

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

In the matter of

**TTAB**

Registration No.: 3143997  
For the mark: www.east13.com  
Date registered: September 19, 2006

Registration No.: 3147241  
For the mark: east13  
Date registered: September 26, 2006

Registration No.: 3158549  
For the mark: East Thirteen  
Date registered: October 17, 2006

LIVE VENTURES INC.

PETITIONER,

v.

SAROJ INTERNATIONAL, INC.

REGISTRANT.

76632663

CANCELLATION No. 92047661

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITIONER'S MOTION FOR SANCTIONS.**



04-09-2008

Pursuant to 37 C.F.R. § 2.120(g), petitioner Live Ventures Inc. ("Petitioner" or "Live Ventures") hereby moves for discovery sanctions against registrant Saroj International, Inc. ("Registrant" or "Saroj") for failure to abide by the Order of February 21, 2008, of the Board in this proceeding ("Order" or "Board's Order"). Petitioner also moves that the proceedings be stayed pending resolution of this motion.

This motion is supported by the declaration of Norbert Stahl ("Stahl Dec"), filed herewith, which includes a statement of good faith effort to resolve the issues brought under this motion, and Exhibits A through G attached to the Stahl Dec.

### **STATEMENT OF FACTS**

#### **A. Petitioner's Motions Leading to the Board's Order.**

On October 5, 2007, Petitioner moved for an order compelling Registrant to supplement its responses to Petitioner's First Set of Interrogatories and Petitioner's First Set of Requests for Production of Documents and Things. On October 8, 2007, Petitioner moved to Determine the Sufficiency of Responses to Petitioner's First Set of Requests for Admissions. (Collectively "2007 Motions".)

In the 2007 Motions, Petitioner asked for relief in the alternative because Registrant had served unsigned supplemental responses ("Supplemental Responses") to all three discovery requests by Petitioner. Prior to filing the 2007 Motions, Petitioner made multiple requests to Registrant to provide signed copies and thereby simplify any possible discovery issues, but Registrant failed to do so.

#### **B. The Board's Order of February 21, 2008.**

On February 21, 2008, the Board ordered Registrant to provide the following

within 30 days:

1. Interrogatories:

a. A signed copy of Supplemental Responses;

b. Nos. 13, 26, 27: Supplemental responses if Registrant used the marks in question on the goods and services in question or to confirm that Registrant will only rely on the information provided.

c. Nos. 28-30: Supplemental responses to clarify dates of first use of the Registrant's marks.

2. Document Requests:

a. A signed copy of Supplemental Responses;

b. Nos. 4-6, 106-107, 145-147: Produce documents and things, or clearly state that no such items exist.

c. Nos. 5, 7-8, 10-99, 101, 103, 105, 108-110, 114-116, 118-121, 123, 127, 130-144, 148: Produce documents and things, or clearly state whether Registrant has no possession, custody or control of any responsive documents.

3. Requests for Admissions:

a. A signed copy of Supplemental Responses.

**B. Registrant Failed to Supplement Pursuant to the Board's Order.**

Registrant was given 30 days from the Board's Order to supplement its responses. Registrant failed to provide any response and Registrant failed to respond to multiple requests by Petitioner to provide the supplementation as ordered. Stahl Dec., ¶¶2-5, 7-11. Petitioner requested supplementation by 5 telephone calls (Stahl Dec., ¶¶2, 10), by 2 emails (Stahl Dec., ¶¶3, 4), and by 4 faxed letters (Stahl Dec., ¶¶5,

7-9).

**ARGUMENT**

**A. Registrant Failed to Abide by the Board's Order.**

The Board ordered Registrant to provide signed copies of its Supplemental Responses, as opposed to mere unsigned copies. The Board further ordered supplementations. Registrant did not provide anything, no signed copies of its Supplemental Responses and no supplementations as ordered by the Board. Stahl Dec., ¶11. Registrant's refusal is significant because Petitioner made over 10 requests that Registrant comply with the Order (Stahl Dec., ¶¶2-5, 7-11) and counsel for Registrant was in the office when those requests were made (Stahl Dec., ¶¶2, 10). Registrant's refusal to abide by the Board's Order is clearly intentional.

