

08/25/2003TTAB

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

AMERICAN RICE, INC.

Plaintiff,

v.

DUNMORE PROPERTIES S.A.

Defendant.

Cancellation No. 92/041652

Reg. No. 2,532,912



08-18-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

**PLAINTIFF AMERICAN RICE, INC.'S MOTION TO COMPEL DISCOVERY FROM
DEFENDANT DUNMORE PROPERTIES S.A.**

Plaintiff American Rice, Inc. ("ARI") served written discovery on Defendant Dunmore Properties, SA ("Dunmore") on March 17, 2003. Dunmore answered ARI's written discovery on June 6, 2003, after two unopposed extensions of time.

Despite the extra time, Dunmore's responses are so evasive and incomplete that they amount to a complete failure to respond. Fed. R. Civ. P. 37(a)(3) ("[A]n evasive or incomplete ... response is treated as a failure to ... respond.") Indeed, Dunmore's responses are nothing more than a series of unfounded objections calculated to avoid any kind of production. Dunmore objected to all but three requests under various permutations of "vague and indefinite," "unlimited in time and scope," "irrelevant," and requiring the production of "confidential business information" See Exhibit 1, Plaintiff American Rice, Inc.'s First Request for Production to Defendant Dunmore Properties S.A.; and Exhibit 2, Dunmore's Responses and Objections to ARI's First Request for Production. Dunmore has not produced or made available a single document.

A. Objections That the Requests are Vague and Indefinite Should Be Overruled

Dunmore objected to Requests 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, and 33 for being vague and indefinite. Request 14 and 15 are representative examples of types of requests Dunmore considers to be vague and indefinite.

Request 14: Produce all documents that relate or refer to Defendant's use of any of the Identified Trademarks for any product manufactured, sold, advertised, promoted, distributed, offered or licensed for sale by Defendant.

and

Request 15: Produce all documents concerning Defendant's first use of any of the Identified Trademarks.

The Identified Trademarks are defined to mean BINT ALARAB (Reg. No. 2,532,912), ABU BINT (Reg. No. 1,195,316), and ABU BINT (in Arabic)(Reg. No. 1,194,423). Both requests are limited to Dunmore's use of any of the three trademarks defined as the Identified Trademarks. To the extent Dunmore has only used the BINT ALARAB mark, the requests are even more limited. Rule 34 requires only that request describe documents with reasonable particularity. Request 14 and 15 do that. Accordingly, Dunmore's vague and indefinite objections to Requests 14 and 15 are unfounded and should be overruled. In a like manner, Dunmore's vague and indefinite objections to Requests 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, and 33 are also unfounded and should be overruled.

B. Objections That the Requests are Unlimited in Time and Scope Should Be Overruled

Dunmore objected to Requests 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, and 31 for being unlimited in time and scope. Request 14 and 28 are

representative examples of types of requests Dunmore considers to be unlimited in time and scope.

Request 14: Produce all documents that relate or refer to Defendant’s use of any of the Identified Trademarks for any product manufactured, sold, advertised, promoted, distributed, offered or licensed for sale by Defendant.

and

Request 28: Produce all documents setting forth or showing the dollar and unit volume of sales, since inception, of products bearing any of the Identified Trademarks.

Based on Dunmore’s Statement of Use, the BINT ALARAB trademark was first used in commerce on September 14, 2000. Thus, the requests are practically limited in that they seek information on Dunmore’s use of the BINT ALARAB mark, which use was begun after September 14, 2000. As such, Dunmore’s objection to Requests 14 and 28 as being unlimited in time and scope are without merit and should be overruled. Similarly, Dunmore’s unlimited in time and scope objections to Requests 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 29, 30, and 31 are also without merit in that each request contains either a specific or practical limitation in time and scope. As such, all objections based on time and scope should be overruled.

C. Objections That the Requests are Irrelevant Should Be Overruled

Dunmore objected to Requests 2, 4, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, and 31 for requesting irrelevant information. Request 23 and 29 are representative examples of types of requests Dunmore considers to be irrelevant.

Request 23: Produce all versions, whether used or not, of rice packaging of Defendant featuring a single woman.

and

Request 29: Produce all documents setting forth or concerning the amount of money expended by Defendant to advertise or promote products bearing any of the Identified Trademarks.

