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Filing date: **09/22/2016**

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

Proceeding	91222555
Party	Plaintiff Guru Beverage Co.
Correspondence Address	MARK HARRISON VENABLE LLP PO BOX 34385 WASHINGTON, DC 20043-9998 UNITED STATES mbharris- on@venable.com,trademarkdocket@venable.com,lmfuller@venable.com
Submission	Motion to Compel Discovery
Filer's Name	REBECCA LIEBOWITZ
Filer's e-mail	rliebowitz@venable.com,trademarkdocket@venable.com
Signature	/rebecca liebowitz/
Date	09/22/2016
Attachments	FITOGURU -Motion.pdf(13407 bytes) FITOGURU -Discovery.pdf(39269 bytes)

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

GURU BEVERAGE CO.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91222555
)	
NAKINAVA LIMITED)	
)	
)	Serial No. 79/143472
)	FITO GURU & design
Applicant.)	
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Attorney's Reference: 115412-387342		

OPPOSER'S MOTION FOR AN ORDER TO COMPEL DISCOVERY

Opposer respectfully moves the Board for an order to compel Applicant to submit responses to Opposer 's discovery requests, including Opposer 's Interrogatories, Requests for Production of Documents and Requests for Admissions. The grounds for this motion are set forth below, as are the history of attempts to resolve this under "meet and confer" principles.

Copies of the Interrogatories, Requests for Production of Documents and Requests for Admissions are attached.

DISCUSSION

Opposer served interrogatories, requests for production of documents, and requests for admissions on August 1, 2016. No responses have been received.

Through an email dated September 16, 2016, as well as a subsequent telephone call on September 22, 2016, Opposer sought to ascertain from Applicant if it would provide its responses. See Liebowitz Declaration.

During the phone call with Applicant's counsel on September 22, 2016, Opposer was informed that Applicant had not yet provided its responses; Applicant's counsel did not know if

they would be responding. To date, Opposer has not received a single document from Applicant, and has not received any response to the propounded discovery requests.

It is therefore respectfully requested that this Motion to Compel be granted.

Respectfully submitted,



Date: September 22, 2016

Mark B. Harrison
Rebecca A. Liebowitz
VENABLE
575 7th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 344-4019
Telefax: (202) 344-8300
Attorneys for Petitioner

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**DECLARATION OF REBECCA LIEBOWITZ IN SUPPORT OF OPPOSER'S
MOTION FOR AN ORDER TO COMPEL DISCOVERY**

I, Rebecca A. Liebowitz, declare as follows:

1. I am an attorney admitted to practice in the District of Columbia, and am a Counsel in the law firm of Venable LLP representing Guru Beverage Co. in the subject opposition.
2. That all statements made herein are of my own personal knowledge or on information and belief where so stated. If called as a witness, I could and would competently testify to the truth of the matters asserted herein.
3. Opposer served upon Applicant a First Set of Interrogatories, a First Request for Production of Documents, and First Request for Admissions on August 1, 2016, making Applicant's responses due by September 4, 2016.
4. Opposer did not request any extension of that date.
5. On September 16, 2016, I requested, by e-mail to Mr. Lazouski, that he provide responses to the outstanding discovery requests or indicate when they were sent.
6. On September 22, 2016, I spoke with Mr. Lazouski and was advised that no responses had been sent and he did not know if there would be any forthcoming.

6. To date, I have received any indication from Applicant as to when Opposer might expect to receive responses to the outstanding discovery requests.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 22nd day of September 2016, Washington, D.C.



Rebecca A. Liebowitz
VENABLE LLP
575 7th Street, N.W.
Washington, D.C. 20004-1601
Telephone: (202) 344-4000
Facsimile: (202) 344-8300

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing

OPPOSER'S MOTION FOR AN ORDER TO COMPEL DISCOVERY

were served on counsel for Applicant, this 22nd day of September 2016, by sending same via First Class Mail, postage prepaid, to:

Alexander Lazouski
Lazouski IP LLC
14726 Bowfin Terrace
Suite 1
Lakewood Ranch, Florida 34202



Mark B. Harrison
Rebecca A. Liebowitz
Venable LLP
575 7th Street, N.W.
Washington, D.C. 20004-1601
Tel.: (202) 344-4000
Fax: (202) 344-8300

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OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure, Opposer requests that Applicant answer the following interrogatories, separately and fully, in writing and under oath.