It would be easy for Registrant to quickly provide signed copies of its Supplemental Responses by simply faxing or emailing copies thereof. It would be equally simple for Registrant to abide by the Board's Order and fax, mail, and email everything the Board ordered. While Registrant sent one unsigned, one-page note, alleging it sent supplementations (Stahl Dec., ¶6), Registrant provided nothing to substantiate that claim, *i.e.*, no copy of what was allegedly sent and no proof of any kind. Following receipt of the note, Petitioner requested compliance with the Board's Order another four times, but without receiving any response from Registrant in any way.

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**B. Registrant's Failure to Cooperate Is a Strategy to Avoid Quick Resolution.**

Registrant's refusal to respond to Petitioner's multiple meet-and-confer attempts is not within the spirit, or the letter, of the duty to cooperate in discovery (TBMP § 408.1) and only results in unnecessary motion practice. Registrant could easily avoid the complications resulting from its un-cooperative conduct.

Petitioner also submits that this is the second time in these proceedings that Registrant has violated its duty to cooperate. Prior to Petitioner's 2007 Motions, Registrant refused to provide signed copies of its Supplemental Responses. Registrant made no attempt to justify its conduct and did not even attempt to oppose Petitioner's 2007 Motions. Therefore, already once in these proceedings, Registrant forced Petitioner and the Board to address conduct of Registrant that was plainly un-cooperative and improper (as a refusal to sign discovery responses is clearly an indefensible position).

Petitioner submits that Registrants conduct is a strategic calculation in view of the substance underlying these proceedings which should allow for quick resolution on the basis of prior use and fraud in favor of Petitioner.

On prior use, the applications of the marks at issue reveal Registrant's first use dates are April 1, 2004 ('997 mark and '241 mark) and October 1, 2005 ('549 mark). Petitioner's first use date is September 5, 2001 – or about 3 to 4 years earlier.

On fraud, Registrant's (still) unsigned Supplemental Responses to Petitioner's Requests for Admissions reveal that, for the '997 mark, Registrant claimed under oath use on 45 goods in its sworn trademark application, but now admits that 36 sworn uses were false. For the '241 mark, Registrant claimed use on 45 goods in its sworn

application, but now admits that 42 sworn uses were false.

Registrant clearly seeks to force Petitioner to waste its resource on motions and unnecessary procedure in the hope that Petitioner may eventually stop pursuing cancellation of Registrant's marks. Registrant's conduct is in plain violation of its duties in these proceedings. Petitioner therefore requests that the Board grant this motion and award sanctions.

**C. Sanctions Requested.**

Petitioner submits that an appropriate sanction should be sufficient to end Registrant's refusal to cooperate, rather than encourage further disregard of the rules governing these proceedings. Petitioner notes that Registrant's obstructive conduct is plainly prejudicial to Petitioner as follow up discovery in view of the supplementations ordered by the Board is currently unfeasible. Also, Petitioner wants to move for Summary Judgments and the ordered supplementations of responses are critical for those motions. Finally, a discovery sanction should do more than accomplish what Registrant was ordered to do anyway as otherwise Registrant would reap a benefit from its obstruction, thereby encouraging more wasteful conduct and disregard of the law.

Petitioner thus requests that Registrant's Supplemental Responses to Petitioner's first sets of interrogatories, document requests, and requests for admissions be deemed signed. On first use (ordered supplementation of interrogatories numbers 28-30), Petitioner requests that Registrant be estopped from arguing a first use date prior to the date Registrant gave in its sworn applications resulting in the marks at issue. Petitioner also requests that Registrant be precluded from relying on any information responsive to Petitioner's first set of interrogatories other than the

information Registrant has provided in its Supplemental Responses. On documents, Petitioner requests that Registrant be precluded from relying on any documents except the 174 pages that Registrant has produced and that those 174 pages be deemed authentic and genuine business records of Registrant.

Petitioner also moves that the proceedings be stayed pending resolution of this motion.

Respectfully submitted,

Stahl Law Firm



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Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

Date: April 9, 2008

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S MOTION FOR SANCTIONS has been served on Gary L. Eastman, Esq., Attorney for Registrant Saroj International, Inc., by mailing said copy on April 9, 2008, via First Class Mail, postage prepaid, to: Gary L. Eastman, APLC, 707 Broadway Street, Suite 1800, San Diego, California 92101.

Date: April 9, 2008

Stahl Law Firm



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Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

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

In the matter of

Registration No.: 3143997  
For the mark: www.east13.com  
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Registration No.: 3147241  
For the mark: east13  
Date registered: September 26, 2006

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LIVE VENTURES INC.