Both request are clearly relevant. Request 23 seeks rice packaging featuring a single woman. As is clear from *American Rice, Inc. v. The Arkansas Rice Growers Coop. Ass'n*, 532 F. Supp. 1376 (S.D.Tex 1982), the number of women featured on a rice bag is a significant factor in a bags likelihood to be confused with American Rice's ABU BINT products. Request 29 seeks documents related to the extent Dunmore is using any of the Identified Trademarks. Accordingly, Dunmore's relevance objections to Requests 23 and 29 should be overruled. Similarly, Dunmore's relevance objections to Requests 2, 4, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 30, and 31 should be overruled. Each request is calculated to provide relevant information on Dunmore's use and decision to register the BINT ALARAB and similar trademarks.

D. Objections That the Requests Require the Production of Confidential Business Information Should Be Overruled

Dunmore objected to request 4, 5, 6, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 28, 29, 30, 31, 32, and 33. Dunmore has twice been asked to propose a suitable protective order. It has not done so. Because Dunmore have been invited to provide a confidentiality agreement to protect the material it considers confidential and has failed to do so, its confidentiality objections should be overruled.

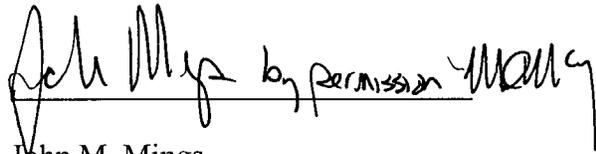
E. Dunmore Waived Objections to Requests 1, 3, and 24

Dunmore provided partial responses to Requests 1, 3, and 24. Dunmore merely noted that it would produce a subset of the responsive material. Noting that a subset of responsive material will be produced is not an objection and does not preserve any objections to Requests 1,

3, and 24. As such, all objections Dunmore may have to Requests 1, 3, and 24 have been waived. All responsive documents should be produced.

The parties conferred on the subject matter of this motion but did not reach agreement.

Respectfully submitted,



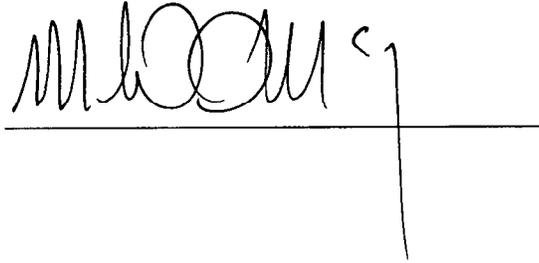
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COUNSEL FOR PLAINTIFF,
AMERICAN RICE, INC.

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CERTIFICATE OF SERVICE

This hereby certifies that the foregoing instrument was served by First Class Mail to the following on 13th day of August, 2003.

Simor L. Moskowitz, Esq.
Matthew J. Cuccias, Esq.
Jacobson, Homan, PLLC
400 Seventh Street, N.W.
Washington, DC 20004-2201
Telephone: 202.638.6666
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN RICE, INC.

Plaintiff,

v.

DUNMORE PROPERTIES S.A.

Defendant.

Cancellation No. 92041652

Reg. No. 2532912

Order

All objections to Plaintiff American Rice, Inc.'s First Request For Production To Defendant Dunmore Properties, S.A. are overruled. Dunmore Properties, S.A. shall produce all responsive documents within ten (10) days of the date of this Order.

Date: _____

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



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AMERICAN RICE, INC.

Plaintiff,

v.

DUNMORE PROPERTIES S.A.

Defendant.

Cancellation No. 92041652

Reg. No. 2532912

**PLAINTIFF AMERICAN RICE, INC.'S FIRST REQUEST FOR PRODUCTION TO
DEFENDANT DUNMORE PROPERTIES S.A.**

DEFINITIONS AND INSTRUCTIONS

1. "Communication" means the transmittal of information, including but not limited to, facts, ideas, opinions, inquiries.
2. "Document" includes, without limitation, all drafts and non-identical copies of any compilation of information as defined by Fed. R. Civ. P. 34(a).
3. "Thing" includes all tangible things as defined by Fed. R. Civil P. 34(a).
4. "Entity" includes without limitation any person, organization, association, company, corporation, or governmental unit.
5. "Concerning" means relating to, referring to, describing, evidencing, or constituting.
6. "And" and "or" shall be construed disjunctively or conjunctively, as necessary to maximize the scope of any interrogatory or request.
7. "Plaintiff" or "American Rice" means American Rice, Inc..
8. "Defendant" or "You" means Dunmore Properties, S.A.
9. "Identified Trademarks" means the following trademarks:
 - (i) BINT ALARAB (Reg. No.: 2,532,912);