INSTRUCTIONS AND DEFINITIONS

Unless the terms of a particular interrogatory specifically indicate otherwise, the following definitions and instructions are applicable throughout these interrogatories and are incorporated into each specific interrogatory:

1. The terms "Applicant," "you," or "your" means Nakinava Limited, and any and all affiliates, predecessors- or successors-in-interest, attorneys, agents, representatives and/or employees of any of the above-mentioned entities or persons.
2. The term "Opposer" means Guru Beverage Co.
3. The term "Opposer's Marks" means the Marks identified in Opposer's Notice of Opposition.

4. The term “Applicant’s Mark” means the mark shown in Application Serial No. 79/143472.

5. The term “trademark” means any word, name, symbol, design, shape, number, slogan, or device, or any combination thereof, that is used by a person to identify and distinguish the person’s goods, respectively, from the goods of others. The use of the term “Mark” is to be considered as the use of the term “trademark.”

6. The term “Applicant’s Goods” means all goods that Applicant has listed in Application Serial No. 79/143472.

7. The term “channels of trade” means each type of person buying, leasing, or otherwise receiving each good or service directly from Applicant (e.g., distributor, jobber, end-user), each type of person distributing or marketing each goods or service throughout the chain of distribution between the manufacturer and end-user, and each type of person to whom such person distributes or markets each good or service.

8. The terms “document” and “documents” are used in the broadest sense permissible under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation(s), all writings (whether in handwritten, typed, printed, stenographic, or other form), drawings, graphs, charts, photographs, recordings, copies, or mechanical or photocopy reproductions of any or all of the foregoing items, and non-paper information storage means such as tape, film, and/or computer memory devices. Where any items contain marking(s) not appearing in the original, or are altered from the original, then all such items must be considered as separate documents and identified and produced as such.

9. The term “identify,” when referring or relating to a natural person, means that person’s full name, present or last known home and business addresses (including street name and number, city or town, state, zip code, and telephone number), present or last known business position, affiliation, and address, and all job titles or positions, if any, held in conjunction with employment or affiliation with Applicant or any other entity related thereto at any time, and the dates of tenure in each such job title or position.

10. The term “identify,” when referring or relating to a person other than a natural person, means its full name and type of organization, and the address of its principal place of business (including street name and number, city or town, state, zip code, and telephone number).

11. The term “identify,” when referring or relating to a document, means the type of document (e.g., letter, notebook etc.), the date of the document (and, if no date appears thereon, the answer shall so state and shall give the date or approximate date that such document was prepared), the title of the document, a brief summary of the subject matter of the document, the identification of the person who prepared the document, the identification of the person who signed the document, the identification of the person for whom the document was prepared, and the identification of the recipient or addressee of the document (whether specifically named therein or not); in addition, if the document requested to be identified is not in the possession, custody, or control of Applicant, the identification of the person who has possession, custody, or control over the original of the document, and each person who has possession, custody, or control over each copy of the document; furthermore, if the document requested to be identified has been destroyed, the date the document was destroyed, the reason for its destruction, and the

identification of the person who destroyed the document and of any person who directed that the document be destroyed.

12. The term “identify,” when referring or relating to an oral communication, means the date and place of the communication, whether the communication was in person or by telephone, the identification of each person who participated in or heard any part of the communication, the substance of what was said by each person who participated therein, each document relating thereto, and the identification of the person or persons presently having possession, custody or control of each such document.

13. The term “identify,” when referring or relating to an act, occurrence, or conduct, means a description or the substance of the event or events constituting such acts and the date when such acts occurred, the identification of each and every person or persons participating in such acts, the identification of all other persons, if any, present when such acts occurred, each document relating thereto, and the identification of the person or persons presently having possession, custody, or control of each such document.

14. The term “identify,” when referring or relating to advertisements, promotional materials, and/or marketing materials, means a description of the form and medium of the materials, the inclusive dates of the materials, the geographic area in which the materials appeared, the class or classes of persons or business entities to whom the materials were directed, and the dollar amount per year expended on each form and medium of such material.

15. The term “describe” means to give an account of the salient characteristics of the subject asked to be described, including, where applicable, dates and duration of the relevant events, places such events occurred, the names and addresses of all persons involved in those events, and all sources from which the requested information was obtained.

16. The term “concerning” means relating to, referring to, regarding, having any relationship with, pertaining to, evidencing, or constituting evidence of, in whole or in part, the subject matter of the particular request.

