

ESTTA Tracking number: **ESTTA703129**

Filing date: **10/19/2015**

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

Proceeding	91222532
Party	Plaintiff Kimberly-Clark Worldwide, Inc.
Correspondence Address	MICHAEL R JUSTUS KATTEN MUCHIN ROSENMAN LLP 2900 K ST NW N TOWER, STE 200 WASHINGTON, DC 20007 UNITED STATES kattendctm@kattenlaw.com, michael.justus@kattenlaw.com, roger.furey@kattenlaw.com, andrew.klevorn@kattenlaw.com
Submission	Motion to Compel Discovery
Filer's Name	Michael R. Justus
Filer's e-mail	michael.justus@kattenlaw.com
Signature	/Michael R. Justus/
Date	10/19/2015
Attachments	Final Motion to Compel.pdf(187968 bytes)

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

Kimberly-Clark Worldwide, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91222532
)	
Multibrands International Ltd,)	Mark: HUNNIES
)	Serial No.: 86391749
Applicant.)	Filed: September 11, 2014
)	

**OPPOSER’S MOTION TO COMPEL
APPLICANT’S INITIAL DISCLOSURES AND DISCOVERY RESPONSES**

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure (“FRCP”) and 37 CFR § 2.120(e), Opposer Kimberly-Clark Worldwide, Inc., by and through its attorneys, hereby moves the Board to compel Applicant Multibrands International Ltd to serve on Opposer its Initial Disclosures under FRCP 26(a)(1), its responses to Opposer’s First Set of Interrogatories under FRCP 33, and its First Set of Requests For the Production of Documents and Things under FRCP 34.

FACTS

On June 24, 2015, Opposer filed this Opposition proceeding.

On June 25, 2015, the Board issued its Order instituting this proceeding and setting a deadline of October 3, 2015 for the parties to serve their respective Initial Disclosures.

On August 31, 2015, the parties held their discovery conference. The parties stipulated to service of disclosures, discovery requests and responses, and other papers by email.

On September 11, 2015, Opposer served on Applicant: (a) Opposer’s Initial Disclosures, (b) Opposer’s First Set of Interrogatories, and (c) Opposer’s First Set of Requests For the Production of Documents and Things. Opposer’s discovery requests are attached hereto as

Exhibit A.

On October 8, 2015, counsel for Opposer contacted counsel for Applicant via email to inquire regarding Applicant's overdue Initial Disclosures.

On October 8, 2015, counsel for Applicant responded to counsel for Opposer via email, advising that: "I am currently communicating with my client, who is overseas, and is difficult to get ahold of. As soon as I am able to speak with them, I will advise. Please let me know if you need anything." The parties' email communications are attached hereto as Exhibit B.

On October 14, 2015, having heard nothing further from Applicant or its counsel, counsel for Opposer again contacted counsel for Applicant via email to inquire regarding Applicant's overdue Initial Disclosures, as well as its overdue responses to Opposer's outstanding discovery requests. See Exhibit B.

As of October 19, 2015, counsel for Opposer has not received any further response from counsel for Applicant regarding the overdue disclosures and responses, nor has Applicant served its overdue disclosures or responses on counsel for Opposer.

ARGUMENT

Parties to Board proceedings are required to serve Initial Disclosures by the deadline set by the Board in its order instituting the proceedings, namely, within 30 days after the opening of the discovery period. 37 CFR § 2.120(a)(2). Here, Applicant's Initial Disclosures were due on October 3, 2015. Despite Opposer's good-faith attempts to confer with Applicant regarding its overdue Initial Disclosures, Applicant has not served its Initial Disclosures nor indicated that such service is forthcoming. Motions to compel are a proper means of addressing overdue Initial Disclosures. 37 CFR § 2.120(e); TBMP § 411.01. Accordingly, Opposer respectfully requests that the Board compel Applicant to promptly serve its Initial Disclosures on Opposer.

