaction!!! Thanks A Bunch...	pinballjunky71 (385 ★)	Feb-11-09 06:58
Cisco Color IP 7971G GE Phone (New in Box, Never Used) (#160205786972)	US $350.99	
excellent - just as advertised	amendes (321 ★)	Feb-04-09 17:43
Cisco Systems 7941 IP PHONE (#160202811332)	US $90.00	
Asset to ebay thank you!!!	ibydisco (128 ★)	Jan-23-09 22:05
CISCO VWIC-1MFT-T1 RJ-48 Multiflex Trunk T1 Card (#160192227914)	US $159.99	
Good Transaction... Highly recomment.	tds54 (208 ★)	Jan-19-09 12:14
Cisco WS-X6624-FXS Module for Catalyst 6006/6503/6509 (#160197129561)	US $100.00	
Shipped promtly. Responsive seller. Resolved DOA problem promptly. Good seller	gonecamping8 (946 ★)	Jan-07-09 16:54
CISCO AS53-CC-60VOXD AS5300 VOICE DSPM VOXD C549 DSP (#160191462609)	US $821.00	

AD 18

File Edit View History Bookmarks Tools Help

Connecting...

feedback.ebay.com/ws/eBayISAPI.dll?ViewFeedback2&ftab=FeedbackAsSeller&usend=ogodswill&iid=-1&de=off&items=25&interv

Hi, Godswill! | Daily Deals | Sell | Customer Support

My eBay

ebay Shop by category Search

All Categories Search

Home > Community > Feedback forum > Feedback profile

Feedback profile

NEW Report a buyer

ogodswill (454) Top Rated: Seller with highest buyer ratings ?

Positive Feedback (last 12 months): 100%
[How is Feedback percentage calculated?]
Member since: Sep-14-02 in United States

View your Seller Dashboard
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View seller's Store
View ID history
View eBay My World
View reviews & guides

Recent Feedback ratings (last 12 months) ?

	1 month	6 months	12 months
Positive	3	49	123
Neutral	0	0	1
Negative	0	0	0

Detailed seller ratings (last 12 months) ?

Criteria	Average rating	Number of ratings
Item as described	★★★★★	63
Communication	★★★★★	68
Shipping time	★★★★★	71
Shipping and handling charges	★★★★★	69

ebay MONEY BACK GUARANTEE
Get the item you ordered or get your money back.
Learn what's included

Feedback as a seller | Feedback as a buyer | All Feedback | Feedback left for others

249 Feedback received (viewing 226-249)

Revised Feedback: 0 ?

Period: All

Feedback	From Buyer/price	Date/time
Item as described,great communication A+++ Bell & Howell Sonic Ears (#160066379708)	lumbert79 (24) US $16.00	Feb-05-07 21:20
Thanks for the quick turn around. Hope to buy from this dealer again. AAA++++ GBA SP Pro Gamers Kit (#160067149665)	lwbpaps (198) US $15.32	Jan-29-07 13:47
perfect, thanks Bell & Howell Solar powered Floodlight (Set of 2) (#160066379703)	wcnurse99 (2999) US $39.13	Jan-24-07 07:01
thank you Battery Operated Hot Melt Glue Gun (#160066379685)	ingaonthemoon (2587) US $11.98	Jan-23-07 21:46
Thanks for everything.....A+++++++ Leak Ender 2000 (#160066600156)	w-e-a (700) US $10.73	Jan-16-07 17:53
Just as described Fast smooth transaction Thanks	wildcat78 (1959)	Jan-12-07 18:50

Exhibit D02.

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer, v. OLETU, GODSWILL H. Applicant.	Opposition No. 91216725 Mark: ZENITHMART

APPLICANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120; Applicant, Oletu, Godswill H. a Sole propriety ("Applicant"), hereby propounds to the Opposer, ZENITH-MART INC, the following Requests for Production of Documents and Things. Opposer is requested to provide its written reply to the Request for Production of Documents and Things within thirty (30) days of service hereof; and to service the requested Documents and Things within thirty (30) days of service upon the Applicant using the agreed upon method of service i.e. via US first class mail and a courtesy email copy using the addresses and contact on file with the TTAB.

I. INSTRUCTIONS AND DEFINITIONS

A. These requests for production require responses which are complete and accurate as of the date when such responses are made.

B. These requests for production are continuing in character so as to require Opposer to supplement its responses if it becomes aware of any document of thing responsive to these requests that Opposer has not yet produced.

C. As used herein, the following definitions apply:

1. Communication. The term "communication(s)" means the information that has been transmitted (in the form of facts, ideas, inquiries or otherwise), regardless of the means utilized.