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- (ii) ABU BINT (Reg. No.: 1,195,316); and
- (iii) ABU BINT (in Arabic) (Reg. No.: 1,194,423).

10. If any responsive document has been lost or destroyed, identify (i) the author, (ii) the date of loss or destruction, (iv) the identity of those directing the destruction, if any, and (v) the substance of the document.

REQUESTS FOR PRODUCTION

1. Produce specimens of all products sold at any time by Defendant that bear any of the Identified Trademarks and all packaging and labeling materials therefor.
2. Produce specimens of all rice products packaged by Defendant that has been sold in Saudi Arabia since September, 2000.
3. Produce specimens of all packaging and labeling materials used at any item by Defendant that bear any of the Identified Trademarks.
4. Produce all communications between Defendant and Shanshal.
5. Produce all communications between Defendant and Alesayi.
6. Produce all communications between Defendant and Producers Rice Mill, Inc.
7. Produce all documents reflecting either or both the ABU BINT and ABU BINT (in Arabic) trademarks.
8. Produce all documents which relate to the registration of the BINT ALARAB mark.

9. Produce all documents that reference Producers Rice Mills, Inc.
10. Produce all documents that reference Riceland Foods and/or the BINT AL-ARAB mark.
11. Produce all documents related to marketing rice in Saudi Arabia.
12. Produce all legal opinions related to any of the Identified Trademarks.
13. Produce all documents related to Defendant's decision to use the BINT ALARAB trademark.
14. Produce all documents that relate or refer to Defendant's use of any of the Identified Trademarks for any product manufactured, sold, advertised, promoted, distributed, offered or licensed for sale by Defendant.
15. Produce all documents concerning Defendant's first use of any of the Identified Trademarks.
16. Produce all documents concerning the first sales and shipments in interstate commerce of products bearing any of the Identified Trademarks.
17. Produce all studies, surveys, market research that concerns any of the Identified Trademarks.
18. Produce all advertisements, promotional material and sales material including, but not limited to, letters, catalogs, sales sheets, brochures, invoices, mailing and price lists, bearing any of the Identified Trademarks.

19. Produce all documents concerning or showing the media in which Defendant advertises or promotes any product bearing any of the Identified Trademarks.
20. Produce all documents showing the identity of customers to whom Defendant is or has been selling products bearing any of the Identified Trademarks.
21. Produce all documents related to the shipment to Saudi Arabia of rice bearing any of the Identified Trademarks.
22. Produce all documents concerning and/or showing the channels of distribution through which Defendant is or has been selling products bearing any of the Identified Trademarks.
23. Produce all versions, whether used or not, of rice packaging of Defendant featuring a single woman.
24. Produce all versions, whether used or not, of the BINT ALARAB rice bags.
25. Produce all documents referencing the case styled *American Rice, Inc. v. The Arkansas Rice Growers Coop. Ass'n*, 532 F.Supp. 1376 (S.D. Tex. 1982).
26. Produce documents reflecting sales figures for each rice brand Defendant markets in Saudi Arabia.
27. Produce all correspondence, memoranda and other documents concerning any instance, whether by written correspondence, telephone call or other communication, in which a person or business entity has inquired about or commented upon (a) any relationship between Defendant's products and Plaintiff's products; (b) any relationship between Defendant or its

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products and Plaintiff's; (c) Plaintiffs or Plaintiff's products or (d) any license, sponsorship or association between Defendant and Plaintiff.

28. Produce all documents setting forth or showing the dollar and unit volume of sales, since inception, of products bearing any of the Identified Trademarks.

29. Produce all documents setting forth or concerning the amount of money expended by Defendant to advertise or promote products bearing any of the Identified Trademarks.