Similarly, parties to Board proceedings are required to serve responses to interrogatories and requests for production within 30 days of email service by the requesting party. FRCP 33 and 34; TBMP 403.03 (“If the parties agree to electronic service (e.g., by email, facsimile) the five extra day grace period does not apply.”). Applicant’s responses to Opposer’s first sets of discovery requests served on September 11, 2015 were due by October 12, 2015. Despite Opposer’s good-faith attempt to confer with Applicant regarding its overdue discovery responses, Applicant has not served its responses nor indicated that such service is forthcoming. Motions to compel are a proper means of addressing overdue discovery responses. 37 CFR § 2.120(e); TBMP § 411.02. Accordingly, Opposer respectfully requests that the Board compel Applicant to promptly serve its discovery responses on Opposer.

CONCLUSION

For the reasons set forth above, Opposer respectfully requests that the Board issue an Order compelling Applicant to serve on Opposer its overdue Initial Disclosures and discovery responses.

Dated: October 19, 2015

Respectfully submitted,

By: /s/ Michael R. Justus

Roger P. Furey
Michael R. Justus
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North Tower, Suite 200
Washington, DC 20007-5118
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michael.justus@kattenlaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2015, a copy of the foregoing Opposer's Motion to Compel Applicant's Initial Disclosures and Discovery Responses was served on Applicant's counsel-of-record via email as agreed by the parties at the following addresses:

francis@ruzlaw.com
rickruz@ruzlaw.com

/s/ Michael R. Justus

EXHIBIT A

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

Kimberly-Clark Worldwide, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91222532
)	
Multibrands International Ltd,)	Mark: HUNNIES
)	Serial No.: 86391749
Applicant.)	Filed: September 11, 2014
)	

OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 CFR § 2.120, Opposer Kimberly-Clark Worldwide, Inc., by and through its attorneys, hereby requests that Applicant Multibrands International Ltd answer, in writing and under oath, within thirty (30) days of service hereof, each of the Interrogatories set forth below, in accordance with the following Definitions and Instructions.

Definitions

1. "Opposition" means the above-captioned action.
2. "Applicant," "You," and "Your" mean the Applicant in this Opposition, Multibrands International Ltd, and all predecessors, successors, parents, subsidiaries, divisions and/or affiliates thereof, and all past or present officers, directors, agents, employees, consultants, accountants, attorneys, representatives and any other person or entity acting on behalf of any of the foregoing.
3. "Kimberly-Clark" and "Opposer" mean Kimberly-Clark Worldwide, Inc., the Opposer in this Opposition, including its officers, directors, employees, agents, and affiliates.

4. “HUGGIES Marks” means the trademarks asserted by Opposer in the Notice of Opposition in this matter.

5. “Application” means U.S. Application Serial No. 86391749, which has been opposed by Kimberly-Clark in this matter.

6. “Applicant’s Mark” means the HUNNIES mark that is the subject of the Application.

7. “Applicant’s Goods” mean the goods covered by the Application in connection with Applicant’s Mark.

8. “U.S. commerce” means all commerce which may be lawfully regulated by Congress as defined in 15 U.S.C. § 1127.

9. “Third party” or “third parties” mean and include any person or persons other than Applicant and Opposer.

10. “Person” or “persons” mean and include any natural person, corporation, company, proprietorship, partnership, joint venture, association, firm, government entity or any other entity recognized in law, and shall include the owners, officers, directors, agents, trustees, parents, subsidiaries, affiliates, assignees, predecessors and successors of each such “person.”

11. “Communication” or “communications” mean any form of oral or written exchange, whether in person, by telephone, by facsimile, by electronic mail, by social media, by electronic posting, or by any other medium, and further means, without limitation, the transmission of a word, statement, fact, thing, idea, document, instruction, demand or question, including but not limited to, meetings, discussions, conversations, memoranda, letters, agreements, presentations, conferences or seminars.

12. “Document” or “documents” are used in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure and include, but are not limited to, all forms of recorded information in Your actual or constructive possession, custody, or control whether handwritten, typed, printed, recorded or stored on computer data storage devices or data centers, diskettes, videotapes, audio tape or photographic film. This includes any drafts or versions thereof, and all copies on which any mark, alteration, writing, attachment or any other change from the original appear.