PETITIONER,

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SAROJ INTERNATIONAL, INC.

REGISTRANT.

CANCELLATION No. 92047661

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITIONER'S MOTION FOR PROTECTIVE ORDER.**

Pursuant to 37 C.F.R. § 2.120(f), petitioner Live Ventures Inc. ("Petitioner" or "Live Ventures") hereby moves for an order protecting Petitioner from discovery requests ("Requests") of registrant Saroj International, Inc. ("Registrant" or "Saroj") because Registrant failed to serve Petitioner with copies of the Requests.

This motion is supported by the declaration of Norbert Stahl ("Stahl Dec"), filed herewith, which includes a statement of good faith effort to resolve the issues brought under this motion, and Exhibits A through G attached to the Stahl Dec.

### STATEMENT OF FACTS

**A. Registrant Mentioned Discovery Requests That Were Never Served on Petitioner.**

On April 2, 2008, Registrant sent Petitioner a Facsimile Transmission Cover Sheet in which it referred to alleged "Discovery sent on February 25, 2008". Stahl Dec., Ex. D. Petitioner immediately responded to Registrant by raising three points. First, Petitioner put Registrant on notice that Petitioner was never served with any discovery request(s) by Registrant. Second, Petitioner requested that Registrant serve its discovery request(s). Third, Petitioner put Registrant on notice that Petitioner will timely respond to any discovery request by Registrant. Stahl Dec., Ex. E.

**B. Registrant Failed to Provide a Copy of Any Alleged Discovery Requests to Petitioner.**

Petitioner repeatedly requested a copy of any alleged discovery request(s) by Registrant. Stahl Dec., Exs. E, F, G. Registrant failed to provide a copy or respond in any way to Petitioner's requests for copies. Stahl Dec., ¶12.

**ARGUMENT****A. Petitioner Cannot Be Asked to Respond to Discovery Requests that Have Not Been Served on Petitioner.**

The time for responding to discovery requests is 30 days from service of the requests. (37 CFR § 2.120(a), TBMP §§ 403.03) Petitioner has never been served with any discovery requests (Stahl Dec., Exs. E, F, G) and Registrant failed to respond to Petitioner's multiple requests to provide a copy of any alleged discovery requests (Stahl Dec., ¶12). A period to respond to any discovery requests has therefore never begun to run against Petitioner.

**B. Petitioner Requests an Order Excusing Any Failure to Respond to Any Discovery Requests with an Alleged Service Date Prior to the Date of this Motion.**

Petitioner submits that it would be unfair, and a violation of due process, to hold Petitioner to discovery requests that have never been served. Petitioner therefore requests an order excusing any potential failure by Petitioner to respond to any discovery request(s) by Registrant with an alleged date of service prior to the date of this motion.

Respectfully submitted,

Stahl Law Firm



---

Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

Date: April 9, 2008

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S MOTION FOR PROTECTIVE ORDER has been served on Gary L. Eastman, Esq., Attorney for Registrant Saroj International, Inc., by mailing said copy on April 9, 2008, via First Class Mail, postage prepaid, to: Gary L. Eastman, APLC, 707 Broadway Street, Suite 1800, San Diego, California 92101.

Date: April 9, 2008

Stahl Law Firm



---

Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

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**PETITIONER'S MOTION TO EXTEND TIME.**

Pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. § 2.116(a), petitioner Live Ventures Inc. ("Petitioner" or "Live Ventures") hereby moves for an order extending the discovery period in these proceedings in view of registrant Saroj International, Inc.'s ("Registrant" or "Saroj") failure to abide by the Order of February 21, 2008, of the Board in this proceeding ("Order" or "Board's Order") to provide supplementation of its discovery responses that are necessary for Petitioner for the subsequent stages of these proceedings.

This motion is supported by the declaration of Norbert Stahl ("Stahl Dec"), filed herewith, which includes a statement of good faith effort to resolve the issues brought under this motion, and Exhibits A through G attached to the Stahl Dec.

**STATEMENT OF FACTS**

**A. Registrant Failed to Abide by the Board's Order.**

On February 21, 2008, the Board ordered Registrant to provide various supplementations of discovery responses to Petitioner within 30 days. Registrant failed to provide any response and Registrant failed to respond to multiple requests by Petitioner to provide the supplementation as ordered. Stahl Dec., ¶¶2-5, 7-11. Petitioner requested supplementation by 5 telephone calls (Stahl Dec., ¶¶2, 10), by 2 emails (Stahl Dec., ¶¶3, 4), and by 4 faxed letters (Stahl Dec., ¶¶5, 7-9).

