

ESTTA Tracking number: **ESTTA686153**

Filing date: **07/28/2015**

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

Proceeding	91220281
Party	Plaintiff Iron Horse Saloon, Inc.
Correspondence Address	KELLY PARSONS KWIA TEK COBB COLE PA 149 S RIDGEWOOD AVENUE DAYTONA BEACH, FL 32114 UNITED STATES heather.vargas@cobbcole.com, kelly.parsons@cobbcole.com, sharon.rosati@cobbcole.com, michele.staples@cobbcole.com
Submission	Motion to Compel Discovery
Filer's Name	Kelly Parsons Kwiatek
Filer's e-mail	Kelly.Parsons@cobbcole.com, Heather.Vargas@cobbcole.com, Michele.Staples@cobbcole.com, Sharon.Rosati@cobbcole.com
Signature	/Kelly Parsons Kwiatek/
Date	07/28/2015
Attachments	Motion to Compel Discovery Responses (01871368).PDF(2207617 bytes )

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

**Iron Horse Saloon, Inc.,**

**Opposition No. 91220281  
Serial No. 86208174**

**Opposer,**

v.

**Mark Wentura  
d/b/a The Iron Horse Clothing, Inc.,**

**Applicant.**

---

**OPPOSER'S MOTION TO COMPEL  
INITIAL DISCLOSURES AND DISCOVERY RESPONSES**

Pursuant to Fed.R.Civ.P. 37(a) and TTAB 411.01 and 523, Opposer, Iron Horse Saloon, Inc., moves the Trademark Trial and Appeal Board ("TTAB") for an order compelling Applicant, Mark Wentura d/b/a The Iron Horse Clothing Company, to provide its Initial Disclosures and answers to Opposer's First Set of Interrogatories to Applicant and Opposer's First Request for Production to Applicant and states as follows:

1. On January 21, 2015, Opposer filed its Notice of Opposition and the TTAB issued its institution order, setting the Conference, Discovery, Disclosure and Trial Schedule.
2. After an extension of time was granted, discovery opened on April 13, 2015, and the deadline for serving Initial Disclosures was set for May 13, 2015.
3. On May 13, 2015, Opposer promptly served its Initial Disclosures on Applicant. To date, Applicant has not served its Initial Disclosures.

4. On June 18, 2015, Opposer served Opposer's First Set of Interrogatories to Applicant and Opposer's First Request for Production to Applicant, copies of which are attached as Exhibit A and Exhibit B, respectively, which were due on July 21, 2015.

5. To date, there has been no response by Applicant to either Opposer's First Set of Interrogatories to Applicant or Opposer's First Request for Production.

6. Opposer made a good faith effort to resolve the discovery dispute with Applicant by e-mailing him on July 23, 2015, at the e-mail address on file and used by Applicant in the instant matter, and Applicant has not responded in any way.

WHEREFORE, Opposer, Iron Horse Saloon, Inc., respectfully requests the TTAB to issue an order compelling Applicant, Mark Wentura d/b/a The Iron Horse Clothing Company, to provide its Initial Disclosures, as well as its answers to Opposer's First Set of Interrogatories to Applicant and Opposer's First Request for Production to Applicant within 10 days of the date of the order.

Respectfully Submitted,

Dated: July 28, 2015

By: /s/ Kelly Parsons Kwiatek  
Heather Bond Vargas, Esq.  
Kelly Parsons Kwiatek, Esq.  
Cobb Cole, P.A.  
149 S. Ridgewood Ave.  
Daytona Beach, FL 32114  
Telephone: (386) 255-8171  
Facsimile: (386) 255-0093  
Email: Heather.Vargas@CobbCole.com  
Kelly.Parsons@CobbCole.com  
ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 28th day of July, 2015, via E-mail and U.S. Mail, on:

Mark Wentura  
2239 Black Canyon Road, Spc 97  
Ramona, CA 92605-5570  
markw@ironhorsejeans.com

By: /s/ Kelly Parsons Kwiatek  
Kelly Parsons Kwiatek, Esq.

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

In the matter of trademark application Serial No. 86/208,174  
For the mark *The Iron Horse Clothing Company*  
Published in the Official Gazette on September 23, 2014

**Iron Horse Saloon, Inc.,**

**Opposer,**

v.