13. “Relating to” or “relating to” mean concerning, relating to, referring to, comprising, reflecting, describing, evidencing, supporting, constituting, contradicting, identifying, mentioning, discussing, and/or analyzing.

14. “Thing” or “things” mean and include any tangible item other than a Document.

15. The words “and” and “or” shall be used conjunctively or disjunctively, whichever makes the Interrogatory more inclusive, and are to be construed as broadly as possible so as to bring within the scope of the Definitions and Interrogatories all matters which by any other construction would fall outside their scope.

16. “Any” and “all” shall mean “any and all” which includes “each and every.”

17. “Including” shall be construed to mean “without any limitation.”

18. The singular shall include the plural and the plural shall include the singular so as to bring within the scope of the Definitions and these Interrogatories all matters which by any other construction would fall outside their scope.

19. The past tense shall include the present tense and the present tense shall include the past so as to make these Interrogatories inclusive rather than exclusive.

Instructions

1. All objections and responses to these Interrogatories shall be made in writing and delivered to: Roger P. Furey, Esq., Katten Muchin Rosenman LLP, 2900 K St. NW, Washington, DC 20007 and/or roger.furey@kattenlaw.com.

2. These Interrogatories shall be construed to require answers based upon the knowledge of, and information available to, Applicant, as well as its employees, agents, representatives, and attorneys.

3. These Interrogatories shall be deemed to be continuing and therefore require You to furnish supplemental responses as required by Rule 26 whenever You obtain different or additional knowledge, information, or belief relevant to the Interrogatories.

4. No part of an Interrogatory shall be left unanswered merely because an objection is interposed to another part of the Interrogatory. If a partial or incomplete answer is provided, You shall state that the answer is partial or incomplete.

5. If, in the course of responding to these Interrogatories, You encounter any ambiguities when construing an Interrogatory or a Definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

6. In accordance with Federal Rule of Civil Procedure 26(b)(5), where a claim of privilege is asserted in objecting to any Interrogatory or part thereof, and information is not provided on the basis of such assertion:

- a. In asserting the privilege, you shall, in the objection to the Interrogatory, or part thereof, identify with specificity the nature of the privilege (including the work product doctrine) that is being claimed;

- b. The following information should be provided in the objection if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:
 - i. For oral communications:
 1. the name of the person making the communication and the names of persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;
 2. the date and place of the communication; and
 3. the general subject matter of the communications.
 - ii. For documents or electronically stored information:
 1. the type of document;
 2. the general subject matter of the document;
 3. the date of the document; and
 4. such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian and any other recipient of the document, and where not apparent, the relationship of the author, addressee, custodian and any other recipient to each other.
7. If You elect to specify and produce business records in answer to any Interrogatory, the specification shall be in sufficient detail to permit Kimberly-Clark to locate and identify, as readily as You can, the business records from which the answer may be ascertained.

8. If You identify any person in response to an Interrogatory, you shall include sufficient detail to allow Opposer to identify such person with particularity, including full legal name (if an individual) or registered business name and state of registration/incorporation (if a business entity), employer and job title (if an individual), physical address, and mailing address (if different from physical address).

INTERROGATORIES

1. Identify the person or persons employed by, part of, or affiliated with Applicant who is/are the most knowledgeable about Applicant's conception, adoption, attempted registration, and use of Applicant's Mark.

2. Identify the person or persons employed by, part of, or affiliated with Applicant who is/are the most knowledgeable about Applicant's use of Applicant's Mark in U.S. commerce.

3. Describe in detail the timing and circumstances in which Applicant first became aware of any of Kimberly-Clark's HUGGIES Marks or any other use of a HUGGIES-formative mark by Kimberly-Clark.

4. Identify and describe in detail any clearance searches, search reports, clearance opinions, and/or any other documents or communications relating to whether Applicant's Mark and/or any other mark including the term "hunnies" was/is free from conflicts (including a likelihood of confusion or dilution) with any marks owned by third parties, or was/is otherwise available for Applicant's use and/or registration.

5. Identify and describe in detail Applicant's first use of Applicant's Mark in U.S. commerce for all products offered, promoted, and/or sold under Applicant's Mark.