Petitioner acted diligently in requesting that Registrant abide by the Board's Order. Stahl Dec., ¶¶2-5, 7-11.

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## ARGUMENT

### **A. Registrant Would Not Be Prejudiced by the Extension of Time.**

Registrant has delayed these proceedings on two occasions. First, by refusing to provide signed copies of discovery responses, leading to Petitioner's discovery motions in 2007 in these proceedings. Second, Registrant failed to provide the supplementations ordered by the Board. Thus, Registrant has actively pursued delays in this case and would therefore clearly not be prejudiced.

### **B. Petitioner Would Be Prejudiced Without an Extension of Time.**

Petitioner needs the discovery ordered by the Board and Registrant's failure to provide that discovery prejudices Petitioner. First, Petitioner cannot pursue follow up discovery without the discovery Registrant failed to provide. Second, Petitioner needs the ordered discovery to support motions for Summary Judgment.

Also, Petitioner contacted Registrant immediately when the time ordered by the Board for Registrant to provide the discovery lapsed, Petitioner made multiple requests for the ordered discovery. Stahl Dec., ¶¶2-5, 7-11.

### **C. Requested Extension of Time.**

Petitioner requests that the discovery period be extended as follows:

- a. until August 14, 2008, or
- b. until 2 months after Registrant has provided full supplementations of discovery pursuant to the Board's Order, or
- c. until 1 month after the Board has granted the sanctions Petitioner

requests in its Motion for Sanctions filed concurrently herewith,

whichever is the latest date.

Respectfully submitted,

Stahl Law Firm



---

Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

Date: April 9, 2008

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S MOTION TO EXTEND TIME has been served on Gary L. Eastman, Esq., Attorney for Registrant Saroj International, Inc., by mailing said copy on April 9, 2008, via First Class Mail, postage prepaid, to: Gary L. Eastman, APLC, 707 Broadway Street, Suite 1800, San Diego, California 92101.

Date: April 9, 2008

Stahl Law Firm



---

Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
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CANCELLATION No. 92047661

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**DECLARATION OF NORBERT STAHL, INCLUDING STATEMENT OF GOOD FAITH  
EFFORT, IN SUPPORT OF PETITIONER'S MOTION FOR SANCTIONS, MOTION FOR  
PROTECTIVE ORDER, AND MOTION TO EXTEND TIME.**

I, Norbert Stahl, declare as follows:

1. I am an attorney licensed to practice in the State of California and registered to practice before the United States Patent and Trademark Office and I am a member of Stahl Law Firm. I represent Petitioner Live Ventures Inc. (petitioner or "Live Ventures") in Cancellation No. 92047661 and I submit this declaration and statement of good faith effort in support of Petitioner's Motion for Sanctions, Motion for Protective Order, and Motion to Extend Time, against Registrant Saroj International, Inc. (registrant or "Saroj"). I make this declaration based on my personal knowledge and could and would competently testify thereto if called as a witness.

2. From March 24 through 28, 2008, I called counsel of record for Registrant, Gary Eastman ("Eastman"), on three occasions and was told that Eastman was in the office but could not answer the telephone. I left messages in which I asked that Saroj provided supplemental responses pursuant to the Order of the Trademark Trial and Appeal Board of February 21, 2008 ("Board Order"), in this proceeding. I did not receive any response to any of the messages.

3. Attached as Exhibit A is a true and correct copy of an email I sent to Eastman on March 28, 2008.

4. Attached as Exhibit B is a true and correct copy of an email I sent to Eastman on March 31, 2008.

5. Attached as Exhibit C is a true and correct copy of a letter I faxed to Eastman, with confirmation of successful transmission, on March 31, 2008.

6. Attached as Exhibit D is a true and correct copy of a Facsimile Transmission Cover Sheet I received from Eastman on April 2, 2008.

7. Attached as Exhibit E is a true and correct copy of a letter I faxed to Eastman, with confirmation of successful transmission, on April 2, 2008.

8. Attached as Exhibit F is a true and correct copy of a letter I faxed to Eastman, with confirmation of successful transmission, on April 4, 2008.

9. Attached as Exhibit G is a true and correct copy of a letter I faxed to Eastman, with confirmation of successful transmission, on April 7, 2008.

