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

Proceeding	92050920
Party	Defendant Soni, Milena
Correspondence Address	Surjit P. Soni THE SONI LAW FIRM 35 N. Lake Ave.Suite 720 Pasadena, CA 91101 UNITED STATES surj@sonilaw.com, woosoon@sonilaw.com, ron@sonilaw.com
Submission	Opposition/Response to Motion
Filer's Name	Woo Soon Choe
Filer's e-mail	ron@sonilaw.com, woosoon@sonilaw.com, lauren@sonilaw.com, surj@sonilaw.com
Signature	/Woo Soon Choe/
Date	05/17/2010
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Reg. No.: 3,009,990

Mark: ENTELLECT

INTELLECT TECHNICAL)	
SOLUTIONS, INC.)	
)	
Petitioner,)	CANCELLATION NO.: 92050920
v.)	
)	
MILENA SONI)	Reg. No. 3,009,990
)	
Respondent.)	
_____)	

RESPONDENT'S OPPOSITION TO PETITIONER'S AMENDED MOTION TO COMPEL

I. INTRODUCTION

Petitioner Intellect Technical Solutions, Inc. ("PETITIONER") has moved for compelling Respondent Milena Soni ("RESPONDENT") to provide further responses to Interrogatories Nos. 4, 5, 7, 8, and 10 of PETITIONER's First Set of Interrogatories to RESPONDENT and Interrogatories Nos. 14-21 and 24-25 of PETITIONER's Second Set of Interrogatories to RESPONDENT. PETITIONER has also moved to compel RESPONDENT to produce additional documents responsive to Request No. 7 of PETITIONER's First Set of Requests for Production to RESPONDENT and Requests Nos. 1 and 2 of PETITIONER's Second Set of Requests for Production to RESPONDENT.

RESPONDENT hereby opposes PETITIONER's Amended Motion to Compel.

II. ARGUMENTS

A) Interrogatory No. 4 of PETITIONER's First Set of Interrogatories

PETITIONER seeks in this interrogatory the expenses spent for advertising and promoting the services identified in RESPONDENT's mark. During the discovery deposition of RESPONDENT taken on February 9, 2010, PETITIONER inquired about the same information that has been asked in this interrogatory and RESPONDENT provided an answer to that under oath. See Exhibit A (filed concurrently herewith), page 36, lines 23-25; page 37, lines 1-15; page 54, lines 23-25. PETITIONER has therefore received supplementation to the interrogatory at the deposition. RESPONDENT's deposition testimony forms a part of the body of discovery together with RESPONDENT's responses to PETITIONER's Interrogatories, Request for Production, and Request for Admission. RESPONDENT's deposition testimony is admissible by PETITIONER into trial to supplement RESPONDENT's responses to the other parts of the discovery body. Accordingly, RESPONDENT asserts that RESPONDENT's answer in deposition constitutes a sufficient response to this interrogatory and no further response by RESPONDENT is required.

B) Interrogatory No. 5 of PETITIONER's First Set of Interrogatories

PETITIONER seeks in this interrogatory the revenue RESPONDENT earned from providing the services identified in

RESPONDENT's mark. The amount of revenue earned by RESPONDENT is not relevant to PETITIONER's trial testimony. This is not an infringement matter where RESPONDENT's revenues are at issue to determine the extent of possible confusion in the marketplace. Respondent has produced documents and testimony clearly showing that Respondent has continuously used the mark in interstate commerce and the dates of such use. The revenues gained by such use is not relevant to any issue in this cancellation proceeding, and therefore, not admissible as part of PETITIONER's trial testimony. RESPONDENT's use could have been limited or extensive, for high value or for free, and such use would still preclude PETITIONER's challenge. The amount of RESPONDENT's revenues is not relevant and not likely to lead to any relevant or admissible evidence and so are outside the scope of permitted discovery under Rule 26. See *Curtin v. Office of Pers. Mgmt.*, 846 F.2d 1373 (Fed. Cir. 1988) (finding that an Administrative Law Judge may exclude irrelevant evidence); *Franco v. United States Postal Serv.*, 27 M.S.P.R. 322, 325 (1985) (administrative judges possess wide discretion to control hearings, including the authority to exclude witnesses offering irrelevant, immaterial and repetitious evidence).