**Mark Wentura  
d/b/a The Iron Horse Clothing, Inc.,**

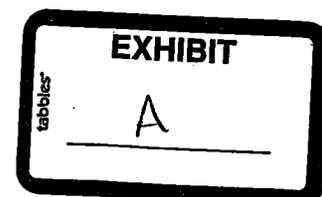
**Applicant.**

---

**OPPOSER, IRON HORSE SALOON, INC.'S FIRST SET OF INTERROGATORIES TO  
APPLICANT, MARK WENTURA d/b/a THE IRON HORSE CLOTHING, INC.**

TO: Mark Wentura d/b/a The Iron Horse Clothing, Inc.  
c/o Mark Wentura  
2239 Black Canyon Road, Spc 97  
Ramona, CA 92605-5570

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, and Trademark Trial and Appeal Board Manual §405, you are required to answer the following interrogatories under oath within thirty (30) days from the date of service. If the space is insufficient for any answer, attach additional sheets making reference to the number of the interrogatory being answered. (If answering for another person or entity, answer with respect to that person or entity, unless otherwise stated).



## DEFINITIONS AND INSTRUCTIONS

1. The terms “you,” “your,” “Mark Wentura,” “Applicant,” and “The Iron Horse Clothing Company,” shall refer to Applicant, MARK WENTURA d/b/a THE IRON HORSE CLOTHING, INC. of application Serial No. 86/208,174, its affiliated entities, predecessors, licensees, agents, employees, servants, representatives, attorneys, investigators, and any person acting or purporting to act on its behalf.

2. The term “Opposer” and “Iron Horse Saloon” shall refer to Opposer, IRON HORSE SALOON, INC., its agents, employees, servants, representatives, attorneys, investigators, and any person acting or purporting to act on its behalf.

3. The term “person” refers to any human being or natural person, individual, proprietorship, partnership, association, corporation, organization, joint venture, firm or other business enterprise, governmental body, group of natural persons, or any other entity or association or organization of any type.

4. The terms “and” or “or” shall mean and/or where appropriate.

5. Where the name or identity of an individual person is requested, or where the term “identify” is used in reference to an individual person, please state that person’s full name, present address, present business address and telephone number, occupation, employer, his or her present whereabouts and his or her position and business affiliation at the time in question. Unless it otherwise appears from the context, a request for the identity of a person relates to all persons in such classification or category.

6. A request to identify a document will be satisfied by production of the document, to the extent that the information covered by the interrogatories appearing on the document’s face and

provided that the production of the document is accompanied by a statement of the specific discovery interrogatory pursuant to which the document was produced. Except as otherwise provided herein, a request to identify a document constitutes a request for a statement of the type of document (e.g. letter, memorandum, etc.); the identity of the person or persons preparing the document; a description of its subject matter; the number of pages in the document; the identity of each addressee or recipient; the date on which the document was prepared, distributed or transmitted; the present location of each copy of the document; and the identity of the present custodian of each copy of the document.

7. The word “any” is not used herein as a phrase of limitation and requires all the information referenced to be provided.

8. When specific interrogatories are said to “include” a request for particular information, such description is an example only and not a limitation upon the normal scope of the interrogatory.

9. In answering these interrogatories, furnish all information which is available to you, including information in the possession of your agents, employees, representatives and all others from whom you may freely obtain it, as well as from your attorneys and their investigators.

10. That which “concerns”, “refers” or “relates” to any given subject is that which constitutes, contains, embodies, reflects, advises, states or is in any way relevant to that given subject.

11. If you cannot answer any one, or any sub-part of these interrogatories in full, after exercising due diligence to secure the information to do so, explicitly so state. Answer every other interrogatory and sub-part and given any information in your possession which may partially answer

the interrogatory or sub-part which you cannot answer in full, or which may lead to Opposer discovering the answer thereto.

12. The word "communication" shall mean any process by which information is exchanged between persons and shall include, without limitation, conversations (whether face-to-face, by telephone or otherwise) correspondence, memoranda, conversations, telexes, telegrams, and e-mails.

13. The word "document" is used in its broadest sense and shall mean, without limitation any written, recorded or graphic matter, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, computer storage devices or any other medium. It includes for example, papers, books, letters, photographs, drawings, photographs, publications, advertisements, brochures, price lists, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings or telephone or other conversations, or of interviews, or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, estimates, proposals, budgets, data, projections, charts, diagrams, schedules, specifications, maps, flow sheets, certifications, organization charts, contracts, agreements, leases, journals, statistical records, logs, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, things similar to any of the foregoing however denominated and all originals, copies (with or without notes or changes thereon) and drafts of any of them.

