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Filing date: **11/30/2006**

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

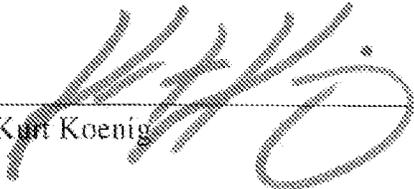
Proceeding	92043811
Party	Plaintiff Roger Orozco and Nora Orozco Roger Orozco and Nora Orozco ,
Correspondence Address	Kurt Koenig Koenig & Associates 226 East Canon Perdido St., Suite M Santa Barbara, CA 93101 UNITED STATES Kurt@incip.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Kurt Koenig
Filer's e-mail	Kurt@incip.com
Signature	/Kurt Koenig/
Date	11/30/2006
Attachments	NoticeofReliance.pdf (9 pages)(700620 bytes)

CERTIFICATE OF SERVICE

I, KURT KOENIG, hereby certify that I caused a copy of the foregoing "PETITIONER'S FIRST NOTICE OF RELIANCE" to be served on November 30, 2006, by first class mail, postage prepaid, addressed to:

Mr. John Johnson
Ms. Irene Hudson
Fish & Richardson P.C.
Citigroup Center
153 E. 53rd St., 52nd Floor
New York, NY 10022-4611

Dated: November 30, 2006


Kurt Koenig

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by electronic mail via ESTTA to the United States Patent and Trademark Office on the date shown below.


KURT KOENIG

Dated: November 30, 2006

EXHIBIT A

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

Roger Orozco and Nora Orozco,

Petitioners,

v.

Michael Hwang,

Registrant.

Cancellation No.: 92043811

**RESPONDENT'S RESPONSE TO
PETITIONERS' FIRST REQUEST FOR ADMISSIONS**

REQUEST FOR ADMISSION NO. 1:

Admit that Respondent is the owner of the U.S. Trademark Registration No. 2,846,833.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Admit that Respondent owns U.S. Trademark Registration No. 2,846,833 solely and not in association with any other individual, entity or through any partnership or other business relationship.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that Respondent offers for sale footwear which bears the mark OAKTREE.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Admitted.

REQUEST FOR ADMISSION NO. 4:

Admit that Respondent has sold boots in conjunction with the mark OAKTREE.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Admitted.

REQUEST FOR ADMISSION NO. 5:

Admit that Respondent did not sell footwear under the mark OAKTREE prior to December 20, 2003.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Denied.

REQUEST FOR ADMISSION NO. 6:

Admit that Respondent promotes and sells the goods identified in U.S. Trademark Registration No. 2,846,833 to consumers at the retail level.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Denied.

REQUEST FOR ADMISSION NO. 7:

Admit that Respondent promotes and sells the goods identified in U.S. Trademark Registration No. 2,846,833 to wholesalers.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Denied.

REQUEST FOR ADMISSION NO. 8:

Admit that Respondent's products offered under the mark OAKTREE are footwear.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Registrant objects to this request on the ground that it is vague. To the extent that the Request seeks an admission that the goods offered for sale under U.S. Trademark Registration No. 2,846,833 are footwear, Registrant's response is: Admitted.

REQUEST FOR ADMISSION NO. 9:

Admit that Respondent's Mark "OAKTREE" is virtually identical to Petitioners' Mark "OAK TREE FARMS."

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Denied.

REQUEST FOR ADMISSION NO. 10:

Admit that Respondent's Mark "OAKTREE" conjures up the same mental impression as Petitioners' Mark "OAK TREE FARMS."

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Denied.

REQUEST FOR ADMISSION NO. 11:

Admit that Respondent uses advertising media to promote his footwear sold under the OAKTREE mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Registrant objects to this request on the ground that the term "advertising media" is not defined. Registrant understands the term "advertising media" to incorporate any form of advertising, whether paid or unpaid. Based on Registrant's understanding of this request, Registrant's response is: Admitted.

REQUEST FOR ADMISSION NO. 12:

Admit that Respondent uses the Internet to promote his footwear sold under the OAKTREE mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Denied.

REQUEST FOR ADMISSION NO. 13:

Admit that Respondent uses the same channels of trade as Petitioners to sell his footwear under the OAKTREE mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Denied.

REQUEST FOR ADMISSION NO. 14:

Admit that the customers likely to be interested in purchasing Respondent's footwear might also be interested in purchasing Petitioners' footwear.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Registrant objects to this request on the ground that he has no independent knowledge of customer interest. In Registrant's opinion, customers who purchase Registrant's footwear would not be interested in purchasing Petitioners' footwear, so Registrant's response is: Denied.

REQUEST FOR ADMISSION NO. 15:

Admit that Respondent did not conduct a detailed search regarding the use of the mark OAKTREE on footwear prior to filing his application for OAKTREE.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Denied.

REQUEST FOR ADMISSION NO. 16:

Admit that Respondent did not pay a third party search firm regarding the use of the mark OAKTREE on footwear prior to filing his application for OAKTREE.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Admitted.

REQUEST FOR ADMISSION NO. 17:

Admit that Respondent was aware of Petitioners' footwear, particularly boots, being sold under the mark OAK TREE FARMS prior to filing his application for OAKTREE.

RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Denied.

REQUEST FOR ADMISSION NO. 18:

Admit that Respondent was aware of Petitioners' footwear, particularly boots, being sold under the mark OAK TREE FARMS prior to December 20, 2003 when he first began selling footwear bearing the OAKTREE mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Denied.

REQUEST FOR ADMISSION NO. 19:

Admit that Respondent was aware of Petitioners' footwear, particularly boots, being sold under the mark OAK TREE FARMS subsequent to filing his application for OAKTREE but prior to October 27, 2004 when this Cancellation was filed.

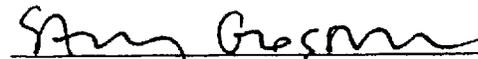
RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Denied.

Respectfully submitted,

Dated: May 16, 2005

By:



John T. Johnson, Esq.

Stacy J. Grossman, Esq.

Attorneys for Michael Hwang

Fish & Richardson P.C.

Citigroup Center

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New York, New York 10022-4611

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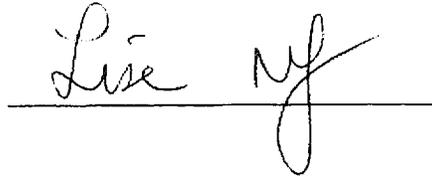
Fax.: (212) 258-2291

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing RESPONDENT'S RESPONSE TO PETITIONERS' FIRST REQUEST FOR ADMISSIONS has been served on attorneys for Petitioners by mailing the same by first class mail, postage prepaid, to:

Kurt Koenig, Esq.
Koenig & Associates
220 East Figueroa Street
Santa Barbara, CA 93101

this 16th day of May, 2005.

A handwritten signature in cursive script, appearing to read "Lisa M. Koenig", is written above a horizontal line.