Accordingly, RESPONDENT asserts that no further response is required to this interrogatory.

**C) Interrogatory No. 7 of
PETITIONER's First Set of Interrogatories**

PETITIONER seeks in this interrogatory the identities of

"all" persons, instead of a sampled set of them, who received the services identified in the registration of RESPONDENT's mark. In the response, RESPONDENT objected to the inartful wording as burdensome and oppressive because, as testified by RESPONDENT during the deposition (See Exh. A., page 18, lines 6-8; page 51, lines 8-11), the number of clients who received the services from RESPONDENT is approximately one hundred and it would be too burdensome to identify the name, the position at the relevant time, the present or last known residence address, and the present or last known business position, affiliation and address of "all" of the approximately one hundred clients. Nor is the inquiry relevant to any issue in this cancellation proceeding. The identity of RESPONDENT's clients is not relevant and not likely to lead to any relevant or admissible evidence and so is outside the scope of permitted discovery under Rule 26. Respondent already identified several of her clients and that is enough to establish use. RESPONDENT maintains the objection here for the same reason and respectfully requests the Board to deny PETITIONER's motion to compel a response by RESPONDENT to this particular interrogatory.

**D) Interrogatory No. 8 of
PETITIONER's First Set of Interrogatories**

PETITIONER seeks in this interrogatory the number of people who found employment by virtue of receiving the recruiting services from RESPONDENT. RESPONDENT objects to this interrogatory as unduly burdensome and oppressive because it is

seeking information not in RESPONDENT's possession, custody or control. The recruiting services RESPONDENT provides do not include the follow-up collection of information as to whether the clients who receive RESPONDENT's services obtain employment after receiving RESPONDENT's services. Such information would be retained, if at all, by the clients or the business entity that employed the clients, each of which is a third party and requires separate discovery requests from PETITIONER.

Nor is it relevant that any of RESPONDENT's client obtained employment as result of her services; RESPONDENT's services are used by clients to evaluate candidate and by candidates to identify fields of employment to which they may be highly motivated. These services relate to and assist recruiting efforts of employers. Whether particular clients successfully are placed as candidates or clients are able to locate highly motivated candidates is irrelevant to the fact that RESPONDENT's services were provided in connection with recruiting services. The identity of RESPONDENT's clients who may have secured employment is not relevant and not likely to lead to any relevant or admissible evidence and so are outside the scope of permitted discovery under Rule 26.

For this reason, RESPONDENT asks the Board to deny PETITIONER's motion to compel RESPONDENT's response to this particular interrogatory.

**E) Interrogatory No. 10 of
PETITIONER's First Set of Interrogatories**

In this interrogatory that inquires about the locations where RESPONDENT advertised, promoted, or offered the services identified in RESPONDENT's mark, PETITIONER seeks the identity of "other cities," other than Los Angeles, in RESPONDENT's response thereto. During the discovery deposition of RESPONDENT, RESPONDENT identified one city other than Los Angeles. See Exh. A., page 70, lines 22-24.

PETITIONER has therefore received supplementation to the interrogatory at the deposition. RESPONDENT's deposition testimony forms a part of the body of discovery together with RESPONDENT's responses to PETITIONER's Interrogatories, Request for Production, and Request for Admission. Thus, RESPONDENT's deposition testimony is admissible by PETITIONER as trial testimony to supplement RESPONDENT's responses to the other parts of the discovery body. Accordingly, RESPONDENT asserts that RESPONDENT's answer in deposition constitutes a sufficient response to this interrogatory and no further response by RESPONDENT is required.

**F) Interrogatories Nos. 14, 15, 19, 20, 24, and 25
of PETITIONER's Second Set of Interrogatories**

PETITIONER seeks in its Interrogatories Nos. 14, 15, 19, and 20 the identification of contracts and agreements entered between RESPONDENT and other persons or business entities. PETITIONER's Interrogatories Nos. 24 and 25 request the description of terms

and conditions of any unwritten contract or agreement entered between RESPONDENT and another person or business entity.