2. Document. The term "document(s)" has the meaning ascribed to it in Fed. R. Civ. P. 34(a), and includes, but is not limited to, every writing or record of every type and description that is of has been in the possession, control or custody of Opposer or of which Opposer has knowledge, including without limitation: originals, drafts, masters and copies of writing, including handwriting, and printed, machine-readable matter, computer files, and typed or other graphic, or photographic matter. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

3. Data. The term "data" shall mean any facts, documents, or communications, oral or otherwise, of which Opposer has knowledge, information or belief.

4. Opposer. The term "Opposer" shall mean Tochukwu Mbiamnozie.

5. Person. Ther term "Person" shall include, without limitation, any natural person or any business, business association, business entity, partnership, corporation, legal, or governmental entity.

6. And and Or. The connectives "and" and "or" shall be construed broadly, both conjunctively and disjunctively, to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside its scope.

7. Date. The term "date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation, including the temporal relationship to other events.

8. Opposer's Mark. The term "Opposer's Mark" includes the mark "ZENITHMART" as depicted in the United States Trademark Applications No. 86/156,478 & 86/172,398, and all extensions, derivatives, and variant spellings.

9. Privileged Documents And Things. Should the Opposer deem any requested Document and Things to the Privileged; Oppose shall list such documents & things and supply information as requested concerning such documents & things; and additionally shall indicate that they claim privilege therefore and briefly state the nature of the documents & things, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of the Opposer associated with such document, a summary statement of the subject matter(s) of such documents & things in sufficient details to permit the Trademark Trial and Appeal Board to conduct an

analysis to reach a determination of any claim privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each document.

II. REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Opposer is hereby requested to produce the documents specified herein to the extent that such documents and things are in the possession, custody, and control of Opposer, Opposer's Attorney or any Person who have the knowledge of the running of Opposer's business.

Request No. 1

All documents referring to or relating to the selection, adoption, and first use, of the Opposer's Mark in the United States, including, but not limited to, search reports, market surveys, interoffice memoranda, meeting notes, board of directors minutes, and all invoices, advertisements, brochures, label, tags, and points of display advertising. Including all documents that Opposer will rely on for establishing priority as claimed in its United State Trademark filing.

Request No. 2

All documents referring or relating to any search or investigation of records of the United States Patent and Trademark Office or any other records or publications in connection with the adoption, use, or application for registration of Opposer's Mark.

Request No. 3

All documents that Opposer will rely upon to establish priority, first use in United States Interstate commerce. Such documents should include sales receipts, sales invoices and representative samples to cover monthly and yearly sales since the earliest date that Opposer will

rely upon for priority to the filing of her Application. Such documents should not be redacted and should clearly show transaction date, details of item(s) purchased, purchaser's contact information, including email address, phone number and mailing address.

Request No. 4

For each document provided in response to Request No. 3 above; please state the relationship of Opposer to the purchaser and state if Opposer knew the purchaser before the transaction date as indicated in the produced document.

Request No. 5

Any trademark opinion(s) prepared concerning the registrability or use of Opposer's Mark or any other marks considered by Opposer but not ultimately selected for use or registration, or documents referring or relating to any such opinion, including search reports.

Request No. 6

Representative sample of actual shipping labels bearing Opposer's Mark, that Opposer fixed to goods and services sold under the Mark and shipped to Customers in the United States or exported out of the United States.

Request No. 7

All and any documents showing contacts, addresses, locations of Opposer's warehouse(es), where Opposer's products are stored, located. Including contact information of any Opposer's employee(s) location at these warehouse with knowledge of Opposer's products and Services.

Request No. 8

All and any documents for years 2012 and 2013; showing lease, rent or mortgage paid for the warehouse(es) represented in Request No. 7 above.

Request No. 9

All and any documents, reports, papers referring or relating to any survey or investigation or research conducted on Opposer's behalf or by Opposer, relating to Opposer's Mark and/or any mark consisting in whole or in part or some extension or variant of the term 'ZENITHMART'.

Request No. 10

All and any 2012 and 2013 State and Federal Income Tax Returns, including all Schedules filed thereof for Zenith-Mart Inc and for services rendered under the mark 'Zenithmart' or other similar marks.

Request No. 11

All and any documents, reports, printouts, statements, etc; which are a result of any and all analysis, investigation, research, findings, survey, etc that Opposer or a third party on behalf of Opposer has conducted or is conducting against the Applicant and its use of the Mark "ZENITHMART", which Opposer will reply on for his case.

Request No. 12

All and any documents that Opposer will present before the TTAB in support of its case, pleading or briefs or all and any document that Opposer will reply upon to prosecute it's case.

Dated this 20th day of January, 2015.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of January, 2015, a true copy of the foregoing APPLICANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS, was served upon Opposer's attorney of record by email and first class mail, postage prepaid and addressed to:

1. Adam S. Weiss
   Polsinelli PC
   161 N. Clark Street, Suite 4200
   Chicago, IL 60601-3316

2. Adam S. Weiss; Aweiss@polsinelli.com
3. Karin Sullivan; KESullivan@polsinelli.com
4. USPT@polsinelli.com

Signed: ____/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se.)
/d/b/a Zenithmart
370W.Pleasantview Avenue, STE#2-120
Hackensack NJ 07054

Exhibit D03.