17. The terms “person” or “persons” include any natural person, corporation, partnership, joint venture, unincorporated association, trust, government entity, and all other entities of any nature whatsoever.

18. The term “allegation” includes all claims, contentions, assertions, statements, charges, recitations, and declarations made by Applicant as of the date of the Notice of Opposition, and/or at the time of answering these interrogatories, and/or at the time of adjudication of any issue in this opposition, and/or at any time between the date these interrogatories are answered and the adjudication date.

19. The terms “rely” and “relies” mean to look for support or to depend upon as of the date of your Notice of Opposition, and/or at the time of answering these interrogatories, and/or at the time of adjudication of any issue in this action and/or at any time between the date these interrogatories are answered and the adjudication date.

20. The term “facts” means all circumstances, events, and evidence pertaining to or touching upon the item in question.

21. The use in these interrogatories of the name of a party or business organization shall specifically include all officers, directors, attorneys, agents, representatives, employees, parents, affiliates, subsidiaries, divisions, and predecessors- or successors-in-interest of the party or business organization.

22. Each interrogatory shall be read to be inclusive, rather than exclusive. Accordingly, the words “and” as well as “or” shall be construed disjunctively or conjunctively as

necessary, in order to bring within the scope of this interrogatory all information that might otherwise be construed to be outside its scope. "Including" shall be construed to mean "without any limitation." The word "all" includes "any" and vice versa. The past tense shall include the present tense and the present tense shall include the past tense. The singular shall include the plural and vice versa. The masculine includes the feminine and vice versa.

23. Each person answering these interrogatories is required to furnish information within that person's personal knowledge and the possession of that person's attorneys, agents, representatives, and/or employees.

24. All objections shall be set forth with specificity and shall include a brief statement of the grounds for such objections.

25. If any of the following interrogatories cannot be answered in full, they should be answered to the extent possible, specifying the reason for the inability to answer the remainder and stating any information or knowledge which the party answering has concerning the unanswered portion.

26. Any document withheld in responding to these interrogatories on the ground of privilege is to be identified by author or authors, recipient or recipients, person or persons to whom copies were furnished, together with the job titles of each such person or persons, date, subject matter and nature of privilege claimed.

27. The following interrogatories shall be deemed to be continuing and, in the event Applicant secures or discovers any information responsive to these interrogatories subsequent to answering these interrogatories which would tend to enlarge, diminish or otherwise modify the answers, Applicant has a duty to promptly serve and file supplemental answers reflecting such information pursuant to the Federal Rules of Civil Procedure.

INSTRUCTIONS

The following instructions apply in answering these discovery requests:

1. These requests are continuing in nature and, pursuant to Rule 26 of the Federal Rules of Civil Procedure, Applicant has a duty to supplement its answers promptly upon obtaining or learning of further material information.
2. The answer to each discovery request shall include such knowledge or information as is within Applicant's possession, custody, or control including, but not limited to, knowledge, information and documents in the possession, custody, or control of Applicant's officers, directors, accountants, consultants, attorneys, or other agents or representatives.
3. The answers to these discovery requests must be furnished separately and fully in writing under oath or verification by an officer of Applicant declaring, under penalty of perjury, that the answers are true and accurate to the best of his or her current knowledge, information, and belief. If an answer depends upon the knowledge of a person other than the person signing the answers, each such person should be identified in the answer.
4. Your answers shall include the knowledge of your representatives and agents including, but not limited to, your consultants, accountants and your attorneys.
5. If you object to all or any part of a discovery request, state the grounds of the objection with sufficient specificity to permit determination of the basis for and propriety of such objection, including citations where legal authority is relied upon, and answer the extent the interrogatory is not objectionable. All objections shall be signed by the attorney making them.

6. All answers and objections to discovery requests shall be forwarded, within 30 days of the service thereof, to the offices of Opposer's counsel Venable LLP, 575 7th Street, N.W., Washington, D.C. 20004-1601. You shall not refer to documents generally in lieu of answering; if the burden upon you of deriving an answer from documents is the same as it is upon Opposer, you may elect to refer to documents which are specifically identified from which the response may be readily obtained. Such a response constitutes a representation under oath by you and your counsel that, after reasonable investigation, those conditions have been met.

7. The full text of the interrogatory (or part thereof) to which any answer is intended to respond is to be restated immediately proceeding such answer.

