

ESTTA Tracking number: **ESTTA390384**

Filing date: **01/27/2011**

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

Proceeding	92050920
Party	Plaintiff Intellect Technical Solutions, Inc.
Correspondence Address	WILLIAM G GILTINAN CARLTON FIELDS PA 4221 W BOY SCOUT BLVD , SUITE 1000 TAMPA, FL 33607-5780 UNITED STATES tgiltinan@carltonfields.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	William Giltinan
Filer's e-mail	trademarks@carltonfields.com
Signature	/William Giltinan/
Date	01/27/2011
Attachments	NOR143.pdf (91 pages)(2627611 bytes)

**In The United States Patent And Trademark Office
Before The Trademark Trial And Appeal Board**

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

Cancellation No.: 92050920

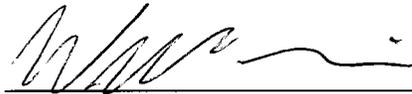
PETITIONER'S THIRD NOTICE OF RELIANCE

Petitioner Intellect Technical Solutions, Inc. submits this Notice of Reliance in accord with 37 C.F.R. § 2.120, et seq. and 37 C.F.R. 37.122, et seq. The following is hereby designated and made part of the record of this proceeding:

1. Intellect's Exhibit 143. Petitioner's First Set of Requests for Admissions to Respondent, and Respondent's response thereto, pursuant to 37 C.F.R. 2.120(j).

Respectfully submitted,

Date: January 27, 2011



William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601-3239
(813) 223-7000
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petitioner's Third Notice of Reliance to Respondent's counsel at the following address:

Surjit P. Soni,
Ronald E. Perez, ron@sonilaw.com
The Soni Law Firm
35 N. Lake Ave. #720
Pasadena, CA 91101

via Federal Express, Overnight Delivery (Tracking No. 794362475167) and email on January 27, 2011.

Dated: January 27, 2011



William G. Giltinan

Intellect Technical Solutions v. Milena Soni
Cancellation No. 92050920
Intellect's Exhibit 143

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

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

Cancellation No.: 92050920

PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO RESPONDENT

TO RESPONDENT and its Counsel of Record:

Intellect Technical Solutions, Inc. (Petitioner), pursuant to TTAB Rule 2.120, requests that Milena Soni (Respondent) admit the truth of the statements set forth below.

Please read the provisions of Rule 36 of the Federal Rules of Civil Procedure carefully as Rule 36 applies to all requests for admission in this proceeding. In particular, Rule 36 provides in part that “[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney.” Rule 36 goes on to provide that

If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

Please also read the following definitions and instructions carefully as they apply to all requests set forth in this Petitioner's First Set of Requests for Admissions to Respondent.

DEFINITIONS

- A. As referred to in these requests, the term "Petitioner" shall refer to Intellect Technical Solutions, Inc., its predecessors in interest, subsidiaries, affiliates, divisions, joint venturers, present and former officers and directors, employees and agents, and all other persons acting on its or their behalf or at its or their direction or control, including its or their representatives and attorneys.
- B. The terms "Respondent," "You", "Your", and "Yours" mean Milena Soni (Respondent in this Cancellation).
- C. The term "Respondent's Affiliates" means and any and all businesses, entities, partnerships, organizations or associations in which Respondent has control, any predecessors in title or interest to the ENTELLECT Mark, and any persons who are, or were at any time to which the claims involved in this proceeding relate, an employee, affiliate, attorney, agent, salesmen, business partner or representative of Respondent, whether independent contractor, agent, or otherwise, including all persons purporting to act on behalf of Respondent in connection with performance of the Disputed Services and including, without limitation Surjit P. Soni, counsel of record in this Cancellation.
- D. The term "Including" means "including but not limited to" and the word "All" means "any and all."

E. The term "Cancellation" means the Petition for Cancellation filed by Petitioner in this proceeding, namely Cancellation No. 92050920 in the United States Patent and Trademark Office, and all of the allegations therein.

F. The designation "USPTO" means the United States Patent and Trademark Office.

G. The term "Respondent's Registration" means United States ("U.S.") Registration No. 3,009,990 for ENTELLECT, issuing from the USPTO trademark application having serial no. 76/539,434.

H. The term "ENTELLECT Mark" means ENTELLECT, the term (for example, but not limited to, mark, service mark, trademark, trade mark or trade name) that is the subject of Respondent's Registration.