30. Produce all documents concerning any assistance received by Defendant from any advertising, public relations, consulting, sales or other entity or any person in connection with the selection, adoption or use of any of the Identified Trademarks on products distributed, offered for sale or sold by Defendant or any packaging or labeling therefor.

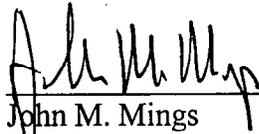
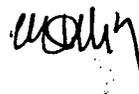
31. Produce all documents concerning any change or modifications, since inception, in Defendant's use of any of the Identified Trademarks on products, or on any packaging or labeling therefor, distributed, offered for sale or sold by Defendant.

32. Produce all documents reflecting the "market research, promotional activities, product research or development, and/or steps to acquire distributors" referenced in the Third Request for Extension of Time Under 37 CFR 2.89, filed by Defendants in the BINT ALARAB trademark application.

33. Produce all documents reflecting the first use, as referenced in the Statement of Use Under 37 CFR 2.88, filed by Defendants in the BINT ALARAB trademark application

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Respectfully submitted,

 by permission 

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COUNSEL FOR PLAINTIFF,
AMERICAN RICE, INC.

OF COUNSEL

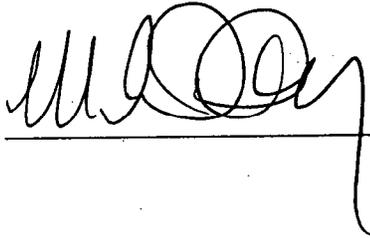
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095

03/15/2003 11:45

CERTIFICATE OF SERVICE

This hereby certifies that the foregoing instrument was served via facsimile to the following on 17th day of March, 2003.

Simor L. Moskowitz, Esq.
Jacobson, Homan, PLLC
400 Seventh Street, N.W.
Washington, DC 20004-2201
Telephone: 202.638.6666
Facsimile: 202.393.5350



08/25/2003TAB

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

AMERICAN RICE, INC.)
)
 Petitioner,)
 v.)
)
 DUNMORE PROPERTIES S.A.)
)
 Respondent.)

Cancellation No. 92041652
(Reg. No. 2,532,912)



08-18-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

RESPONDENT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION

Respondent, Dunmore Properties S.A. through its undersigned counsel, hereby submits the following responses and/or objects to Petitioner's First Request for Production of Documents as follows:

These Responses and Objections are made without waiving any rights or objections, or admitting the relevance, materiality, or admissibility into evidence of the subject matter or facts contained in any Request, Respondent's response thereto, or the materials identified and/or produced by Respondent. Further, the following Responses and Objections are limited to the United States, and are based upon the best information presently available to Respondent, and Respondent hereby expressly reserves the right to make additional or modified answers should better or further information or belief become available to Respondent, to offer evidence on its behalf, and to object, on any ground, to the relevance or admissibility of any evidence offered by Petitioner's at trial or other proceedings. Respondent's Objections and Responses are made without prejudice to any of the foregoing rights.

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OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

Respondent objects to the Definitions, Instructions, and Document Requests to the extent they are overly broad, unduly burdensome, and/or contain ambiguous terms or phrases.

Respondent further objects to Petitioner's Definitions, Instructions, and Document Requests to the extent any of them seek to impose any obligation on Respondent beyond those required by the Federal Rules of Civil Procedure and/or an Order in this case.

Respondent further objects to Petitioner's Definitions, Instructions, and Document Requests insofar as they seek information which is sensitive or confidential and, to the extent that Petitioner claims the parties are competitors, would create a competitive advantage to Petitioner and/or cause competitive damage to Respondent if disclosed.

Respondent also objects to Petitioner's Definitions, Instructions, and Document Requests insofar as they seek information which is protected by the attorney-client privilege or attorney work product doctrine. All Answers will be limited to exclude any such attorney-client or attorney work product information or materials.

Respondent objects to Petitioner's Definitions, Instructions, and Document Requests to the extent they seek any document(s) or information which is (or are) not relevant to the issues in this litigation, or which is (or are) not reasonably calculated to lead to the discovery of admissible information. Any fortuitous disclosure of information or production of a document not related to the issues in this case shall not waive this objection.