6. Identify and describe in detail Applicant's reasons and intentions for selecting and using in the U.S. Applicant's Mark and any other mark including the term "hunnies" for which Applicant has applied for registration in the U.S.

7. Identify and describe in detail Applicant's understanding of the meaning and connotation of Applicant's Mark.

8. Identify any statement, inquiry, comment, and/or other communication by or from any third party, including but not limited to Applicant's customers, potential customers, service providers, suppliers, or other persons, either oral or written, evidencing any confusion, suspicion, belief, or doubt on the part of said third party as to the relationship between Kimberly-Clark and Applicant, or between the respective goods of Kimberly-Clark and Applicant, arising from or relating to Your use of Applicant's Mark.

9. Identify and describe in detail the methodology and results of any investigation or other research of Kimberly-Clark and/or its HUGGIES Marks undertaken or commissioned by Applicant.

10. Identify and describe in detail all facts that support or refute Applicant's Affirmative Defenses in its Answer in this Opposition.

11. Identify and describe in detail all facts that support or refute Applicant's statement in its Answer that "[t]here is no similarity between Applicant's HUNNIES mark and Opposer's marks as to appearance."

12. Identify and describe in detail all facts that support or refute Applicant's statement in its Answer that "[p]urchasers of goods sold along with the relevant marks are careful and sophisticated...."

13. Identify and describe in detail all facts that support or refute Applicant's statement in its Answer that "[t]he respective trademarks, as appears on each party's respective goods and services, do not create the same or similar commercial impression when viewed separately by the ordinary consumer."

14. Identify and describe in detail all facts that support or refute Applicant's statement in its Answer that "[o]ther than beginning with the letter 'H,' the Opposer's marks do not sound like the Applicant's mark."

15. Identify and describe in detail all facts that support or refute Applicant's statement in its Answer that "[t]he connotation of Opposer's marks is fundamentally different from Applicant's mark."

[SIGNATURE ON NEXT PAGE]

Dated: September 11, 2015

Respectfully submitted,

By: /s/ Michael R. Justus

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Michael R. Justus
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michael.justus@kattenlaw.com
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2015, a copy of the foregoing Opposer's First Set of Interrogatories was served on Applicant's counsel-of-record via email as agreed by the parties at the following addresses:

francis@ruzlaw.com
rickruz@ruzlaw.com

/s/ Michael R. Justus

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

Kimberly-Clark Worldwide, Inc.,)	
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Opposer,)	
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v.)	Opposition No. 91222532
)	
Multibrands International Ltd,)	Mark: HUNNIES
)	Serial No.: 86391749
Applicant.)	Filed: September 11, 2014
)	

**OPPOSER’S FIRST SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 CFR § 2.120, Opposer Kimberly-Clark Worldwide, Inc., by and through its attorneys, hereby requests that Applicant Multibrands International Ltd produce documents and things responsive to these Requests at the offices of Katten Muchin Rosenman LLP, 2900 K St. NW, Washington, DC 20007, within the time provided therefor in the Federal Rules of Civil Procedure or as otherwise directed by the Board, in accordance with the following Definitions and Instructions.

Definitions

1. “Opposition” means the above-captioned action.
2. “Applicant,” “You,” and “Your” mean the Applicant in this Opposition, Multibrands International Ltd, and all predecessors, successors, parents, subsidiaries, divisions and/or affiliates thereof, and all past or present officers, directors, agents, employees, consultants, accountants, attorneys, representatives and any other person or entity acting on behalf of any of the foregoing.

3. “Kimberly-Clark” and “Opposer” mean Kimberly-Clark Worldwide, Inc., the Opposer in this Opposition, including its officers, directors, employees, agents, and affiliates.

4. “HUGGIES Marks” means the trademarks asserted by Opposer in the Notice of Opposition in this matter.

5. “Application” means U.S. Application Serial No. 86391749, which has been opposed by Opposer in this matter.

6. “Applicant’s Mark” means the HUNNIES mark that is the subject of the Application.

7. “Applicant’s Goods” mean the goods covered by the Application in connection with Applicant’s Mark.