I. The term "Date of First Use" refers to the earliest date of use of a trademark or service mark by the first sale of a product or service in conjunction with the mark, as well as any other date on which such use of such a mark was recommenced after use of the mark was discontinued for more than one month.

J. The term "Disputed Services" means the services set forth in Respondent's Registration.

K. The term "Marketing Channel" means the means in the marketplace by which Respondent sells and distributes Respondent's services using a trademark or service mark, including, but not limited to, Internet websites, particular retail stores, wholesale distributors, mail or delivery service.

L. The term "Online Advertising" means banner, pop-up, and similar advertisements appearing or available to appear on websites hosted by third parties, agreements with search

providers to provide preferred placement of search listings when defined search terms are submitted to the provider's search engine, and website(s) and web page(s) that serve as a Marketing Channel, whether hosted or controlled by Respondent or a third party.

INSTRUCTIONS

1. Pursuant to Fed. R. Civ. P., Rule 26(e), these requests shall be deemed to be continuing so as to require further and supplemental responses in the event additional information is obtained or discovered between the time of the initial responses and the time of a motion, hearing, testimony period, trial or other event in this proceeding.
2. If objection is made to any part of a particular request, that part should be specified (together with the grounds for the objection), and any other portion of the request to which no objection is made should be admitted or denied in according to the provisions of Rule 36 of the Federal Rules of Civil Procedure.
3. If any request set forth herein is objected to on the grounds of privilege, then state the specific privilege upon which such objection is based, provide sufficient information to permit an evaluation of the propriety of the claim of privilege, and further provide all information responsive to the request that does not fall within the claim of privilege.

REQUESTS FOR ADMISSION

Request Number 1: Admit that Respondent is the owner of Respondent's Registration.

Request Number 2: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through television advertising.

Request Number 3: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through radio advertising.

Request Number 4: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through Online Advertising.

Request Number 5: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through direct mail advertising.

Request Number 6: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through email advertising.

Request Number 7: Admit that Respondent has not used the ENTELLECT Mark on printed documents distributed to others, other than on Respondent's business cards and letterhead.

Request Number 8: Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through print advertising.

Request Number 9: Admit that Respondent does not advertise the Disputed Services.

Request Number 10: Admit that Respondent has not spent money advertising the Disputed Services.

Request Number 11: Admit that Respondent does not possess, control, or have in Respondent's custody any records documenting monies spent advertising the Disputed Services.

Request Number 12: Admit that Surjit P. Soni does not possess, control, or have in his custody any records documenting monies spent advertising the Disputed Services.

Request Number 13: Admit that Respondent does not possess, control, or have in Respondent's custody any copies of printed brochures that display the ENTELLECT Mark and

that copies of which have been distributed in an effort to promote Respondent's offering of the Disputed Services.

Request Number 14: Admit that Surjit P. Soni does not possess, control, or have in his custody any copies of printed brochures that display the ENTELLECT Mark and that copies of which have been distributed in an effort to promote Respondent's offering of the Disputed Services.

Request Number 15: Admit that Respondent has not distributed printed brochures displaying the ENTELLECT Mark.

Request Number 16: Admit that Surjit P. Soni has not distributed printed brochures displaying the ENTELLECT Mark.

Request Number 17: Admit that Respondent has not used any website to display the ENTELLECT Mark.

Request Number 18: Admit that Respondent has not used any website to promote the Disputed Services.

Request Number 19: Admit that Respondent's Affiliates have not used any website to display the ENTELLECT Mark.

Request Number 20: Admit that Respondent's Affiliates have not used any website to promote the Disputed Services.

Request Number 21: Admit that Respondent has no knowledge of any website displaying the ENTELLECT Mark.

Request Number 22: Admit that Respondent has not issued any press release displaying the ENTELLECT Mark.

Request Number 23: Admit that Respondent promotes the Disputed Services by word of mouth.

Request Number 24: Admit that Respondent does not promote the Disputed Services other than by word of mouth, business cards and letterhead.

Request Number 25: Admit that Respondent has no employees who perform the Disputed Services for others.

Request Number 26: Admit that Between Date of First Use and the present, Respondent has not engaged others to perform the Disputed Services.

Request Number 27: Admit that Surjit P. Soni is not an employee of Respondent.

Request Number 28: Admit that Patrick R. Neils is not an employee of Respondent.

Request Number 29: Admit that Kenneth G. Neils is not an employee of Respondent.