10. On April 7, 2007, I called the offices of Eastman and was told that Eastman was in the office but that Eastman could not answer my call.

11. Until today, petitioner Live Ventures has not received any further response, any signed document, or anything else pursuant to the Board Order from registrant Saroj.

12. Until today, petitioner Live Ventures has not received any discovery request of any kind from registrant Saroj. Live Ventures has also not received any response of any kind to its requests for copies of any requests from Saroj.

13. I believe that I made a good faith effort, by conference or correspondence, to resolve with Registrant the issues presented in the motions filed herewith but I have been unable to reach agreement. Due to Registrant's failure to cooperate in discovery

and its failure to respond at all at this stage, Live Ventures is left with no choice but to bring the motions filed herewith.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed in San Carlos, California, on April 9, 2008.

By  \_\_\_\_\_

Norbert Stahl  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT A**



Print - Close Window

**Date:** Fri, 28 Mar 2008 16:27:24 -0700 (PDT)  
**From:** nstahl@patentlawservice.com  
**Subject:** Live Ventures v Saroj International - Order of TTAB  
**To:** "Gary Eastman" <garyeastman@sbcglobal.net>

Re: Cancellation No. 92047661

Dear Mr. Eastman:

On February 21, 2008, the TTAB ordered Saroj International to cure various deficiencies in its discovery responses to Live Ventures within 30 days of the order. Saroj has failed to abide by the order of the TTAB in any way and has not provided any of the responses ordered by the TTAB. We will therefore move for discovery sanctions under Trademark Rule 2.120(g) as suggested by the TTAB in its order (pp. 8-9). If you believe that Saroj has complied with the order of the TTAB, please notify me immediately and no later than April 1, 2008. Please also provide copies of any response or paper Saroj alleges it served on Live Ventures pursuant to the TTAB order by April 1, 2008.

Regards,

Norbert Stahl, Esq.  
Stahl Law Firm  
2 Meadowsweet Ln  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)  
[www.patentlawservice.com](http://www.patentlawservice.com)

NOTICE: This communication may contain information that is privileged or protected by law. If you have received this communication in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents and please destroy any hard copies made. No privilege or protection is waived. Thank you.

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT B**



Print - Close Window

**Date:** Mon, 31 Mar 2008 13:35:26 -0700 (PDT)  
**From:** nstahl@patentlawservice.com  
**Subject:** Fwd: Live Ventures v Saroj International - Order of TTAB  
**To:** "Gary Eastman" <garyeastman@sbcglobal.net>

Dear Mr. Eastman:

Please respond to the email below immediately so a motion for sanctions against Saroj International can be avoided. Thank you.

Best regards,  
Norbert Stahl

*nstahl@patentlawservice.com* wrote:

Date: Fri, 28 Mar 2008 16:27:24 -0700 (PDT)  
From: <nstahl@patentlawservice.com>  
Subject: Live Ventures v Saroj International - Order of TTAB  
To: Gary Eastman <garyeastman@sbcglobal.net>

Re: Cancellation No. 92047661

Dear Mr. Eastman:

On February 21, 2008, the TTAB ordered Saroj International to cure various deficiencies in its discovery responses to Live Ventures within 30 days of the order. Saroj has failed to abide by the order of the TTAB in any way and has not provided any of the responses ordered by the TTAB. We will therefore move for discovery sanctions under Trademark Rule 2.120(g) as suggested by the TTAB in its order (pp. 8-9). If you believe that Saroj has complied with the order of the TTAB, please notify me immediately and no later than April 1, 2008. Please also provide copies of any response or paper Saroj alleges it served on Live Ventures pursuant to the TTAB order by April 1, 2008.

Regards,

Norbert Stahl, Esq.  
Stahl Law Firm  
2 Meadowsweet Ln  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)  
www.patentlawservice.com

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Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT C**

# STAHL LAW FIRM

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Intellectual Property Representation

March 31, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
To: (619) 230-1194  
Total Page(s): 1

Re: LIVE VENTURES INC. v. SAROJ INTERNATIONAL, INC.  
Trademark Cancellation Proceeding No. 92047661

Dear Mr. Eastman:

I am writing with respect to the Order of the Trademark Trial and Appeal Board of February 21, 2008, in the captioned Cancellation.

Live Ventures has not received any additional discovery or any of the additional responses ordered by the Board. I sent you two emails and called your office several times last week and this week. I also left a few messages because you were not able to pick up the phone but were in the office. You have not returned any of the calls and you have not responded to any of my emails.