14. The terms "phrase" and "phrase and/or variants thereof" shall mean any spelling or phonetic variation of the phrase *The Iron Horse Clothing Company* and shall include all of the phrases in the United States subject to this action, both word and design, including, but not limited to

U.S. Trademark application Serial No. 86/208,174, "The Iron Horse Clothing Company." All responses should be limited to the use of phrases, marks, and registrations in the United States.

15. The following interrogatories shall be deemed to seek answers as of the date hereof, but shall be deemed to be continuing so that any additional information relating in any way to these interrogatories which Applicant acquires or which becomes known to Applicant up to and including the time of trial shall be furnished to Opposer immediately after such information is first acquired or becomes known.

### INTERROGATORIES

1. State the name and title of all persons answer and/or assisting in answering these interrogatories.

**ANSWER:**

2. Describe all facts and circumstances related to when Applicant began using the phrase *The Iron Horse Clothing Company* or variant thereof as defined in paragraph # 14 above, including, but not limited to the date of each such first use (as a trademark or in use analogous to a trademark or in any manner establishing trademark rights); the mode and manner of such first use; and the identity of the person or person for whom such goods, products or services were rendered.

**ANSWER:**

3. Identify and describe each good, product or service rendered or intended to be rendered by Applicant in the United States under his phrase and/or variants thereof as defined in paragraph #14 above.

**ANSWER:**

4. For each good, product or service identified in the answer to Interrogatory #3 above, state:

- a. The earliest date when Applicant made such sale in commerce;
- b. The city and state in which such product was sold; and
- c. All geographic areas in which Applicant sells such goods, products and services.

**ANSWER:**

5. For each good, product and service identified in response to Interrogatory #3 above, identify the persons most knowledgeable about each good, product or service.

**ANSWER:**

6. For each good, product and service identified in response to Interrogatory #3 above, identify the price at which each of those products and services is offered.

**ANSWER:**

7. For each good, product and service identified in response to Interrogatory #3 above, describe the channels of trade of the good, product or service.

**ANSWER:**

8. For each good, product and service identified in response to Interrogatory #3 above, identify the persons most knowledgeable about the sales and distribution of the goods, product or service.

**ANSWER:**

9. For each good, product and service identified in response to Interrogatory #3 above, identify the person who is the most knowledgeable about the advertising and promotion of the good, product or service.

**ANSWER:**

10. For each good, product and service identified in response to Interrogatory #3 above, list by calendar year the expenditures you have made on advertising and promotion of the goods, products and services.

**ANSWER:**

11. For each good, product and service identified in response to Interrogatory #3 above, identify the nature and title (if applicable) of the media in which all advertisements of the good, product or service has appeared, including the date of, and geographic scope (by city and state) of such advertisements.

**ANSWER:**

12. For each good, product and service identified in response to Interrogatory #3 above, describe the target markets and characteristics of targeted consumers.

**ANSWER:**

13. For each good, product and service identified in response to Interrogatory #3 above, identify your major competitors and their competing goods, products or services.

**ANSWER:**

14. Identify all newspapers and magazines as well as any reporting in either a printed and/or electronic format, including the date of publication of the issue and the volume if applicable, in which the Applicant and/or the phrase *The Iron Horse Clothing Company* were named or discussed in a story.

**ANSWER:**

15. Identify any leases, contracts, and agreements that refer or relate to Applicant's use of the phrase *The Iron Horse Clothing Company* in which Applicant has entered into for business,

commercial or personal purposes that relate to the production, recording, performance, sale, distribution, or the like of your goods, products and services.

**ANSWER:**

16. Identify your company's name and each officer of your company, including each officer's name, title, address, and job duties.

**ANSWER:**

17. Describe in detail the circumstances through which you first became aware of Opposer and its use of the mark *Iron Horse Saloon*.

**ANSWER:**

18. Identify each person who participated in the selection of the phrase *The Iron Horse Clothing Company*.

**ANSWER:**

19. Identify each person who participated in the decision to file any application for registration of the phrase *The Iron Horse Clothing Company*.

**ANSWER:**

20. Describe any studies, tests, ratings, or surveys related to the quality of the goods, products and services under the phrase *The Iron Horse Clothing Company*.