8. “U.S. commerce” means all commerce which may be lawfully regulated by Congress as defined in 15 U.S.C. § 1127.

9. “Third party” or “third parties” mean and include any person or persons other than Applicant and Opposer.

10. “Person” or “persons” mean and include any natural person, corporation, company, proprietorship, partnership, joint venture, association, firm, government entity or any other entity recognized in law, and shall include the owners, officers, directors, agents, trustees, parents, subsidiaries, affiliates, assignees, predecessors and successors of each such “person.”

11. “Communication” or “communications” mean any form of oral or written exchange, whether in person, by telephone, by facsimile, by electronic mail, by social media, by electronic posting, or by any other medium, and further means, without limitation, the transmission of a word, statement, fact, thing, idea, document, instruction, demand or question,

including but not limited to, meetings, discussions, conversations, memoranda, letters, agreements, presentations, conferences or seminars.

12. “Document” or “documents” are used in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure and include, but are not limited to, all forms of recorded information in Your actual or constructive possession, custody, or control whether handwritten, typed, printed, recorded or stored on computer data storage devices or data centers, diskettes, videotapes, audio tape or photographic film. This includes any drafts or versions thereof, and all copies on which any mark, alteration, writing, attachment or any other change from the original appear.

13. “Relating to” or “relating to” mean concerning, relating to, referring to, comprising, reflecting, describing, evidencing, supporting, constituting, contradicting, identifying, mentioning, discussing, and/or analyzing.

14. “Thing” or “things” mean and include any tangible item other than a Document.

15. The words “and” and “or” shall be used conjunctively or disjunctively, whichever makes the Request more inclusive, and are to be construed as broadly as possible so as to bring within the scope of the Definitions and Requests all matters which by any other construction would fall outside their scope.

16. “Any” and “all” shall mean “any and all” which includes “each and every.”

17. “Including” shall be construed to mean “without any limitation.”

18. The singular shall include the plural and the plural shall include the singular so as to bring within the scope of the Definitions and these Requests all matters which by any other construction would fall outside their scope.

19. The past tense shall include the present tense and the present tense shall include the past so as to make these Requests inclusive rather than exclusive.

Instructions

1. All objections and responses to these Requests shall be made in writing and delivered to: Michael R. Justus, Esq., Katten Muchin Rosenman LLP, 2900 K St. NW, Washington, DC 20007, michael.justus@kattenlaw.com.

2. If, in the course of responding to these Requests, You encounter any ambiguities when construing a Request or Definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

3. If You withhold any responsive information on a claim of privilege or any other claim of immunity from discovery, then for each item of information withheld, state the applicable claim (e.g., attorney-client privilege, work product doctrine), describe the general subject matter of the information withheld and describe the facts giving rise to the claim in sufficient detail so as to permit Kimberly-Clark to evaluate, and the Board to adjudicate, the validity of the claim. In the event that You object to any request herein based upon an allegation of privilege (including the work product doctrine) or immunity to discovery, You shall provide an appropriate privilege log in which it shall:

- a. Identify the nature of the privilege that is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked, and
- b. Provide the following information, unless divulging such information would cause disclosure of the allegedly privileged information: (1) the name of each

author and all recipients of the documents; (2) the title (if any) and the date of the document; (3) the type of document; and (4) a description of the documents.

4. When a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, the document must clearly indicate the portions as to which the privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.

5. These Requests shall be deemed to be continuing in nature and therefore require You to furnish supplemental responses as required by Rule 26 whenever You obtain different or additional knowledge, information, or belief relative to the Requests.

6. When responding to these Requests, You are requested to respond in writing and to state as to each of the Requests: (1) that there are such documents and they will be promptly produced; (2) that there are such documents, but You refuse to produce them because of claims of privilege, or for some other reason; or (3) that there are no such documents responsive to the particular Request.

7. If documents or things responsive to these Requests are known to exist or have existed but cannot be located, state in detail the particulars of the efforts You made to locate such documents or things and the reasons for their disappearance or unavailability. If such documents or things exist, but are not available to You, state, to the best of Your knowledge,

where the documents or things are located, including the name, address and telephone number of the custodian. If any document was, but no longer is, in Your possession, custody or control, state whether it has been lost, missing, destroyed, transferred or otherwise disposed of, and in each instance, explain the circumstances surrounding disposition of the document and the date it occurred.