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer, v. OLETU, GODSWILL H. Applicant.	Opposition No. 91216725 Mark: ZENITHMART

APPLICANT'S FIRST SET OF INTERROGATORIES
DIRECTED TO OPPOSER

Pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120; Applicant, Oletu, Godswill H. a Sole propriety ("Applicant"), hereby propounds to the Opposer, ZENITH-MART INC, the following Interrogatories.

Opposer is requested to provide its written responses to these Interrogatories within thirty (30) days of service hereof; and to service these responses including the supporting documents request within thirty (30) days of service upon the Applicant using the agreed upon method of service i.e. via US first class mail and a courtesy email copy using the addresses and contact on file with the TTAB.

I. INSTRUCTIONS AND DEFINITIONS

A. These Interrogatories require responses which are complete and accurate as of the date when such responses are made.

B. These Interrogatories are continuing in character so as to require Opposer to supplement its responses, including the identity of each person who has knowledge of discoverable matters, the identity of each expert or witness whose testimony is to be used by Opposer, the subject matter on which the expert or witness is expected to testify, and the substance of the expert's testimony.

C. As used herein, the following definitions apply:

1. Communication. The term "communication(s)" means the information that has been transmitted (in the form of facts, ideas, inquiries or otherwise), regardless of the means utilized.

2. Document. The term "document(s)" has the meaning ascribed to it in Fed. R. Civ. P. 34(a), and includes, but is not limited to, every writing or record of every type and description that is or has been in the possession, control or custody of Opposer or of which Opposer has knowledge, including without limitation: originals, drafts, masters and copies of writing, including handwriting, and printed, machine-readable matter, computer files, and typed or other graphic, or photographic matter. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

3. Data. The term "data" shall mean any facts, documents, or communications, oral or otherwise, of which Opposer has knowledge, information or belief.

4. Identify or Specify. As used herein, "identify" or "specify" when used reference to:

(a) a person who is an individual shall mean to state his or her full name, present or last known residence address (designating which), and present or last known position or business affiliation (designating which), job title, employment address, and business and residence telephone numbers;

(b) a person who is a firm, partnership, corporation, proprietorship, association, or other organization or entity shall mean to state its full name, present or last known address (designating which), telephone number, legal form of such entity or organization (including state and country of incorporation and organization), and the identity of its present and former officers, directors, controlling shareholders(s) and all employees, agents and staff members who have responsibilities relating to use of trademarks;

(c) data shall mean to state, in the case of a document, the title)if any), the date, author(s), sender(s), recipient(s), the identity of the person(s) signing it, type of document (i.e. a letter, memorandum, book, telegram, chart, etc) or some other means of identifying it, its present location or custodian, and whether Opposer is in possession of the original, master, or copy thereof.

4. Opposer. The term "Opposer" shall mean Tochukwu Mbiamnozie.

5. Person. Ther term "Person" shall include, without limitation, any natural person or any business, business association, business entity, partnership, corporation, legal, or governmental entity.

6. And and Or. The connectives "and" and "or" shall be construed broadly, both conjunctively and disjunctively, to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside its scope.

7. Date. The term "date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation, including the temporal relationship to other events.

8. Opposer's Mark. The term "Opposer's Mark" includes the mark "ZENITHMART" as depicted in the United States Trademark Applications No. 86/156,478 & 86/172,398, and all extensions, derivatives, and variant spellings.

9. Privileged Documents And Things. Should the Opposer deem any requested Document and Things to the Privileged; Oppose shall list such documents & things and supply information as requested concerning such documents & things; and additionally shall indicate that they claim privilege therefore and briefly state the nature of the documents & things, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of the Opposer associated with such document, a summary statement of the subject matter(s) of such documents & things in sufficient details to permit the Trademark Trial and Appeal Board to conduct an

analysis to reach a determination of any claim privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each document.

II. INTERROGATORIES

INTERROGATORY No. 1

With respect to Zenith-Mart Inc 2012 and 2013 Federal Income Tax Returns and for services render under the mark ZENITHMART or similar marks in US interstate commerce, indicate the value for 'Gross receipts or sales' as reported on IRS Form 1120S line '1a. Gross receipts or sales' or other similar IRS forms or items as contained in Zenith-Mart Inc's 2012 and 2013 tax filings. If Zenith-Mart Inc did not file Income Tax Returns for year(s) 2012 and/or 2013; please state so and indicate for which year(s) income tax was not filed and provide the information so requested herein as contained in Zenith-Mart Inc's financial records for the year income tax was not filed.