Saroj International has given no indication that it will honor any aspect of the Board's order and has completely ignored the order of the Board. If we do not hear from you by April 2, 2008, we will move for an order for sanctions holding that Saroj's trademarks at issue in this case are cancelled.

With best regards,

  
Norbert Stahl

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0127  
DESTINATION TEL # 16192301194  
DESTINATION ID  
ST. TIME 03/31 16:06  
TIME USE 00:16  
PAGES SENT 1  
RESULT OK

## STAHL LAW FIRM

Intellectual Property Representation

March 31, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
To: (619) 230-1194  
Total Page(s): 1

Re: LIVE VENTURES INC. V. SAROJ INTERNATIONAL, INC.  
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Dear Mr. Eastman:

I am writing with respect to the Order of the Trademark Trial and Appeal Board of February 21, 2008, in the captioned Cancellation.

Live Ventures has not received any additional discovery or any of the additional responses ordered by the Board. I sent you two emails and called your office several times last week and this week. I also left a few messages because you were not able to pick up the phone but were in the office. You have not returned any of the calls and you have not responded to any of my emails.

Saraj International has given no indication that it will honor any aspect of the Board's order and has completely ignored the order of the Board. If we do not hear from you by April 2, 2008, we will move for an order for sanctions holding that Saraj's trademarks at issue in this case are cancelled.

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT D**

### GARY L. EASTMAN, APLC

---

Focusing on Start-Up and  
Emerging Company Counseling  
Patent, Trademark, Copyright  
and Related Litigation

707 Broadway Street, Suite 1800  
San Diego, California 92101  
Telephone (619) 230-1144  
Facsimile (619) 230-1194

GARY L. EASTMAN, Esq.  
Registered Patent Attorney  
garyeastman@sbcglobal.net

#### FACSIMILE TRANSMISSION COVER SHEET

DATE: April 2, 2008

TO: NORBERT STAHL, ESQ,  
STAHL LAW FIRM  
2 MEADOWS LANE  
SAN CARLOS, CALIFORNIA 94070

FACSIMILE NO.: (650) 802-8484

FROM: Gary L. Eastman

RE: United States Federal Trademark Registrations  
of Saroj International, Inc. (3143997, 3147241, and 3158549)  
Petition for Cancellation by Live Ventures, Inc. No. 92047661

TOTAL NUMBER OF PAGES: 1 (INCLUDING THIS COVER PAGE)  
PLEASE CALL AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED.  
ORIGINAL MAILED [ ] ORIGINAL NOT MAILED [ x ]

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Mr. Stahl:

I received your one voicemail, and one faxed letter yesterday regarding the Discovery matters. I have provided via U.S. Mail, all necessary responses and signatures that were required. These were sent in accordance with the TTAB Order. Should you not receive them, I will be happy to re-send. Feel free to provide me with your Federal Express Account number.

Also, I have not yet received your Responses to our Discovery sent on February 25, 2008. Please notify me immediately whether you plan on responding.

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THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS FAX MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY ON NOTICE THAT YOU ARE IN POSSESSION OF CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE REQUESTED TO IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OF YOUR INADVERTENT RECEIPT. YOU ARE FURTHER REQUESTED TO RETURN THE ORIGINAL FAX MESSAGE TO THE SENDER AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. YOUR COOPERATION IS GREATLY APPRECIATED.

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT E**

# STAHL LAW FIRM

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Intellectual Property Representation

April 2, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
To: (619) 230-1194  
Total Page(s): 1

Re: LIVE VENTURES INC. V. SAROJ INTERNATIONAL, INC.  
Trademark Cancellation Proceeding No. 92047661

Dear Mr. Eastman:

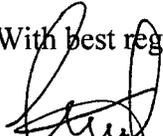
I am writing with respect to a facsimile of today from your office, which was not signed by anyone, and which addressed the Order of the Trademark Trial and Appeal Board of February 21, 2008, in the captioned Cancellation, and discovery Saroj allegedly seeks.

First, we have not been served with any additional discovery or any of the additional responses ordered by the Board. The facsimile alleges that responses and signatures were provided via mail. Nothing has been received in our offices. Please resend what Saroj allegedly served by mail, by facsimile and as a pdf file by email, to ensure delivery. If we do not receive copies of the alleged responses and signatures by Monday, **April 7, 2008**, we will file a Motion for Sanctions as suggested by the Board.