PETITIONER argues that RESPONDENT's responses as served are insufficient because they allegedly fail to provide the details of the contract or agreement, including the terms and conditions of such contract or agreement, and allegedly merely state the existence of an agreement between the subject parties.

RESPONDENT submits that RESPONDENT's responses are sufficient and that PETITIONER's further demands for any unstated details of the agreement are irrelevant to PETITIONER's trial testimony. Furthermore, disclosure of the requested information would be unduly prejudicial to RESPONDENT, without providing probative evidence for PETITIONER.

PETITIONER, through its Amended Petition and the Second Sets of discovery requests, seeks to determine whether RESPONDENT has ever used the mark, whether RESPONDENT provided the services identified in the registration of RESPONDENT's mark, and more particularly, whether the persons or business entities which provided the services did so on half of RESPONDENT. All of these matters were touched upon during RESPONDENT's deposition and RESPONDENT answered fully.

PETITIONER apparently seeks to challenge RESPONDENT's sworn testimony by asking RESPONDENT to respond under oath to whether there was a contract or agreement between RESPONDENT and the persons or business entities which provided the services at question, and the details regarding the provision of the

services. These questions were all asked and have been answered. PETITIONER is not entitled to the details of RESPONDENT's arrangements with service providers retained by her. Those details are neither relevant nor likely to lead to relevant or admissible evidence and are beyond the scope of discovery under Rule 26.

Contrary to Petitioner's assertion that in the responses Respondent stated only the existence of an agreement, RESPONDENT clearly stated a central term or condition of the agreement also, namely that the subject persons or business entities provided the services at question were performing contractual obligation under an agreement with RESPONDENT. Further, RESPONDENT's responses to the interrogatories provided the information that such agreement was in effect at the time of providing the services, and still continues to be in effect at the time of serving the responses to the interrogatories. RESPONDENT submits that such information is sufficient for resolving the question whether the subject persons or business entities indeed provided the trademarked services on behalf of RESPONDENT, and the ultimate question of whether the services at question were provided by RESPONDENT.

All other details of the agreement PETITIONER is demanding are irrelevant to resolving the question of whether RESPONDENT provided the services.

PETITIONER's requests, for instance, for the concrete amount of monetary compensation or other kind of consideration that the subject persons or business entities are supposed to receive from

RESPONDENT in return for providing the services at question under the agreement, are not relevant to proving or disproving whether indeed such services were provided or whether such agreement existed. Similarly, RESPONDENT's statement and PETITIONER's knowledge of the exact date when the agreement became effective is not relevant to proving the existence of an agreement. RESPONDENT submits that all other details of the agreement do not add anything to the veracity of RESPONDENT's already-made statement that an agreement existed between RESPONDENT and those who provided services. Therefore, those details do not help in any way in resolving the issue whether the subject persons or business entities provided the services at question indeed on behalf of RESPONDENT, and in that respect, are irrelevant.

Pursuant to 37 C.F.R. §2.116 the Board acting under the Fed. R. Civ. P. and the Fed. R. Evidence (specifically FRE 402 - relevance and FRE 403 - prejudicial) has inherent power to exclude "'any kind of evidence which could be objected to at trial, either as irrelevant or subject to discretionary exclusion as unduly prejudicial.'" See also *Cottle v. Superior Court*, 3 Cal. App. 4th 1367, 5 Cal. Rptr. 2d 882 (1992) (quoting *Peat, Marwick, Mitchell & Co. v. Superior Court*, 200 Cal. App. 3d 272, 288, 245 Cal. Rptr. 873 (1988)). See also *Clemens v. American Warranty Corp.*, 193 Cal. App. 3d 444, 451 (1987); *South Bay Chevrolet v. General Motors Acceptance Corp.*, 72 Cal. App. 4th 861, 899-900 (1999); 3 Witkin, *Cal. Evidence*, Presentation § 368 (4th ed. 2000).