**ANSWER:**

21. Describe any studies, tests, ratings, or surveys related to consumer recognition of the phrase *The Iron Horse Clothing Company*.

**ANSWER:**

22. Identify every opinion, legal or otherwise, requested or received by you, regarding the right to use of the phrase *The Iron Horse Clothing Company*, including the identity of the persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

**ANSWER:**

23. Identify and describe any agreements in which you have licensed the phrase *The Iron Horse Clothing Company* for use by any other party.

**ANSWER:**

24. Describe in detail any instances in which a third party, other than Opposer, has challenged your right to use, or the rights you claim in, the phrase *The Iron Horse Clothing Company*.

**ANSWER:**

25. Describe what efforts, if any, Applicant made prior to the adoption of the phrase *The Iron Horse Clothing Company* to determine whether such mark or name or similar mark of name was available for use as a trade mark or service mark, including a description of all trademark searches, legal opinions, investigations and other analysis.

**ANSWER:**

26. Identify each expert witness that you intend to call in this proceeding, including the facts or subject matter about which they are expected to testify.

**ANSWER:**

27. Describe in detail any plans for future expansion of your use of phrase *The Iron Horse Clothing Company* to goods, products and services in connection with which the mark is not already in use.

**ANSWER:**

28. Describe all facts, details, and circumstances that establish, relate, or pertain to your Fourth Affirmative Defense that states Opposer's mark is not famous.

**ANSWER:**

Respectfully Submitted,

Dated: June 18, 2015

By: /s/ Heather Bond Vargas  
Heather Bond Vargas, Esq.  
Kelly Parsons Kwiatek, Esq.  
Cobb Cole, P.A.  
149 S. Ridgewood Ave.  
Daytona Beach, FL 32114  
Telephone: (386) 255-8171  
Facsimile: (386) 255-0093  
Email: Heather.Vargas@CobbCole.com  
Kelly.Parsons@CobbCole.com  
ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 18th day of June, 2015, via Certified U.S. Mail (Receipt No. 7010 3090 0001 4293 4607), on:

Mark Wentura  
2239 Black Canyon Road, Spc 97  
Ramona, CA 92605-5570

By: /s/ Heather Bond Vargas  
Heather Bond Vargas, Esq.

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

In the matter of trademark application Serial No. 86/208,174  
For the mark *The Iron Horse Clothing Company*  
Published in the Official Gazette on September 23, 2014

**Iron Horse Saloon, Inc.,**

**Opposer,**

v.

**Mark Wentura  
d/b/a The Iron Horse Clothing, Inc.,**

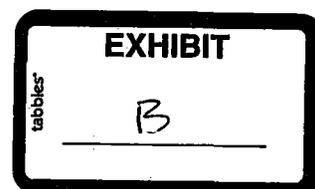
**Applicant.**

---

**OPPOSER, IRON HORSE SALOON, INC.'S FIRST REQUEST FOR PRODUCTION TO  
APPLICANT, MARK WENTURA d/b/a THE IRON HORSE CLOTHING, INC.**

TO: Mark Wentura d/b/a The Iron Horse Clothing, Inc.  
c/o Mark Wentura  
2239 Black Canyon Road, Spc 97  
Ramona, CA 92605-5570

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, and Trademark Trial and Appeal Board Manual §406, you are required to produce for inspection and copying the items and documents set forth below. These items and documents are to be produced at the office of counsel for Opposer, IRON HORSE SALOON, INC. whose address is: Cobb Cole, 149 South Ridgewood Avenue, Suite 700, Daytona Beach, Florida, within thirty (30) days from the date of service or within such other time as the Trademark Trial and Appeal Board orders.



## DEFINITIONS AND INSTRUCTIONS

1. The terms “you,” “your,” “Mark Wentura,” “Applicant,” and “The Iron Horse Clothing Company,” shall refer to Applicant, MARK WENTURA d/b/a THE IRON HORSE CLOTHING, INC. of application Serial No. 86/208,174, its affiliated entities, predecessors, licensees, agents, employees, servants, representatives, attorneys, investigators, and any person acting or purporting to act on its behalf.

2. The term “Opposer” and “Iron Horse Saloon” shall refer to Opposer, IRON HORSE SALOON, INC., its agents, employees, servants, representatives, attorneys, investigators, and any person acting or purporting to act on its behalf.

3. The term “person” refers to any human being or natural person, individual, proprietorship, partnership, association, corporation, organization, joint venture, firm or other business enterprise, governmental body, group of natural persons, or any other entity or association or organization of any type.