Respondent also objects to Petitioner's Definitions, Instructions and Document Requests to the extent that references to the "Identified Trademarks" refer to and/or imply Respondent's use of Petitioner's pleaded registrations. To the extent that Respondent responds to

any Request which refers to the "Identified Trademarks", Respondent's responses are intended to be limited to Respondent's BINT ALARAB mark only.

Respondent reserves the right to supplement any Answer to Petitioner's Document Requests as additional information and/or documents become known and available to Respondent.

Respondent hereby incorporates by reference each of the foregoing Objections into each of the Answers set forth below.

RESPONSES

Request No. 1: Produce specimens of all products sold at any time by Defendant that bear any of the Identified Trademarks and all packaging and labeling materials therefor.

Response: None in the United States.

Request No. 2: Produce specimens of all rice products packaged by Defendant that has been sold in Saudi Arabia since September, 2000.

Response: Objection. Irrelevant to use of the mark in the United States.

Request No. 3: Produce specimens of all packaging and labeling materials used at any item by Defendant that bear any of the Identified Trademarks.

Response: None in the United States.

Request No. 4: Produce all communications between Defendant and Shanshal.

Response: Objection. The request is vague and indefinite in that it fails to adequately identify one of the parties, is limited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the Request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 5: Produce all communications between Defendant and Alesayi.

Response: Objection. The request is vague and indefinite in that it fails to adequately identify one of the parties, is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the Request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 6: Produce all communications between Defendant and Producers Rice Mill, Inc.

Response: Objection. The request is vague and indefinite in that it fails to adequately identify one of the parties, is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the Request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 7: Produce all documents reflecting either or both the ABU BINT and ABU BINT (in Arabic) trademarks.

Response: Objection. The request is vague and indefinite, and is unlimited in time and scope.

Request No. 8: Produce all documents which relate to the registration of the BINT ALARAB mark.

Response: Objection. The request is vague and indefinite, and is unlimited in time and scope.

Request No. 9: Produce all documents that reference Producers Rice Mills, Inc.

Response: Objection. The request is vague and indefinite, and is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the Request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 10: Produce all documents that reference Riceland Foods and/or the BINT AL-ARAB mark.

Response: Objection. The request is vague and indefinite in that it fails to adequately identify the referenced party, is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 11: Produce all documents related to marketing rice in Saudi Arabia.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 12: Produce all legal opinions related to any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the Request seeks the production of attorney-client and/or attorney work related materials.

Request No. 13: Produce all documents related to Defendant's decision to use the BINT ALARAB trademark.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and may call for the production of confidential business information, which will not be produced without entry of a suitable protective order. However, without waiver of its objection, Respondent notes that no such documents exist.

Request No. 14: Produce all documents that relate or refer to Defendant's use of any of the Identified Trademarks for any product manufactured, sold, advertised, promoted, distributed, offered or licensed for sale by Defendant.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, or to products unrelated to rice. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 15: Produce all documents concerning Defendant's first use of any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 16: Produce all documents concerning the first sales and shipments in interstate commerce of products bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 17: Produce all studies, surveys, market research that concerns any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 18: Produce all advertisements, promotional material and sales material including, but not limited to, letters, catalogs, sales sheets, brochures, invoices, mailing and price lists, bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 19: Produce all documents concerning or showing the media in which Defendant advertises or promotes any product bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark. In addition, the request may call for the production of confidential business information, which will

not be produced without entry of a suitable protective order. However, and without waiver of its objection, Respondent responds -- None in the United States.

Request No. 20: Produce all documents showing the identity of customers to whom Defendant is or has been selling products bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order. However, and without waiver of its objections, Respondent responds that it has no U.S. customers for its BINT ALARAB rice.

Request No. 21: Produce all documents related to the shipment to Saudi Arabia of rice bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 22: Produce all documents concerning and/or showing the channels of distribution through which Defendant is or has been selling products bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential

business information, which will not be produced without entry of a suitable protective order. However, and without waiver of its objection, Respondent's BINT ALARAB rice is exported from the U.S. to overseas markets.

Request No. 23: Produce all versions, whether used or not, of rice packaging of Defendant featuring a single woman.

Response: Objection. This request is irrelevant as it does not relate in any way to Respondent's right to register the word mark BINT ALARAB.