Moreover, identification of the detailed terms or conditions of the agreement at issue would be unduly prejudicial to RESPONDENT for such details contain RESPONDENT's confidential financial information that must be protected without a compelling reason. Where so little is the relevance, as argued above, of the demanded details of the agreement to the issue that PETITIONER is newly raising in its Amended Petition, the issue of RESPONDENT's non-use of the mark, the great prejudice RESPONDENT would suffer from having RESPONDENT's confidential financial information unwarrantedly disclosed from compelled discovery of those details.

For all of these reasons, the Board should deny PETITIONER's motion to compel RESPONDENT's further responses to these particular interrogatories.

**G) Interrogatories Nos. 16, 17, 18, and 21
of PETITIONER's Second Set of Interrogatories**

PETITIONER seeks in Interrogatories Nos. 16, 17, 18, and 21 the nature of the business relationship between RESPONDENT and other persons or business entities. PETITIONER argues that RESPONDENT's responses are insufficient because the responses merely state the existence of an agreement between the subject parties and RESPONDENT and lack the detailed nature of the business relationship between them.

PETITIONER did not provide anywhere in the Second Set of its Interrogatories any definition of "business relationship" or an instruction describing the term. As such, RESPONDENT had to rely

on the generally accepted meaning of the term, "business relationship." The business relation between the subject parties and RESPONDENT is a contractual relation created by a contract or agreement. RESPONDENT is not aware of any other better way of describing the business relationship between RESPONDENT and the subject parties other than stating the existence of an agreement between the subject parties and RESPONDENT, which is a statement self-evidently demonstrating and characterizing the relation between two parties.

RESPONDENT also provided, though not required, the description of the contractual duty of the subject parties. RESPONDENT submits that what RESPONDENT has stated is an accurate and sufficient description of the business relations between the inquired parties within the generally accepted meanings of the term, "business relationship."

For this reason, the Board should deny PETITIONER's motion to compel RESPONDENT's further responses to these particular interrogatories.

**H) Requests No. 7 of PETITIONER's First Set
of Requests for Production**

In Requests 1 and 2 of PETITIONER's Second Set of Requests for Production, PETITIONER seeks all documents or things that bear RESPONDENT's mark, and have been prepared or disseminated by RESPONDENT.

RESPONDENT has already produced, as PETITIONER acknowledged,

two documents that meets the request, namely letterheads and business cards. As for additional documents, such as brochures and website materials that PETITIONER is particularly seeking, RESPONDENT has already provided deposition testimony as to the absence of such documents. See Exh. A., page 23, lines 21-23; page 37, lines 1-19. RESPONDENT has located two other pieces of marketing materials which it will produce.

RESPONDENT's deposition testimony forms a part of the body of discovery together with RESPONDENT's responses to PETITIONER's Interrogatories, Requests for Production, and Requests for Admission. Thus, RESPONDENT's deposition testimony is admissible by PETITIONER as trial testimony to supplement RESPONDENT's responses to the other parts of the discovery body. Accordingly, RESPONDENT asserts that RESPONDENT's answer in deposition constitutes a sufficient response to this document request and no further response by RESPONDENT is required.

**I) Requests Nos. 1 and 2 of
PETITIONER's Second Set of Requests for Production**

In requests 1 and 2 of PETITIONER's Second Set of Requests for Production, PETITIONER seeks RESPONDENT's federal and state tax returns. PETITIONER asserts that bona fide issues with respect to use/non-use of the mark in question by RESPONDENT has risen for the first time during the RESPONDENT's deposition and the second set of PETITIONER's discovery requests including the requests for RESPONDENT's tax documents are directed to probe into those issues. RESPONDENT submits that the requested tax

returns are irrelevant to any issue and thus inadmissible as part of PETITIONER's trial testimony, and the production of RESPONDENT's tax returns would be unduly prejudicial to RESPONDENT.