8. If you obtain knowledge that the answer given in response to any interrogatory was not correct when given, a statement in writing consisting of the correct answer to such interrogatory shall be promptly provided.

9. If you contend that any item of information requested by these interrogatories is privileged, in whole or in part, as a ground for its non-production or non-disclosure, for each alleged privileged item or document, provide all information required by Rule 26 of the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1: State fully and completely all facts upon which Applicant will rely to support its denial of the allegations in paragraph ten of the Notice of Opposition.

ANSWER:

INTERROGATORY NO. 2: For each of “Applicant’s Goods” listed in Application Serial No. 79/143472, separately identify each document that supports the verified statement alleging that the applicant has a bona fide intention to use the mark in commerce that the U.S. Congress can regulate on or in connection with the goods specified in the international application/subsequent designation.

ANSWER:

INTERROGATORY NO. 3: For each of “Applicant’s Goods” listed in Application Serial No. 79/143472, separately state the facts that support the verified statement alleging that the applicant has a bona fide intention to use the mark in commerce that the U.S. Congress can regulate on or in connection with the goods specified in the international application/subsequent designation.

ANSWER:

INTERROGATORY NO. 4: Identify the channels of trade for Applicant’s services.

ANSWER:

INTERROGATORY NO. 5: State all facts that support the claims made in Applicant’s Affirmative Defense No. 1.

ANSWER:

INTERROGATORY NO. 6: State all facts that support the claims made in Applicant’s Affirmative Defense No. 2.

ANSWER:

INTERROGATORY NO. 7: State all facts that support the claims made in Applicant's Affirmative Defense No. 3.

ANSWER:

INTERROGATORY NO. 8: State all facts that support the claims made in Applicant's Affirmative Defense No. 4.

ANSWER:

INTERROGATORY NO. 9: State all facts that support the claims made in Applicant's Affirmative Defense No. 5.

ANSWER:

INTERROGATORY NO. 10: State all facts that support the claims made in Applicant's Affirmative Defense No. 6.

ANSWER:

INTERROGATORY NO. 11: State all facts that support the claims made in Applicant's Affirmative Defense No. 7.

ANSWER:

INTERROGATORY NO. 12: State all facts that support the claims made in Applicant's Affirmative Defense No. 8.

ANSWER:

INTERROGATORY NO. 13: Separately, for each of "Applicant's Goods" listed in Application Serial No. 79/143472, state the steps Applicant has taken preparatory to offering each product in the U.S

ANSWER:

INTERROGATORY NO. 14: Separately, for each of "Applicant's Goods" listed in Application Serial No. 79/143472, state

- a. the date of first use of the Mark in the U.S.;
- b. the volume of sales in dollars in each year beginning with the date of first use in the U.S. and up to the present; and
- c. if the Mark is not yet in use in the U.S. for any or all of the "Applicant's Goods" state with specificity the steps taken in preparation to use the Marks in the U.S.

ANSWER:

INTERROGATORY NO. 15: Describe the customers to whom "Applicant's Goods" are marketed, distributed, and/or sold, or intended to be marketed, distributed, and/or sold in the U.S. including, but not limited to, the customers' demographics (e.g., geographic location, age, profession, education and income).

ANSWER:

INTERROGATORY NO. 16: If Applicant has denied any Request for Admission in Opposer's First Set of Requests for Admission to Applicant, provide a detailed explanation for such denial.

ANSWER:

INTERROGATORY NO. 17: Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person.

ANSWER:

INTERROGATORY NO. 18: Identify all documents consulted to answer the questions raised herein and specify which documents were consulted in order to provide each numbered answer.

ANSWER:

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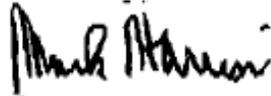
**OPPOSER'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT**

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 34 of the Federal Rules of Civil Procedure, Opposer requests that Applicant produce for inspection and copying the documents specified below. The documents sought pursuant to this Request are to be produced at the offices of Venable LLP, 575 7th Street, N.W. Washington, D.C. 20004, or a mutually agreeable location. The Definitions and Instructions of OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT shall apply.

1. Representative promotional materials showing use of the Applicant's mark.
2. Copies of all advertisements or other promotional materials relating to "Applicant's Goods" offered or intended to be offered under the Applicant's mark.
3. Each document identified in response to Interrogatory Number 2.
4. Each document identified in response to Interrogatory Number 18.
5. All documents that Applicant intends to rely upon in this proceeding.