INTERROGATORY No. 2

With respect to Zenith-Mart Inc 2012 and 2013 Federal Income Tax Returns and for services render under the mark ZENITHMART or similar marks in US interstate commerce, indicate the value for 'Ordinary business income(loss)' as reported on IRS Form 1120S line '21. Ordinary business income(loss).....' or other similar IRS forms and items as contained in Zenith-Mart Inc's 2012 and 2013 tax filings. If Zenith-Mart Inc did not file Income Tax Returns for year(s) 2012 and/or 2013; please state so and indicate for which year(s) income tax was not filed

and provide the information so requested herein as contained in Zenith-Mart Inc's financial records for the year income tax was not filed

INTERROGATORY No. 3

With respect to Zenith-Mart Inc 2012 and 2013 Federal Income Tax Returns and for services render under the mark ZENITHMART or similar marks in US interstate commerce, and on Schedule L on same Federal Tax Return, indicate the value for 'Inventories' for the 'Beginning of tax year' and also for 'End of tax year', as reported on IRS Form 1120S line '3. Inventories' or other similar IRS forms and items as contained in Zenith-Mart Inc's 2012 and 2013tax filings. If Zenith-Mart Inc did not file Income Tax Returns for year(s) 2012 and/or 2013; please state so and indicate for which year(s) income tax was not filed and provide the information so requested herein as contained in Zenith-Mart Inc's financial records for the year income tax was not filed

INTERROGATORY No. 4

(a) State whether Opposer or any person acting on behalf of Opposer conducted any trademark searches relating to: (i) "ZENITHMART" or (ii) Its variants or extensions or (iii) any other mark, name or designation consisting in whole or in part of the term "ZENITHMART" before, during or after its trademark applications.

(b) If the answers to Interrogatory No. 4(a) are anything other an unqualified negative, state the date of each, and identify each person by whom it was conducted and each person having knowledge or information relating thereto

(c) State the date Opposer first became aware of Applicant's trademark filing and describe the circumstances and means or method through which Opposer came about that knowledge.

INTERROGATORY No. 5

(a) State whether Opposer has ever conducted, caused to be conducted, or obtained any survey, test, market research study, or other investigation or study referring or relating to Applicant, the mark "ZENITHMART", Opposer's Mark, or any other mark, name, or designation consisting in whole or in part of the term "ZENITHMART"

(b) If the answer to Interrogatory 5(a) is anything other than an unqualified negative, identify with respect to each such study;

(i) the date, nature, and design thereof;

(ii) all persons responsible for designing it, conducting it, and interpreting its results; and

(iii) all persons having knowledge of the results thereof.

INTERROGATORY No. 6

Please indicate whether the products or services sold under Opposer's Mark were previously sold under a different mark, and if so, identify the previous mark, the dates of use thereof and the specific products or service on which it was used.

INTERROGATORY No. 7

Identify any and all domain names that opposer has previously used or currently using as source identification of the mark 'Zenithmart' or any similar mark.

INTERROGATORY No. 8

List Address(es) or City/State, where items allegedly sold by Opposer under the mark 'Zenithmart' from his website are shipped from.

INTERROGATORY No. 9

Identify any and all person(s) who were consulted or participated in the preparation of the answers or responses to these Interrogatories.

Dated this 20th day of January, 2015.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of January, 2015, a true copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES DIRECTED TO OPPOSER, was served upon Opposer's attorney of record by email and first class mail, postage prepaid and addressed to:

1. Adam S. Weiss
   Polsinelli PC
   161 N. Clark Street, Suite 4200
   Chicago, IL 60601-3316

2. Adam S. Weiss; Aweiss@polsinelli.com
3. Karin Sullivan; KESullivan@polsinelli.com
4. USPT@polsinelli.com

Signed: ____/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se.)
/d/b/a Zenithmart
370W.Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

Exhibit D04.

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

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC., Opposer, v. OLETU, GODSWILL H. Applicant.	Opposition No. 91216725 Mark: ZENITHMART

APPLICANT'S FIRST SET OF REQUEST FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice; Applicant, Oletu, Godswill H. a Sole propriety ("Applicant"), hereby request and demand of ZENITH-MART INC (herein referred to as Opposer)., the following Request for Admission. Opposer is requested to provide its written reply to the Request for Admission within thirty (30) days of service thereof; and to service the Requested Admissions upon the Applicant using the agreed upon method or service i.e. via US first class mail and a courtesy email copy using the addresses and contact on file with the TTAB.

INSTRUCTIONS

Opposer must admit or deny each request, and where necessary, specify the parts of each request to which it objects or cannot in good faith admit or deny. If the Opposer objects to only part of a

Request, it must admit or deny the remainder of the Request. In the event that the Opposer objects to or denies any Request or portion of a Request, the Opposer must state reasons for its objection or denial.

