

ESTTA Tracking number: **ESTTA303399**

Filing date: **08/28/2009**

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

Proceeding	92050035
Party	Defendant Commonwealth Physician Recruiting
Correspondence Address	Christopher Marston Exemplar Law Partners, LLC Ten Post Office Square8th Floor Boston, MA 02109 UNITED STATES sshapiro@exemplarlaw.com
Submission	Motion to Extend
Filer's Name	Christopher Marston
Filer's e-mail	ip@exemplarlaw.com
Signature	/Christopher Marston/
Date	08/28/2009
Attachments	CPR_Motion_for_Extension_of_Discovery_20090828_TM_Cancellation_SJS.pdf (11 pages)(325353 bytes)



August 28, 2009

Exemplar Law Partners, LLC
Boston, MA-Headquarters
Ten Post Office Sq., 8th Fl
Boston, MA 02109
617-542-7400

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

Re: Cancellation No. 92050035- Motion for Extension of Discovery

730 Fifth Avenue
9th Floor
New York, NY 10019

Ms. DelGizzi:

Registrant requests a sixty (60) day extension of discovery based on the Response to Registrant's First Notice to Produce on the 10th of August, 2009. As stated in the attached Response, the Petitioner is still in the process of finding documents relevant to Registrant's Discovery Request and Registrant will not be able to properly assess Petitioner's Pre-Trial Disclosures without this information.

1325 G Street NW
Suite 500
Washington, D C 20005

191 Peachtree Street
Suite 3300
Atlanta, GA 30303

Sincerely,
/Christopher Marston/
Christopher Marston, Esq.
cmarston@exemplarlaw.com

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10th Floor
Beverly Hills, CA 90212

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August 10, 2009

BY E-Mail (sshapiro@exemplarlaw.com)

and U.S. MAIL

Steven Shapiro, Esq.

Exemplar Law Partners, LLC

Ten Post Office Sq., 8th Floor

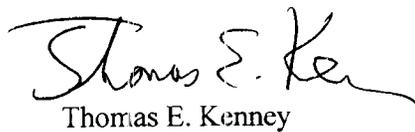
Boston, MA 02109

Re: Commonwealth Physician Recruiting

Dear Steven:

I have enclosed Petitioners' Response to Registrant's First Notice to Produce.

Sincerely,

A handwritten signature in black ink that reads "Thomas E. Kenney". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas E. Kenney

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

LISA FREDA, JULIE KAPLAN and)
TAMMY PAVLOCK)

v.)

Cancellation No. 92050035
Reg. No. 3,425,995

COMMONWEALTH PHYSICIAN)
RECRUITING)

**PETITIONERS' RESPONSE TO REGISTRANT'S
FIRST NOTICE TO PRODUCE**

Petitioners Lisa Freda, Julie Kaplan, and Tammy Pavlock hereby respond to the First Notice to Produce of Registrant Commonwealth Physician Recruiting as follows:

GENERAL OBJECTIONS

1. Petitioners object to these requests to the extent that they are overly broad, unduly burdensome, and exceed the scope of permissible discovery under the applicable Rules.
2. Petitioners object to these requests on the grounds that they were served in an untimely fashion so that responses were due after the close of discovery.
3. Petitioners object to these requests to the extent that they seek information protected by the attorney-client privilege and/or the work-product immunity doctrine.

REQUEST NO. 1

All documents comprising agreements, including amendments and modifications, between Petitioners and Registrant and/or Clernenzi concerning the Joint Venture Agreement.

RESPONSE TO REQUEST NO. 1

Previously produced.

REOUEST NO. 2

All documents comprising agreements, including amendments and modifications, between Petitioners and Registrant and/or Clemenzi concerning the Joint Venture.

RESPONSE TO REQUEST NO. 2

Previously produced.

REQUEST NO. 3

All documents comprising agreements, including amendments and modifications, between Petitioners and Registrant/Clemenzi concerning the trade name and mark "COMMONWEALTH PHYSICIAN RECRUITING".

RESPONSE TO REQUEST NO. 3

None.

REQUEST NO. 4

All documents comprising agreements, including amendments and modifications, between Petitioners and Registrant and/or Clemenzi concerning the domain <http://www.commonwealthphysicianrecruiting.com>.

RESPONSE TO REQUEST NO. 4

None.

REQUEST NO. 5

All documents comprising agreements, including amendments and modifications, between Petitioners and Registrant and/or Clemenzi concerning Clemenzi's disassociation from the Joint Venture.

RESPONSE TO REQUEST NO. 5

None.

REQUEST NO. 6

All correspondence and communications between Petitioners and Registrant and/or Clemenzi concerning the Joint Venture Agreement.