8. The documents or things requested shall be produced as they are kept in the usual course of business, or they shall be organized and labeled to correspond with the Requests to which they are responsive, in either case, with all staples and clips attached and with all associated file folders, dividers, and file labels.

9. Electronic and computerized information must be produced in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

REQUESTS

1. All documents used, identified, referenced, consulted, relied upon, or referred to by Applicant when answering Opposer's First Set of Interrogatories or any other Interrogatories propounded by Kimberly-Clark.

2. All documents relating to Applicant's conception, creation, selection, and adoption of Applicant's Mark.

3. All documents relating to Kimberly-Clark's HUGGIES Marks or any other HUGGIES-formative marks used by Kimberly-Clark.

4. All documents relating to Applicant's awareness or knowledge of Kimberly-Clark's HUGGIES Marks or any other HUGGIES-formative marks used by Kimberly-Clark prior to Applicant's conception, selection, and adoption of Applicant's Mark.

5. All documents relating to Applicant's awareness or knowledge of Kimberly-Clark's HUGGIES Marks or any other HUGGIES-formative marks used by Kimberly-Clark prior to Applicant's first use of Applicant's Mark in the United States.

6. All documents relating to Applicant's awareness or knowledge of Kimberly-Clark's HUGGIES Marks or any other HUGGIES-formative marks used by Kimberly-Clark prior to the filing date of the Application.

7. All documents evidencing Applicant's first use of Applicant's Mark anywhere, and in U.S. commerce.

8. All documents relating to clearance searches, search reports, clearance opinions, due diligence, studies, research, analyses, and/or independent evaluations relating to Applicant's Mark and/or any other mark including the term "hunnies" for which Applicant has used or applied for registration in the U.S.

9. All documents relating to any U.S. trademark or service mark registration, attempted registration, or application for registration by Applicant of Applicant's Mark and/or any other mark including the term "hunnies."

10. All documents relating to Applicant's decision to register in the U.S. Applicant's Mark and any other mark including the term "hunnies."

11. All documents relating to Applicant's awareness or knowledge of Kimberly-Clark's HUGGIES Marks or any other HUGGIES-formative marks used by Kimberly-Clark prior to the filing date of any of Applicant's U.S. trademark applications covering marks that include the word "hunnies" other than the Application.

12. All documents relating to the meaning or connotation of Applicant's Mark.

13. Three (3) samples of each of Applicant's Goods offered, rendered, promoted, and/or sold under Applicant's Mark in U.S. commerce.

14. All documents relating to any statement, inquiry, comment, and/or other communication by or from any third party, including but not limited to Applicant's customers, potential customers, service providers, suppliers, or other persons, either oral or written, evidencing any confusion, suspicion, belief, or doubt on the part of said third party as to the relationship between Kimberly-Clark and Applicant, or the respective goods of Kimberly-Clark and Applicant, arising from Your use of Applicant's Mark.

15. All documents relating to any investigation or research of Kimberly-Clark and/or its HUGGIES Marks.

16. All documents relating to any communications or correspondence between Applicant and Kimberly-Clark relating to Applicant's Mark and/or the Opposition.

17. All documents relating to any communications or correspondence between Applicant and any third party relating to Kimberly-Clark and/or the Opposition.

18. All documents supporting or refuting Applicant's Affirmative Defenses in its Answer in this Opposition.

19. All documents supporting or refuting Applicant's statement in its Answer that "[t]here is no similarity between Applicant's HUNNIES mark and Opposer's marks as to appearance."

20. All documents supporting or refuting Applicant's statement in its Answer that "[p]urchasers of goods sold along with the relevant marks are careful and sophisticated...."

21. All documents supporting or refuting Applicant's statement in its Answer that "[t]he respective trademarks, as appears on each party's respective goods and services, do not

create the same or similar commercial impression when viewed separately by the ordinary consumer.”