These Requests shall be deemed continuing and supplemental answers shall be required if additional information is obtained directly or indirectly after the initial response pursuant to Rule 26(e) of the Federal Rules of Civil Procedure

REQUEST No. 1

Admit that as at September 18, 2013; when the Applicant filed its trademark application all and any your domain names allegedly used as source identifier for Opposer's use of the mark 'Zenithmart' in eCommerce were parked, not active and not operational.

REQUEST No. 2

Admit that, the current website www.zenithmart.us allegedly own by Opposer and allegedly serving as the source identifier for Opposer's alleged use of the mark 'Zenithmart' in eCommerce did not launch until December, 2013 or after.

REQUEST No. 3

Admit that, Opposer never used the mark 'Zenithmart' in US interstate commerce, until after his alleged source identifier domain name www.zenithmart.us allegedly launched in December, 2013 or thereafter.

REQUEST No. 4

Admit that, Opposer does not own any warehouse in US.

REQUEST No. 5

Admit that, Opposer did not file 2012 Federal and/or State Income tax returns for services allegedly offered under the mark 'Zenithmart'.

REQUEST No. 6

Admit that, Opposer did not file 2013 Federal and/or State Income tax returns for services allegedly offered under the mark 'Zenithmart'.

REQUEST No. 7

Admit that, Opposer is not the one that package or ship items allegedly sold on his website.

REQUEST No. 8

Admit that, items allegedly sold on Opposer's website, when shipped, does not contain shipping label or any signage or words or description or logo indicating that, they were sold by Opposer or offered through Opposer's website.

REQUEST No. 9

Admit that, a recipient of an item(s) allegedly sold by Opposer from www.zenithmart.us allegedly owned and operated by Opposer and as at or up till May, 2014; will not be able associate the received item(s) to Opposer or his mark 'Zenithmart'; as there is no indication in the package, packing label, etc indicating that the item is associated to/or received from Opposer's or his mark "Zenithmart".

REQUEST No. 10

Admit that, as at January 2, 2014 & January 22, 2014; when Opposer filed the two Application rely upon for bases for this Opposition; Opposer's online listings at www.zenithmart.us or as contain in the specimen of use in his filing does not contain 'Buy It Now' button, 'Add to Cart Button' or any other means by which the general public can consummate an offer or transaction on his website.

Dated this 20th day of January, 2015.

Respectfully Submitted,

Signed: __/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of January, 2015, a true copy of the foregoing APPLICANT'S FIRST SET OF REQUEST FOR ADMISSIONS, was served upon Opposer's attorney of record by email and first class mail, postage prepaid and addressed to:

1. Adam S. Weiss
   Polsinelli PC
   161 N. Clark Street, Suite 4200
   Chicago, IL 60601-3316

2. Adam S. Weiss; Aweiss@polsinelli.com
3. Karin Sullivan; KESullivan@polsinelli.com
4. USPT@polsinelli.com

Signed: ____/1gho2kome3/_____
Oletu, Godswill H. (Applicant, pro-se.)
/d/b/a Zenithmart
370W.Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

STANCE Technology Solution Inc **Exhibit D05.**

From: "Adam Weiss" <AWeiss@Polsinelli.com>
Date: Wednesday, January 21, 2015 10:41 AM
To: "Godswill Oletu" <oletu@oletu.com>; "US Patent and Trademark" <USPatentandTrademark@Polsinelli.com>
Cc: <ogodswill@yahoo.com>; <trademark@zenithmart.com>; "Tedd Van Buskirk" <TVanBuskirk@Polsinelli.com>
Subject: RE: Applicant First Sets of Interrogatories, Request for Admission and Request for Production of Dcouments and Things - TTAB Proceeding No. 91216725

Mr. Oletu, further to our conversation, I confirm receipt of the discovery requests entitled

- APPLICANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS,
- APPLICANT'S FIRST SET OF INTERROGATORIES DIRECTED TO OPPOSER, and
- APPLICANT'S FIRST SET OF REQUEST FOR ADMISSIONS

And I am passing them on to Zenithmart. As we discussed, we have requested to withdraw from the case (that Motion is pending at the TTAB), and we filed the extension request to which you consented.

Please do not hesitate to contact me with any questions.

Warm regards,
Adam

Adam Weiss
Shareholder

aweiss@polsinelli.com
312.873.3644
161 N. Clark Street, Suite 4200
Chicago, IL 60601
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: Godswill Oletu [mailto:oletu@oletu.com]
Sent: Tuesday, January 20, 2015 2:02 PM
To: Adam Weiss; US Patent and Trademark; Karin Sullivan
Cc: ogodswill@yahoo.com; trademark@zenithmart.com
Subject: Applicant First Sets of Interrogatories, Request for Admission and Request for Production of Dcouments and Things - TTAB Proceeding No. 91216725

Dear Mr. Weiss,

Find attached hereto, the following discovery requests on the above matter:

1. Applicant's First Sets of Interrogatories.
2. Applicant's First Sets of Request for Admission.
3. Applicant's First Sets of Request for Production of Documents and Things

A copy of these discovery requests has also been mailed via US First Class Mail and addressed to:

Adam S. Weiss
161 N. Clark Street, Suite 4200
Polsinelli PC
Chicago IL 60601-3206

Sincerely,

Godswill Oletu.
(201) 286-1352
This electronic mail message contains CONFIDENTIAL information which is (a) ATTORNEY - CLIENT PRIVILEGED COMMUNICATION, WORK PRODUCT, PROPRI

This electronic mail message contains CONFIDENTIAL information which is (a) ATTORNEY - CLIENT PRIVILEGED COMMUNICATION, WORK PRODUCT, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) intended only for the use of the Addressee(s) named herein. If you are not an Addressee, or the person responsible for delivering this to an Addressee, you are hereby notified that reading, copying, or distributing this message is prohibited. If you have received this electronic mail message in error, please reply to the sender and take the steps necessary to delete the message completely from your computer system.

Exhibit D06.

STANCE Technology Solution Inc

From: "Godswill Oletu" <oletu@oletu.com>
Date: Thursday, August 27, 2015 6:20 PM
To: <info@zenithmart.us>
Attach: Demand for Discovery Response - 08182015_Consolidated.pdf
Subject: Fw: Second Demand For Discovery Response - Opposition No.: 91216725

FYI

From: Godswill Oletu
Sent: Tuesday, August 25, 2015 4:34 PM
To: Tochukwu Mbiamnozie ; Tochukwu Mbiamnozie
Cc: trademark@zenithmart.com ; ogodswill@yahoo.com ; Godswill Oletu
Subject: Fw: Second Demand For Discovery Response - Opposition No.: 91216725

Dear Mr. Mbiamnozie,

Though, your gmail.com email addresses are not part of your TTAB correspondence records; but having not received any response from you on my request so far and as a courtesy; I am forwarding this request, demanding for discovery responses to the two below gmail.com addresses of yours:

1. tochukwumbiamnozie@gmail.com

2. zenithmart@gmail.com

I am looking forward to receiving the discovery responses.

Sincerely,
Godswill Oletu

From: Godswill Oletu
Sent: Tuesday, August 25, 2015 4:20 PM
To: info@zenithmart.us ; tmbiam@zenithmart.us
Cc: trademark@zenithmart.com ; ogodswill@yahoo.com ; Godswill Oletu
Subject: Second Demand For Discovery Response - Opposition No.: 91216725

Dear Mr. Mbiamnozie,

This is a reminder that, since I sent the below 'Demand for Discovery Response' on the above inter-party matter on Tuesday August 18, 2015; I have not received any communication, no reply, no acknowledgement and no response whatsoever from you.

Please note that, I need the requested discovery responses in order to properly and adequately defend myself on this matter and that your refusal to respond, prejudice upon my ability to mount an effective defense.

I am again writing to inquire about the reason(s), why I have not received any responses from you as

requested.

Also note that, I do not have any documented response from you indicating that, you will not be producing these discovery responses or that you are declining to respond to my discovery requests and as such; I am under the impression that, you will be providing these responses, but I have not received any communication from your end for the none response so far.

Please, forward the requested discovery requests to my attention without delay, because I am eagerly awaiting them.

Sincerely,
Godswill Oletu.
(201) 286-1352

From: Godswill Oletu
Sent: Tuesday, August 18, 2015 12:28 PM
To: info@zenithmart.us ; tmbiam@zenithmart.us ; trademark@zenithmart.us
Cc: trademark@zenithmart.com ; ogodswill@yahoo.com
Subject: Demand For Discovery Response

Dear Mr. Mbiamnozie,

I am writing, to request and demand response to discovery requests sent around January, 2015.

Find, enclosed a formal letter to this effect.

I am looking forward to promptly receiving these responses from you.

Sincerely,

Godswill Oletu.
(201) 286-1352

Exhibit D07.

STANCE Technology Solution Inc

From: "Godswill Oletu" <oletu@oletu.com>
Date: Wednesday, September 16, 2015 8:28 AM
To: "Tochukwu Mbiamnozie" <tochukwumbiamnozie@gmail.com>; <info@zenithmart.us>; <tmbiam@zenithmart.us>; <trademark@zenithmart.us>
Cc: <trademark@zenithmart.com>; <ogodswill@yahoo.com>
Subject: Re: Response - Discovery Response From Opposer - Opposition No. 91216725

Dear Mr. Mbiamnozie,

It is two weeks ago today, that I sent you my fifth remainder to response to my Discovery Requests.

In my last request sent on September 2, 2015; I took time to explain why, the reasons that you advanced for refusing to response to my Discovery Requests are not tenable.

Since the above remainder, which will make about the fifth remainder so far; I have not received any response from you indicating that you will be sending the Discovery Responses or if you have chosen to decline to response.