4. The terms “and” or “or” shall mean and/or where appropriate.

5. The word “any” is not used herein as a phrase of limitation and requires all the information referenced to be provided.

6. That which “concerns”, “refers” or “relates” to any given subject is that which constitutes, contains, embodies, reflects, advises, states or is in any way relevant to that given subject.

7. The word “communication” shall mean any process by which information is exchanged between persons and shall include, without limitation, conversations (whether face-to-face, by telephone or otherwise) correspondence, memoranda, conversations, telexes, telegrams, and e-mails.

8. The word “document” is used in its broadest sense and shall mean, without limitation any written, recorded or graphic matter, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, computer storage devices or any other medium. It includes for example, papers, books, letters, photographs, drawings, photographs, publications, advertisements, brochures, price lists, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings or telephone or other conversations, or of interviews, or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, estimates, proposals, budgets, data, projections, charts, diagrams, schedules, specifications, maps, flow sheets, certifications, organization charts, contracts, agreements, leases, journals, statistical records, logs, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, things similar to any of the foregoing however denominated and all originals, copies (with or without notes or changes thereon) and drafts of any of them.

9. The terms “phrase” and “phrase and/or variants thereof” shall mean any spelling or phonetic variation of the phrase *The Iron Horse Clothing Company* and shall include all of the phrases in the United States subject to this action, both word and design, including, but not limited to U.S. Trademark application Serial No. 86/208,174, “The Iron Horse Clothing Company.” All responses should be limited to the use of phrases, marks, and registrations in the United States.

10. If any or all documents identified herein are no longer in your possession, custody, or control because of destruction, loss, or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy

of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

11. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of the attorney-client privilege, the work-product doctrine, or other ground, then do the following with respect to each and every document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

12. This request for production of documents and things is deemed to be continuing in nature. If after producing documents and things, you are aware of any further documents and things or information responsive to these requests, you are required to produce to Opposer such additional documents and things, and/or provide Opposer with such additional information.

### **REQUEST FOR PRODUCTION**

1. All documents used to answer Opposer's First Set of Interrogatories to Applicant.
2. All documents which refer to or establish Applicant's use of the phrase *The Iron Horse Clothing Company* and/or variants thereof.
3. All documents showing or describing such goods, products or services sold by Applicant under the phrase *The Iron Horse Clothing Company*.
4. All documents relating to studies, tests, ratings, and/or surveys in connection with your goods, products and services related to the phrase *The Iron Horse Clothing Company*.
5. All documents relating to your application for the phrase *The Iron Horse Clothing Company*.

6. All non-privileged documents and communications related to your application for the registration of the phrase *The Iron Horse Clothing Company* filed with the U.S. Patent and Trademark Office, including, but not limited to correspondence and attachments between you and your counsel and the U.S. Patent and Trademark Office.

7. All documents which refer to or establish Mark Wentura's first use of the phrase *The Iron Horse Clothing Company* or which Mark Wentura will rely upon to establish the date(s) when Mark Wentura first used the mark.

8. All documents which refer to or establish Applicant's continuing use of the phrase *The Iron Horse Clothing Company*.

9. All documents which refer to or relate to any authorization, license, franchise, assignment or grant from Applicant to another person giving the other person the right to use the phrase *The Iron Horse Clothing Company*.

10. Any and all documents relating or referring to use of names, phrases, trade names, trademarks or service marks by a third party which include the words "Iron Horse Clothing" or variants thereof either alone or in combination with other formatives.

11. All documents relating to any investigation, trademark search, and/or inquiry conducted by you, and/or on your behalf in connection with assessing the availability, registration and/or use of the phrase *The Iron Horse Clothing Company*.

12. All documents evidencing expenditures including advertising, promotion, web page design made by Applicant in adopting, using and promoting the phrase *The Iron Horse Clothing Company* or any phrases or marks similar thereto as a mark or trade name, including, without limitation, all invoices, brochures, or ordering documentation, containing the phrase *The Iron Horse Clothing Company* or something similar thereto.

13. All documents including all proposals, memorandums, correspondence, marketing opinions, trade name or mark search results, legal opinions, art work, photographs and press releases pertaining to Applicant's creation, selection, adoption and application for and/or registration of the phrase *The Iron Horse Clothing Company* and/or any names or marks similar thereto as a trademark, service mark, trade name and/or corporate name in the United States Patent and Trademark Service Offices and any state of the United States.