22. All documents supporting or refuting Applicant’s statement in its Answer that “[o]ther than beginning with the letter ‘H,’ the Opposer’s marks do not sound like the Applicant’s mark.”

23. All documents supporting or refuting Applicant’s statement in its Answer that “[t]he connotation of Opposer’s marks is fundamentally different from Applicant’s mark.”

24. All documents relating to any consumer surveys, focus group studies or other consumer research done relating to Applicant’s Mark.

25. All documents relating to any consumer surveys, focus group studies or other consumer research done by or on behalf of Applicant relating to Kimberly-Clark’s HUGGIES Marks.

26. All documents upon which any expert will rely for any opinions or testimony offered in this Opposition.

[SIGNATURE ON NEXT PAGE]

Dated: September 11, 2015

Respectfully submitted,

By: /s/ Michael R. Justus

Roger P. Furey
Michael R. Justus
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roger.furey@kattenlaw.com
michael.justus@kattenlaw.com
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2015, a copy of the foregoing Opposer's First Set of Requests for the Production of Documents and Things was served on Applicant's counsel-of-record via email as agreed by the parties at the following addresses:

francis@ruzlaw.com
rickruz@ruzlaw.com

/s/ Michael R. Justus

EXHIBIT B

Justus, Michael R.

From: Justus, Michael R.
Sent: Wednesday, October 14, 2015 9:53 PM
To: 'Francis John Ciaramella, Esquire'
Cc: Rick Ruz (rickruz@ruzlaw.com); Furey, Roger P.
Subject: RE: Kimberly-Clark Worldwide, Inc. v. Multibrands International Ltd

Francis,

Please advise when we can expect the overdue initial disclosures and discovery responses. We would prefer to avoid getting the Board involved, but your client needs to comply with its discovery obligations in a timely manner. We look forward to hearing from you.

Sincerely,

Michael R. Justus

Attorney

Katten Muchin Rosenman LLP

2900 K Street NW, North Tower - Suite 200 / Washington, DC 20007-5118

p / (202) 625-3575 f / 202-298-7570

michael.justus@kattenlaw.com / www.kattenlaw.com

From: Francis John Ciaramella, Esquire [<mailto:francis@ruzlaw.com>]
Sent: Thursday, October 08, 2015 1:23 PM
To: Justus, Michael R.
Subject: Re: Kimberly-Clark Worldwide, Inc. v. Multibrands International Ltd

Hello Michael,

I am currently communicating with my client, who is overseas, and is difficult to get ahold of. As soon as I am able to speak with them, I will advise. Please let me know if you need anything.

Warm Regards,

Francis John Ciaramella, Esquire

Rick Ruz, PLLC

300 Sevilla Avenue

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T: (305) 921-9326

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E-Mail: francis@ruzlaw.com

From: "Justus, Michael R." <michael.justus@kattenlaw.com>
Date: Thu, 8 Oct 2015 15:35:22 +0000
To: Francis John Ciaramella <francis@ruzlaw.com>, "Rick Ruz (rickruz@ruzlaw.com)" <rickruz@ruzlaw.com>

Cc: "Furey, Roger P." <roger.furey@kattenlaw.com>
Subject: RE: Kimberly-Clark Worldwide, Inc. v. Multibrands International Ltd

Dear Francis,

We have not yet received your client's Initial Disclosures, which were due October 3rd. Please advise. Thanks.

Sincerely,

Michael R. Justus
Attorney
Katten Muchin Rosenman LLP
2900 K Street NW, North Tower - Suite 200 / Washington, DC 20007-5118
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michael.justus@kattenlaw.com / www.kattenlaw.com

From: Justus, Michael R.
Sent: Friday, September 11, 2015 5:12 PM
To: Francis Ciaramella (francis@ruzlaw.com); Rick Ruz (rickruz@ruzlaw.com)
Cc: Furey, Roger P.
Subject: Kimberly-Clark Worldwide, Inc. v. Multibrands International Ltd

Dear Francis,

Attached are Kimberly-Clark's initial disclosures and its first sets of requests for production and interrogatories.

Sincerely,

Michael R. Justus
Attorney
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