I truly, do not want to drag this matter before the Board; but if I continue to get non-responses from you, I will have no other option, than to bring it before the Board.

Please note, that I am still expecting those Discovery Responses and I have not received any from you till date.

Please treat this, with the uttermost urgency and seriousness, which it deservers.

Sincerely,
Godswill Oletu

From: Godswill Oletu
Sent: Wednesday, September 02, 2015 8:03 AM
To: Tochukwu Mbiamnozie ; Tochukwu Mbiamnozie ; info@zenithmart.us ; tmbiam@zenithmart.us ; trademark@zenithmart.us
Cc: trademark@zenithmart.com ; ogodswill@yahoo.com
Subject: Re: Response - Discovery Response From Opposer - Opposition No. 91216725

Dear Mr. Mbiamnozie,

Thanks for responding back on my inquiries, regarding the pending discovery responses from you. It was very difficult reaching you, as all your emails on record with TTAB were none responsive and

emails sent to them were returned. Since the parties have stipulated and agreed to service by email, it is important that you maintain a valid email address with the TTAB at all times, this will make communication a lot more smoother and easier in future.

It is disappointing to note that, in January 23, 2015; while acknowledging the receipt of my Discovery Requests; you clearly stated that, you have all that is been requested and are in the process of responding; but here we are, more than seven (7) months after with zero response from your end, you have changed tunes and are now declining to response to a valid Discovery Request.

In regard to the reasons you stated for your non-response and as cited in your last email; please note that, they are not tenable and I will take the pains to explain below:

1. Please note that, there is no concept of priority in Discovery or withholding Discovery Responses, merely because one felt that a Discovery that is due him/her from the requesting party has not been responded to, I believe there are other vehicles within TTAB to address this.

2. Further, you never sent any Discovery Request(s) to me for which a response is needed or pending from my end and as such, I do not owe you any Discovery Response(s). Also, the reference in the body of your last email of August 31, 2015; stating that: "...I want the exact information you are requesting from me, your taxes, financials, invoices, purchase orders, licenses, trade name certificates, website traffic data, marketing expenses, warehouse information's, customer data and relationships with customers etc..." are not proper before me and as such, I am declining to respond to them.

3. On September 15, 2014; I sent my initial disclosures to you, which also included eighteen (18) exhibits and in your email of January 23, 2015 to me, you acknowledged receiving this initial disclosure with the exhibits. This is all that is needed from me in other to request discovery from you. I am attaching that initial disclosure again, to this email.

4. Regarding your request for 'un-redacted copies, etc'. I believe my initial disclosures contain enough un-redacted information to establish priority; including names, addresses, dates, etc. However, it is not proper to withhold Discovery Response because, the responding party, felt that initially disclosed items are not sufficient, I believe there are other avenues provided by TTAB to test the sufficiency of any discovered item.

Finally, I am entitled to discovery in an inter-party matter before the TTAB; and I sent you a valid Discovery Request on January 20, 2015; more than seven (7) months ago, for which Responses were due thirty (30) days after. Also, I served you with my initial disclosure on September 15, 2014 and your reasons for declining to response to my Discovery Request are not tenable as explained herein.

Having painfully gone through the above explanation, I now expect you to please, response to my Discovery Request without further delay. Your delays so far have caused me undue and irreparable harm and are also prejudicial to me.

I am looking forward to promptly receiving these Discovery Responses from you.

Sincerely,
Godswill Oletu

From: Tochukwu Mbiamnozie
Sent: Monday, August 31, 2015 2:22 PM
To: Godswill Oletu ; oletucons@yahoo.com
Subject: Response

Dear Mr Oletu

My not able to respond to you through my correspondence email addresses on the TTAB is also evidence of your damages on my business and now you are demanding not even asking but demanding that I disclose to you documents and exhibits I intend to introduce at trial. You rely solely on my disclosing all the exhibits I have for you to be able to build your defenses. Doesn't it practically prove that you are not the legitimate owner of what you are falsely claiming to own? if you are the rightful and legitimate owner of the Mark, you will have every documents and exhibits to back your claims and will have no need for me to disclose anything to you.

Your secret or invisible legal aid or council or your research didn't tell you that first, "it should be noted that a party cannot seek discovery until it has made its own initial disclosures (initial, expert, and pretrial disclosures)

You never disclosed any of these and you want me to disclose mine so you can go and fabricate paper works to build defenses at trial.

First disclose yours and then I will gladly disclose mine to you. Also note that since the issue is related to priority of use, any documents or exhibits you introduce that is beyond September 18 2013 will not be acceptable since you claimed using the Mark consistently in commence since 2008 till September 18 2013 when you applied to trademark the ZENITHMART.