Request No. 24: Produce all versions, whether used or not, of the BINT ALARAB rice bags.

Response: Respondent will produce representative packaging which it has used in commerce.

Request No. 25: Produce all documents referencing the case styled *American Rice, Inc. v. The Arkansas Rice Growers Coop. Ass'n*, 532 F.Supp. 1376 (S.D. Tex. 1982).

Response: Objection. The requested information is irrelevant in that there is no relationship between Respondent and The Arkansas Rice Growers Coop. Association. However, and without waiver of its objection, Respondent possesses no such documents.

Request No. 26: Produce documents reflecting sales figures for each rice brand Defendant markets in Saudi Arabia.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 27: Produce all correspondence, memoranda and other documents concerning any instance, whether by written correspondence, telephone call or other communication, in which a person or business entity has inquired about or commented upon (a) any relationship between Defendant's products and Plaintiff's products; (b) any relationship between Defendant or its products and Plaintiff's; (c) Plaintiffs or Plaintiff's products or (d) any license, sponsorship or association between Defendant and Plaintiff.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. However, and without waiver of its objections, Respondent possesses no such documents.

Request No. 28: Produce all documents setting forth or showing the dollar and unit volume of sales, since inception, of products bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States, and may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 29: Produce all documents setting forth or concerning the amount of money expended by Defendant to advertise or promote products bearing any of the Identified Trademarks.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Request No. 30: Produce all documents concerning any assistance received by Defendant from any advertising, public relations, consulting, sales or other entity or any person in connection with the selection, adoption or use of any of the Identified Trademarks on products distributed, offered for sale or sold by Defendant or any packaging or labeling therefor.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order. However, and without waiver of its objection, no such documents exist.

Request No. 31: Produce all documents concerning any change or modifications, since inception, in Defendant's use of any of the Identified Trademarks on products, or on any packaging or labeling therefor, distributed, offered for sale or sold by Defendant.

Response: Objection. The request is vague and indefinite in that it is unlimited in time and scope, and is irrelevant to the extent that it is not limited to the subject BINT ALARAB trademark, as used in the United States. In addition, the request may call for the production of confidential business information, which will not be produced without entry of a suitable protective order. However, and without waiver of its objection, no such documents exist.

Request No. 32: Produce all documents reflecting the "market research, promotional activities, product research or development, and/or steps to acquire distributors" referenced in the Third Request for Extension of Time Under 37 CFR 2.89, filed by Defendants in the BINT ALARAB trademark application.

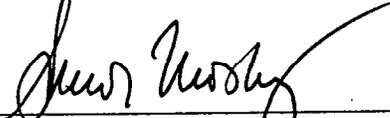
Response: Objection. The request is vague and indefinite, and may call for the production of confidential business information which will not be produced without a suitable protective order.

Request No. 33: Produce all documents reflecting the first use, as referenced in the Statement of Use Under 37 CFR 2.88, filed by Defendants in the BINT ALARAB trademark application.

Response: Objection. The request is vague and indefinite, and may call for the production of confidential business information, which will not be produced without entry of a suitable protective order.

Respectfully submitted,

DUNMORE PROPERTIES S.A.



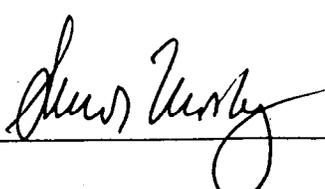
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202-638-6666
202-393-5350 (fax)

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RESPONDENT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION was served via first class mail, postage prepaid, this 6th day of June, 2003 upon

John M. Mings, Esq.
Fulbright & Jaworski L.L.P.
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August 13, 2003



08-18-2003

U.S. Patent & TMOtc/TM Mail Rep.Dt. #22

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2003

Trademark Trial and Appeal Board
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Re: Cancellation No. 92/041,652
Mark: AMERICAN RICE, INC. v. DUNMORE PROPERTIES
Our Reference: HO-C92041652/08156617

Dear Madam:

Attached hereto for filing are the following:

1. Plaintiff's American Rice, Inc.'s Motion to Compel Discovery From Defendant Dunmore Properties S.A. with Order and:
2. Return Post Card.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-C92041652.

Very truly yours,

Michael S. McCoy

MSM/taj