6. All documents and things that picture, refer to, or describe "Applicant's Goods" offered or intended to be offered under the Mark, including, but not limited to, Internet websites, tags, labels, containers, brochures, catalogs, price lists, point-of-purchase materials, advertisements, promotional materials, and story boards.
7. Separately for each Request for Admission that is denied by Applicant, all documents that support such denial

Respectfully submitted,



Date: August 1, 2016

Mark B. Harrison
VENABLE
575 7th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 344 4019
Telefax: (202) 344 8300
Attorneys for Applicant

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OPPOSER'S REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Opposer, GURU BEVERAGE CO. hereby propound the following requests for admission on Applicant.

INSTRUCTIONS AND DEFINITIONS

The Instructions and Definitions set forth in Opposer's First Set of Interrogatories are incorporated by reference. The following Instructions also apply:

A. As required by Fed. R. Civ. P. 36, in answering these requests for admission, you should admit or specifically deny each request, or set forth in detail the reasons why you cannot truthfully admit or deny the request.

B. A denial to a request should fairly meet the substance of the requested admission. You should admit to a request to the extent possible and deny the remainder or set forth in detail the reasons for your inability to admit or deny the remainder.

C. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

D. These requests for admission are of a continuing nature so as to require you to provide additional responses to any of these requests if you should obtain different, new, or further information subsequent to your initial responses.

E. Whenever any request for admission, or any portion thereof, is unanswered because of an assertion of privilege or other objection to disclosure, you should set forth the specific grounds for claiming the privilege or other objection.

F. References to the singular include the plural, and references to the plural include the singular.

REQUEST FOR ADMISSIONS

Request 1. Admit that all documents produced by Applicant in this proceeding are complete, true and correct copies of the original documents and are genuine pursuant to the Federal Rules of Evidence.

Request 2. Admit that Applicant does not have the bona fide intent to use Applicant's mark in the U.S. on each of "Applicant's Goods."

Request 3. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with Mineral and aerated waters.

Request 4. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with soft drinks.

Request 5. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with fruit beverages and fruit juices.

Request 6. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with aperitifs, non-alcoholic

Request 7. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with water beverages.

Request 8. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with kvass being non-alcoholic beverages.

Request 9. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with lemonades.

Request 10. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with peanut milk being non-alcoholic beverages.

Request 11. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with non-alcoholic beverages, namely, soft drinks.

Request 12. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with isotonic beverages.

Request 13. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with non-alcoholic honey-based beverages.

Request 14. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with whey beverages.

Request 15. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with fruit beverages.

Request 16. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with milk of almonds for beverage.

Request 17. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with fruit nectars.

Request 18. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with syrups for making beverages, namely, orgeat.

Request 19. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with powders for non-alcoholic effervescing beverages.

Request 20. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with sarsaparilla being a non-alcoholic beverage.

Request 21. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with syrups for making lemonade .

Request 22. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with tomato juice beverages.

Request 23. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with apple juice beverages.

Request 24. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with vegetable juice beverages.

Request 25. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with fruit juices.

Request 26. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with preparations for making aerated water .

Request 27. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with preparations for making mineral water.

Request 28. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with preparations for making beverages, namely, pastilles for effervescing beverages.

Request 29. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with sherbet beverages.

Request 30. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with non-alcoholic fruit extracts used in the preparation of beverages.

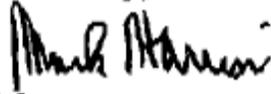
Request 31. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with non-alcoholic beverages flavored with tea.

Request 32. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with fruit-based soft drinks flavored with tea.

Request 33. Admit that Applicant has no documents that support Applicant's alleged intent to use the Applicant's mark in the U.S. in connection with syrups for making beverages flavored with tea .

Request 34: Admit that Applicant's mark and Registrant's mark each contain the term GURU.

Respectfully submitted,



Date: August 1, 2016

Mark B. Harrison
VENABLE
575 7th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 344-4019
Telefax: (202) 344-8300
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

- and -

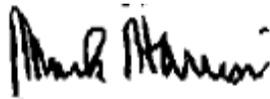
**OPPOSER'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT**

- and -

OPPOSER'S REQUESTS FOR ADMISSIONS

were served on counsel for Applicant, this 1st day of August 2016, by sending same via First Class Mail, postage prepaid, to:

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