Be ready to introduce verifiable legal documents and proofs of your using the mark ZENITHMART on your website www.zenithmart.com from 2008 till September 18th 2013. Thats the only exhibits or legal documents that will be accepted for this case in trial and to disclose if you wish to disclose to get my own disclosure. Everything non redacted and can be verified

To that effect, do make available for me without delays all your exhibits and every documents you intend to introduce at trial beginning from 2008 till September 18 2013. meaning 7 years of your using ZENITHMART consistently in commence as you claimed on your domain www.zenithmart.com. I want the exact information you are requesting from me, your taxes, financials, invoices, purchase orders, licenses, trade name certificates, website traffic data, marketing expenses, warehouse information's, customer data and relationships with customers etc, I want you to disclose everything beginning 2008 your first alleged use in commerce till September 18th 2013 when you applied for this trademark and also provide proves of web presence on your website www.zenithmart.com on the above date.

No third party site data or information is acceptable moreover within the said dates from 2008 to

September 18th 2013, you do not have any accounts or web presence on any third party sites except your ebay personal page with ID: Ogodswill which you changed the profile picture to zenithmart logo in 2014. So your ebay personal page data will not be accepted either nor your amazon affiliate pages set up in 2014.

You will prove priority of use and that from 2008 till September 18th 2013 the day you applied for this trademark. The same day our communication broke up after I declined giving you 50% equity.

You also forgot that each document or other exhibit that a party plans to introduce at trial does not need to be disclosed to the other party. [Note 12.]

Am surprised you are still pushing forward in your false claims heading to trial because of pride which you have already lost instead of calling for peace talk and to settle this matter amicable and peacefully and we go our separate ways.

You have cost me lots of damages and harm. leave my Business and mark alone and walk out peacefully. I never did anything wrong contacting you in the first place or for you to partner with me. Haven't you caused me lots of damages already? I didn't give you 50% of ZENITHMART because its greedy to ask for such equity percentage and its so wrong of you to start to falsely claim my company and ignorantly heading to trial still requesting for me to disclose my exhibits and documents to enable you adequately build your defenses.

You have the options to call this off by withdrawing your trademark application and we settle this peacefully and amicable and go our separate ways with you leaving my business and mark alone or we can take the high way and head for trial which you have already lost and then ridicule and disgrace yourself once I introduce every exhibits at my disposal. Mr. Oletu, you don't want to go trial but if thats your wish, then so be it.

Sincerely

Tochukwu

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, December 28, 2015 6:21 PM
To: <oletu@oletu.com>
Attach: ATT01727.eml
Subject: Delivery Status Notification

[Return Code 554] sid: zBMZ1r0063SxrhZ01 :: 5.7.1 <tmbiam@zenithmart.us>: Relay access denied

Exhibit D08.

Exhibit D09.

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, December 28, 2015 6:16 PM
To: <oletu@oletu.com>
Attach: ATT01740.eml
Subject: Delivery Status Notification

[Return Code 554] sid: zBGt1r00B3SxrhZ01 :: 5.7.1 <info@zenithmart.us>: Relay access denied

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, December 28, 2015 6:10 PM
To: <oletu@oletu.com>
Attach: ATT01753.eml
Subject: Delivery Status Notification

[Return Code 554] sid: zBAg1r00A3SxrhZ01 :: 5.7.1 <trademark@zenithmart.us>: Relay access denied

Exhibit D10.

Exhibit D11.

STANCE Technology Solution Inc

From: "Godswill Oletu" <oletu@oletu.com>
Date: Monday, December 28, 2015 6:39 PM
To: "Tochukwu Mbiamnozie" <zenithmart@gmail.com>
Cc: "Tochukwu Mbiamnozie" <tochukwumbiamnozie@gmail.com>
Attach: Delivery Status Notification.eml; Delivery Status Notification.eml; Delivery Status Notification.eml
Subject: TTAB Proceeding No. 91216725

Hi Mr. Mbiamnozie,

Please, reference the above three attachments; which are failed delivery email responses received, as a result of sending email messages to the three of your current email addresses of records, before the TTAB.

Please note that, the parties have agreed and stipulated to electronic service by emails and it is important that, email addresses of record before the TTAB are kept current at all time. This will in doubt facilitate communication between the parties and eliminate unnecessary delays or burdens.

Further note that, the Board Order of June 16, 2015 states that..."..if either of the parties or their attorneys should have a change of address, the Board should be so informed promptly".

Please, kindly confirm your current email address(es) and update the TTAB records accordingly.

Sincerely,
Godswill Oletu

Store Unavailable

This store is currently unavailable due to maintenance. It should be available again shortly.

We apologize for any inconvenience caused.

Exhibit D12.

Store Unavailable

This store is currently unavailable due to maintenance. It should be available again shortly.

We apologize for any inconvenience caused.

Exhibit D13.

Store Unavailable

This store is currently unavailable due to maintenance. It should be available again shortly.

We apologize for any inconvenience caused.

Exhibit D14.