14. One copy of each advertising, marketing, and promotional material showing use of the phrase *The Iron Horse Clothing Company* on any goods, products or services, including but not limited to web pages, catalogs, circulars, leaflets, direct mail pieces, brochures, point of sale pieces, press releases, web-based advertising (including but not limited to banner ads), newspaper and magazine advertisements and articles, transcripts and audio tapes for radio advertisements, and transcripts and video tapes of television advertisements.

15. All documents sufficient to identify all advertising agencies or consultants engaged by you for advertising and promoting goods, products or services on or in connection with which the phrase *The Iron Horse Clothing Company* is or has been used.

16. All documents and things referring to or relating to Applicant's first awareness of or knowledge of Opposer's mark.

17. All documents that evidence the biographical information of Mark Wentura and/or Applicant's web site [www.ironhorsejeans.com](http://www.ironhorsejeans.com) or any other sites sponsored by Applicant related to the phrase *The Iron Horse Clothing Company*, including all computer input and printouts and any modifications or revisions of text, context or format relating thereto.

18. All documents relating to your selection, adoption and registration of any internet domain names incorporating the words "Iron Horse."

19. All documents which refer or relate to the marketing, distribution, sale, advertising, or promotion of the phrase *The Iron Horse Clothing Company*.

20. All documents relating to the target markets to which you have offered, or intended to offer, products, goods, or services identified by the phrase *The Iron Horse Clothing Company*.

21. All documents sufficient to show the cost to your customers of all products, goods, or services you offer in connection with the phrase *The Iron Horse Clothing Company*.

22. All documents sufficient to identify the persons involved in design, sales, marketing, communications, business strategy, or business planning for The Iron Horse Clothing Company and/or Mark Wentura d/b/a The Iron Horse Clothing, Inc.

23. Documents sufficient to show The Iron Horse Clothing, Inc.'s legal status and date founded, including all documents related to the incorporation of Mark Wentura d/b/a The Iron Horse Clothing, Inc.

24. Documents sufficient to identify all officers, directors and owners of all predecessors, subsidiaries, parent companies, affiliated companies, and joint venturers of Mark Wentura d/b/a The Iron Horse Clothing, Inc.

25. All documents that relate to the classes of purchasers who have used and/or prospectively will have occasion to use Applicant's services on or in connection with which Applicant uses the phrase *The Iron Horse Clothing Company*.

26. All documents that relate to the trade channels and/or channels of distribution in the United States of the phrase *The Iron Horse Clothing Company*.

27. All documents including but not limited to leases, contracts, and agreements that refer to or relate to the phrase *The Iron Horse Clothing Company* in which Applicant has entered into for

business, commercial or personal purposes that relate to the production, recording, performance, sale, distribution, or the like of your goods, products and services.

28. All documents that establish Opposer will not suffer any damages by U.S. registration and use by Applicant of the phrase *The Iron Horse Clothing Company*, as stated in Applicant's First Affirmative Defense.

29. All documents that establish there is no likelihood of confusion, mistake, or deception between the phrase *The Iron Horse Clothing Company* and Opposer's mark, as stated in Applicant's Second Affirmative Defense.

30. All documents that establish, relate, or pertain to Applicant's Fourth Affirmative Defense that states Opposer's mark is not famous.

31. All documents that establish Applicant will suffer damages if the phrase *The Iron Horse Clothing Company* is not registered.

32. Any and all documents of any expert to be used by Applicant that have been prepared in connection with or upon which the expert has or will rely on in giving testimony.

Respectfully Submitted,

Dated: June 18, 2015

By: /s/ Heather Bond Vargas  
Heather Bond Vargas, Esq.  
Kelly Parsons Kwiatek, Esq.  
Cobb Cole, P.A.  
149 S. Ridgewood Ave.  
Daytona Beach, FL 32114  
Telephone: (386) 255-8171  
Facsimile: (386) 255-0093  
Email: Heather.Vargas@CobbCole.com  
Kelly.Parsons@CobbCole.com  
ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 18th day of June, 2015, via Certified U.S. Mail (Receipt No. 7010 3090 0001 4293 4607), on:

Mark Wentura  
2239 Black Canyon Road, Spc 97  
Ramona, CA 92605-5570

By: /s/ Heather Bond Vargas  
Heather Bond Vargas, Esq.