Second, we were not served with any discovery requests of any kind by Saroj International. If you served such requests, we ask that you serve them again. Once we are served with discovery requests, we will provide timely responses.

Third, please take note that Live Ventures served on Saroj a Second Set of Requests for Admissions (served on March 19, 2008) and a Second Set of Requests for Production of Documents and Things (served on April 2, 2008).

With best regards,



Norbert Stahl

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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ST. TIME 04/02 16:21  
TIME USE 00:22  
PAGES SENT 1  
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## STAHL LAW FIRM

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Intellectual Property Representation

April 2, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
To: (619) 230-1194  
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Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT F**

# STAHL LAW FIRM

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Intellectual Property Representation

April 4, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

<p><b>PER FACSIMILE</b> To: (619) 230-1194 Total Page(s): 1</p>
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Re: LIVE VENTURES INC. v. SAROJ INTERNATIONAL, INC.  
Trademark Cancellation Proceeding No. 92047661

Dear Mr. Eastman:

This letter is a follow up to Live Ventures' letter of April 2, 2008. Saroj International has still not provided us with a copy of any additional response that Saroj allegedly provided pursuant to the Order of the Trademark Trial and Appeal Board of February 21, 2008, in the captioned Cancellation. Live Ventures is therefore not in a position to evaluate or respond to any such additional response. We request that Saroj International immediately provide copies of any additional response that Saroj alleges it served on Live Ventures.

Saroj International has also still not provided us with a copy of any alleged discovery request by Saroj to Live Ventures. Live Ventures is therefore not in a position to evaluate or respond to any such request. We request that Saroj International immediately provide copies of any discovery request that Saroj alleges that it served on Live Ventures.

With best regards,



Norbert Stahl

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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# STAHL LAW FIRM

Intellectual Property Representation

April 4, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
To: (619) 230-1194  
Total Page(s): 1

Re: LIVE VENTURES INC. V. SAROJ INTERNATIONAL, INC.  
Trademark Cancellation Proceeding No. 92047661

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With best regards,

Cancellation No.: 92047661

LIVE VENTURES, INC. v. SAROJ INTERNATIONAL, INC.

Party Offering Exhibit: Live Ventures, Inc.

## **EXHIBIT G**

# STAHL LAW FIRM

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Intellectual Property Representation

April 7, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

<p><b>PER FACSIMILE</b> To: (619) 230-1194 Total Page(s): 1</p>
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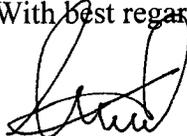
Re: LIVE VENTURES INC. v. SAROJ INTERNATIONAL, INC.  
Trademark Cancellation Proceeding No. 92047661

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This letter also concerns discovery requests that Saroj International allegedly served on Live Ventures. Saroj International has also still not provided us with a copy of any alleged discovery request by Saroj to Live Ventures. Live Ventures is therefore not in a position to evaluate or respond to any such request. We request that Saroj International immediately provide copies of any discovery request that Saroj alleges that it served on Live Ventures.

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Norbert Stahl

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\*\*\* TX REPORT \*\*\*  
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## STAHL LAW FIRM

Intellectual Property Representation

April 7, 2008

Gary L. Eastman, APLC  
707 Broadway Street, Ste 1800  
San Diego, CA 92101

**PER FACSIMILE**  
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing DECLARATION OF NORBERT STAHL, INCLUDING STATEMENT OF GOOD FAITH EFFORT, IN SUPPORT OF PETITIONER'S MOTION FOR SANCTIONS, MOTION FOR PROTECTIVE ORDER, AND MOTION TO EXTEND TIME, including Exhibits A through G thereto, has been served on Gary L. Eastman, Esq., Attorney for Registrant Saroj International, Inc., by mailing said copy on April 9, 2008, via First Class Mail, postage prepaid, to: Gary L. Eastman, APLC, 707 Broadway Street, Suite 1800, San Diego, California 92101.

Date: April 9, 2008

Stahl Law Firm



Norbert Stahl, Esq.  
Registration No. 44,350

Attorney for Petitioner  
LIVE VENTURES INC.

**Correspondence Address:**

Stahl Law Firm  
2 Meadowsweet Lane  
San Carlos, CA 94070  
(650) 802-8800 (phone)  
(650) 802-8484 (fax)