As previously noted, the Board has, pursuant to 37 C.F.R. §2.116 and acting under the Fed. R. Civ. P. and the Fed. R. Evidence, inherent power to exclude evidence that could be objected to as being either irrelevant or unduly prejudicial.

Here, RESPONDENT's tax returns have absolutely no relevance to proving or disproving whether RESPONDENT has ever used the ENTELLECT mark in connection with the services in RESPONDENT's registration. As a ground for these requests, PETITIONER points out that RESPONDENT admitted in the responses to PETITIONER's Requests for Admission that RESPONDENT reported income earned and expenses incurred in connection with providing the services in RESPONDENT's registration. PETITIONER erroneously suggests that RESPONDENT's tax returns could be redacted to protect RESPONDENT's financial information unrelated to RESPONDENT's use of the mark.

First, RESPONDENT never admitted, and in fact denied, that the expenses incurred were ever reported in RESPONDENT's federal and state tax returns (See the copies of relevant portions of RESPONDENT's responses filed concurrently herewith as Exhibit B). Furthermore, even though the income earned from rendering the mark-related services has been reported in RESPONDENT's tax returns as RESPONDENT admitted, that income was not segregated

from income from other businesses RESPONDENT was engaged in, but was reported as combined business income. Therefore, the income earned from rendering the mark-related services cannot be separately identified from reviewing RESPONDENT's tax returns. As such, permitting RESPONDENT's unsegregated business income to be disclosed would fail not only the alleged purpose of identifying RESPONDENT's income from providing mark-related services, but also the measure of redacting the returns suggested by PETITIONER to protect RESPONDENT's other financial information unrelated to RESPONDENT's use of the mark, since the other business income would be necessarily disclosed as well.

Moreover, even if PETITIONER were to identify the income from RESPONDENT's tax returns, it would have little, if any, probative value in proving or disproving whether RESPONDENT used the mark in connection with the services in the registration at question, which is the ultimate proof for PETITIONER's trial testimony. The amount of income reported in RESPONDENT's tax returns, even should PETITIONER obtain it, would not help in determining the question whether RESPONDENT used the mark at question or not, and in that respect, the tax returns are irrelevant.

Where so little can be achieved from disclosing RESPONDENT's tax return for resolving the question whether RESPONDENT used the mark, the prejudice RESPONDENT would suffer would be huge if the discovery of RESPONDENT's tax documents is permitted. The unwarranted disclosure of RESPONDENT's confidential financial

information, which should be protected by the California Constitution, Article 1, Section 1, and which pertains to not only the business related with the mark at issue but also businesses totally unrelated with the mark, would damage RESPONDENT's constitutional right. Further, RESPONDENT's rights of privacy under the United States Constitution or other applicable law would be severely infringed as well.

RESPONDENT has already produced to PETITIONER letterheads and business cards bearing RESPONDENT's mark and the name of services provided by RESPONDENT under the mark, which also have been submitted to the USPTO as specimen. RESPONDENT will supplement with two other marketing materials used by her. Together with RESPONDENT's testimony under oath in the deposition that RESPONDENT personally distributed the business cards to people and subsequently provided services in RESPONDENT's mark to RESPONDENT's clients, the set of produced documents alone evidences actual advertising and delivery of the subject services and sufficiently demonstrates the use of mark by RESPONDENT required for federal registration.

Given with the lack of relevance RESPONDENT's tax return would have in determining the issue of whether RESPONDENT used the mark in connection with the subject services if compelled to be produced, and the seriousness of infringement of RESPONDENT's constitutional right by contrast, PETITIONER's request to compel the production of RESPONDENT's tax returns should be denied.

III. CONCLUSION

Based upon the foregoing law and facts, RESPONDENT Milena Soni respectfully requests the Board to deny PETITIONER's Amended Motion to Compel.

Dated: May 17, 2010

By: /s/ Woo Soon Choe
Surjit P. Soni
Ronald E. Perez
Woo Soon Choe
Attorneys for RESPONDENT,
Milena Soni

EXHIBIT A

1 a number.