RESPONSE TO REQUEST NO. 6

Petitioners are searching for responsive documents and will produce any documents in their possession, custody or control responsive to this request.

REQUEST NO. 7

All correspondence and communications between Petitioners and Registrant and/or Clemenzi concerning the Joint Venture.

RESPONSE TO REQUEST NO. 7

Petitioners are searching for responsive documents and will produce any documents in their possession, custody or control responsive to this request.

REQUEST NO. 8

All correspondence and communications between Petitioners and Registrant and/or Clemenzi concerning the trade name and mark "COMMONWEALTH PHYSICIAN RECRUITING".

RESPONSE TO REQUEST NO. 8

Petitioners are searching for responsive documents and will produce any documents in their possession, custody or control responsive to this request.

REQUEST NO. 9

All correspondence and communications between Petitioners and Registrant and/or Clemenzi concerning the domain <http://www.commonwealthphysicianrecruiting.com>.

RESPONSE TO REQUEST NO. 9

Petitioners are searching for responsive documents and will produce any documents in their possession, custody or control responsive to this request.

REQUEST NO. 10

All correspondence and communications between Petitioners and Registrant concerning Clemenzi's disassociation from the Joint Venture.

RESPONSE TO REQUEST NO. 10

Petitioners are searching for responsive documents and will produce any documents in their possession, custody or control responsive to this request.

REQUEST NO. 11

All correspondence and communications amongst and between the Petitioners concerning the Joint Venture Agreement.

RESPONSE TO REQUEST NO. 11

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO. 12

All correspondence and communications amongst and between the Petitioners concerning the Joint Venture.

RESPONSE TO REQUEST NO. 12

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO. 13

All correspondence and communications amongst and between the Petitioners concerning the trade name and mark “COMMONWEALTH PHYSICIAN RECRUITING”.

RESPONSE TO REQUEST NO. 13

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO. 14

All correspondence and communications amongst and between the Petitioners concerning the domain <http://www.commonwealthphysicianrecruiting.com>.

RESPONSE TO REQUEST NO. 14

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving

those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO. 15

All correspondence and communications amongst and between the Petitioners concerning Clemenzi's disassociation from the Joint Venture.

RESPONSE TO REQUEST NO. 15

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO. 16

All correspondence and communications amongst and between the Petitioners concerning Clemenzi's formation of Commonwealth Physician Recruiting, LLC.

RESPONSE TO REQUEST NO. 16

Petitioners object to this request because it seeks documents protected by the attorney-client privilege and/or the work-product immunity doctrine. Without waiving those objections, Petitioners state that they will produce non-privileged documents in their possession, custody or control responsive to this request.

REQUEST NO.17

All documents related to any assignment of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 17

None.

REQUEST NO. 18

All documents concerning the use of the COMMONWEALTH PHYSICIAN RECRUITING mark by the Joint Venture.

RESPONSE TO REQUEST NO. 18

Petitioners will produce documents in their possession, custody or control responsive to this request.

REQUEST NO. 19

All documents that support or disclaim Clemenzi's ownership of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 19

Petitioners will produce documents in their possession, custody or control responsive to this request.

REQUEST NO.20

All documents that support or disclaim the Petitioners' ownership of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 20

Petitioners will produce documents in their possession, custody or control responsive to this request.

REQUEST NO.21

All documents that reference the origins of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 21

Petitioners will produce documents in their possession, custody or control responsive to this request.

REQUEST NO.22

All documents concerning Petitioners' use of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 22

Petitioners will produce documents in their possession, custody or control responsive to this request.

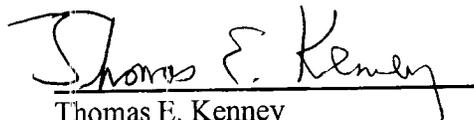
REQUEST NO.23

All correspondence and communications between Petitioners and Hannah Welsh regarding the ownership and origination of the COMMONWEALTH PHYSICIAN RECRUITING mark.

RESPONSE TO REQUEST NO. 23

Petitioners will produce documents in their possession, custody or control responsive to this request.

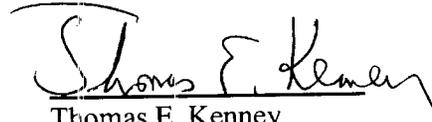
THE PETITIONERS,
By their attorneys,



Thomas E. Kenney
PIERCE & MANDELL, P.C.
11 Beacon Street, Suite 800
Boston, MA 02108
(617) 720-2444

CERTIFICATE OF SERVICE

I hereby certify that this document was served upon counsel for the registrant by e-mail and U.S. Mail, postage prepaid, on August 10, 2009.


Thomas E. Kenney