2 Q. Is it more than 10?

3 A. Yes.

4 Q. More than 50?

5 A. Probably.

6 Q. More than a hundred?

7 A. Around there, could be. Probably not
8 more.

9 Q. I'm sorry?

10 A. I don't know. It's hard for me to give
11 you a number.

12 Q. If you had to make your best estimate,
13 would you say it's more than a hundred?

14 A. Just me, just my referrals?

15 Q. Yes.

16 A. I -- It's around there.

17 Q. And of those around a hundred referrals,
18 do you know approximately how many of those
19 referrals took the test in 2002?

20 A. No. I don't break it down.

21 Q. Do you know if -- Do you recall if there
22 were referrals that you made during every year
23 between 2002 and 2010?

24 A. Probably. Every year a few people.

25 Q. Do you know were there any years when

1 A. Well, it's not one or the other. It's
2 both at the same time. Since we are doing the same
3 thing.

4 Q. I understand.

5 A. There's no division of --

6 Q. Okay. So it's run out of both places?

7 A. Right.

8 Q. How long has it been -- have you been
9 running the business also out of Mr. Soni's office?

10 A. From the beginning.

11 Q. And has his office always Ben at 35 North
12 Lake?

13 A. No, it was one block up at 55 North Lake
14 before.

15 Q. Do you know if your business has filed
16 articles of incorporation?

17 A. I don't know.

18 Q. Do you know if this business is registered
19 with the California Secretary of State?

20 A. I don't know.

21 Q. Does your business have an operating web
22 site?

23 A. No.

24 Q. Have you ever had an operating web site?

25 A. No.

1 expounding on it very naturally. And when people
2 get interested. And when they are ready and to come
3 and tell me I want this, then I will.

4 Q. And when somebody comes to you and says I
5 want to take it, do you always use the word
6 "Entellect" when you're providing them the
7 information and how to pay you?

8 A. Yes.

9 Q. Are there times when you haven't used that
10 word?

11 A. How do I answer that? I don't recall.

12 Q. Do you have a business card?

13 A. Yes.

14 Q. Do you typically hand out your business
15 cards to individuals who you speak to about this
16 service?

17 A. Not always. The majority of the people,
18 like I tell you, are friends and the setting in
19 schools, so not usually.

20 (Discussion between counsel and
21 witness.)

22 BY MR. BLEEKER:

23 Q. Have you ever placed advertising for this
24 service --

25 A. No.

1 Q. -- in a brochure?

2 A. No.

3 Q. Have you ever placed an ad on the radio?

4 A. No.

5 Q. Have you ever placed an ad on the
6 Internet?

7 A. No.

8 Q. How about the television?

9 A. No.

10 Q. Newspaper?

11 A. No.

12 Q. Between the time you started the company
13 and now, has the company spent any money on
14 advertising or promotion?

15 A. No.

16 Q. Does the word "Entellect" appear on any
17 documents other than the business cards and
18 letterhead?

19 A. No.

20 MR. BLEEKER: Let's go ahead and take
21 about a five-minute break.

22 (Recess taken.)

23 MR. BLEEKER: Let's go back on the record.

24 I'll ask the court reporter to mark this
25 document as Exhibit 1.

1 maybe.

2 Q. Have you had any customers from any other
3 state within the United States besides California?

4 A. I don't think so.

5 Q. You testified that you've had customers
6 from Canada, Peru, Belgium and Japan; correct?

7 A. Yes.

8 Q. You testified also that you -- It's your
9 best recollection that you've referred approximately
10 a hundred customers throughout the course --

11 A. Probably.

12 Q. -- of your business; correct?

13 About what percentage of those customers
14 were the customers you referred from Canada, Peru,
15 Belgium and Japan?

16 A. What percentage of those hundred?

17 Q. Yes.

18 A. All together, those foreign countries?

19 Q. Correct.

20 A. Probably 10 percent.

21 Q. Let's start with Canada.

22 Do you know approximately how many of your
23 referrals, what percentage of your referrals come
24 from Canada?

25 A. Exact number of referrals?

1 And in response you stated that the mark
2 was used as a service mark for those services by
3 being imprinted on letterheads and business cards
4 and by being transmitted to potential customers by
5 word of mouth.

6 Other than those uses that you've
7 described in your interrogatory response, are there
8 any other uses of that mark as a service mark?

9 A. As a service mark?

10 I don't understand the question.

11 Are there any other uses?

12 Q. Right.

13 So are there any other ways you used that
14 mark when you're offering services to individuals
15 other than the types you've described in response?

16 A. No.

17 Q. No?

18 A. No.

19 Q. Interrogatory 4 asks you to list by year
20 the amount in dollars spent on advertising and
21 promoting the services identified in the trademark
22 registration.

23 Has your company spent any money on
24 advertising or promoting its services?

25 A. No.

1 And in response to Interrogatory No. 9 you
2 stated that you've offered employment counseling and
3 recruiting, business management coaching, business
4 management consultation, personal management
5 consultation, and career and psychological
6 counseling and testing services between 2002 and
7 2009; correct?

8 A. Yes.

9 Q. Now it's your testimony today that you
10 personally have not offered those services; correct?

11 A. Right.

12 Q. And it's your understanding that Mr. Neils
13 has offered those services; correct?

14 A. Yes.

15 Q. Interrogatory 10 asks you to identify all
16 locations in which you've advertised, promoted or
17 offered recruiting, employment counseling or career
18 counseling between '02 and '09.

19 And in response you've stated that you've
20 offered these services in Los Angeles and other
21 cities.

22 Besides Los Angeles, which other cities
23 are you referring to?

24 A. San Francisco.

25 Q. Any other cities?

EXHIBIT B

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

INTELLECT TECHNICAL)
SOLUTIONS, INC.)
)
Petitioner,) CANCELLATION NO.: 92050920
v.)
)
MILENA SONI) Reg. No. 3,009,990
)
Respondent.)
_____)

**RESPONDENT'S RESPONSE TO
PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTY: RESPONDENT, MILENA SONI

RESPONDING PARTY: PETITIONER, INTELLECT TECHNICAL SOLUTIONS, INC.

SET NO.: ONE

TO PETITIONER and its Counsel of Record:

RESPONDENT Milena Soni ("RESPONDENT"), pursuant to Rule 33 of the Federal Rules of Civil Procedure (Fed. R. Civ. P.) and TTAB Rule 405, hereby responds to the first set of requests for admission from Petitioner Intellect Technical Solutions, Inc. ("PETITIONER").

REQUEST NUMBER 139:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2007 California Income Tax Returns.

RESPONSE TO REQUEST NO. 139:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent denies this request for admission.

REQUEST NUMBER 140:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2008 California Income Tax Returns.

RESPONSE TO REQUEST NO. 140:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent denies this request for admission.

REQUEST NUMBER 141:

Admit that Respondent has not claimed a Federal Income Tax deduction for advertising expenses related to the performance of the Disputed Services in connection with the ENTELLECT Mark on any income tax return filed subsequent to May 1, 2002.

RESPONSE TO REQUEST NO. 141:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent admits this request for admission.

REQUEST NUMBER 142:

Admit that Respondent does not have in her possession, custody or control any non-privileged documents responsive to Petitioner's First Request for Production to Respondent (served on October 5, 2009) that have not been produced to Petitioner.

RESPONSE TO REQUEST NO. 142:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent denies this request for admission because other documents may be uncovered by a more thorough search or may be discovered.

REQUEST NUMBER 143:

Admit that Surjit P. Soni does not have in his possession, custody or control any non-privileged documents responsive to Petitioner's First Request for Production to Respondent (served on October 5, 2009) that have not been produced to Petitioner.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S OPPOSITION TO PETITIONER'S AMENDED MOTION TO COMPEL** was served upon the PETITIONER via USPS Priority Mail on this 17th day of May 2010, as follows:

William Giltinan
Carlton Fields, P.A.
PO Box 3239
Tampa FL 33601-3239

/s/ Ronald E. Perez

Ronald E. Perez