Request Number 30: Admit that Respondent is not a corporation organized under the laws of any state.

Request Number 31: Admit that Respondent is not a limited liability company organized under the laws of any state.

Request Number 32: Admit that Respondent is not a limited liability partnership organized under the laws of any state.

Request Number 33: Admit that Respondent is not a professional association organized under the laws of any state.

Request Number 34: Admit that Respondent is an individual.

Request Number 35: Admit that Respondent is an individual doing business as ENTELLECT.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 8

Request Number 36: Admit that Respondent is not registered to do business in any state.

Request Number 37: Admit that Respondent has not entered into any written license agreement purporting to give a third party the right to use the ENTELLECT Mark in connection with the Disputed Services.

Request Number 38: Admit that Respondent has not given any third party a license to use the ENTELLECT Mark in connection with the Disputed Services.

Request Number 39: Admit that Respondent is not in possession, custody or control of any copies of a license agreement purporting to give any third party the right to use the ENTELLECT Mark in connection with the Disputed Services that have not been produced to Petitioner.

Request Number 40: Admit that Respondent's Affiliates are not in possession, custody or control of any copies of a license agreement purporting to give any third party the right to use the ENTELLECT Mark in connection with the Disputed Services that have not been produced to Petitioner.

Request Number 41: Admit that Respondent does not have the right to control the actions of Surjit P. Soni.

Request Number 42: Admit that Respondent does not have the right to control the quality of services provided by Surjit P. Soni.

Request Number 43: Admit that Respondent does not have the right to control the actions of Patrick R. Neils.

Request Number 44: Admit that Respondent does not have the right to control the quality of services provided by Patrick R. Neils.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 9

Request Number 45: Admit that Respondent does not have the right to control the actions of Kenneth G. Neils.

Request Number 46: Admit that Respondent does not have the right to control the quality of services provided by Kenneth G. Neils.

Request Number 47: Admit that Respondent is not an officer or employee of Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

Request Number 48: Admit that Respondent is not a member of the board of directors of Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

Request Number 49: Admit that Respondent is not a party to a written contract with Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

Request Number 50: Admit that Respondent is not a party to any contract with Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

Request Number 51: Admit that Respondent is not an equity owner of Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

Request Number 52: Admit that Respondent is not an officer or employee of PDI Coaching Services.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 10

Request Number 53: Admit that Respondent is not a member of the board of directors of PDI Coaching Services.

Request Number 54: Admit that Respondent is not a party to a written contract with PDI Coaching Services.

Request Number 55: Admit that Respondent is not a party to any contract with PDI Coaching Services.

Request Number 56: Admit that Respondent is not an equity owner of PDI Coaching Services.

Request Number 57: Admit that Respondent is not a party to a written contract with Patrick R. Neils.

Request Number 58: Admit that Respondent is not a party to any contract with Patrick R. Neils.

Request Number 59: Admit that Respondent is not a party to a written contract with Kenneth G. Neils.

Request Number 60: Admit that Respondent is not a party to any contract with Kenneth G. Neils.

Request Number 61: Admit that Respondent has referred others to Patrick R. Neils for testing services.

Request Number 62: Admit that Respondent referred others to Potentials Development, Inc. for testing services.

Request Number 63: Admit that Respondent has referred others to Kenneth G. Neils for testing services.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 11

Request Number 64: Admit that Respondent has referred others to PDI Coaching Services for counseling services.

Request Number 65: Admit that Respondent has referred others to Patrick R. Neils for counseling services.

Request Number 66: Admit that Respondent has referred others to Kenneth G. Neils for counseling services.

Request Number 67: Admit that Respondent has received referral fees from Patrick R. Neils.

Request Number 68: Admit that Respondent has received referral fees from Kenneth G. Neils.

Request Number 69: Admit that Respondent has received referral fees from Potentials Development, Inc.

Request Number 70: Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Potentials Development, Inc.

Request Number 71: Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Patrick R. Neils.

Request Number 72: Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by PDI Coaching Services.

Request Number 73: Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Kenneth G. Neils.

Request Number 74: Admit that Respondent has received referral fees from PDI Coaching Services.

Request Number 75: Admit that Surjit P. Soni offers some or all of the Disputed Services.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 12

Request Number 76: Admit that Respondent has not referred others to persons other than Patrick R. Neils for testing services.

Request Number 77: Admit that Respondent has not referred others to persons other than Patrick R. Neils or Kenneth G. Neils for testing services.

Request Number 78: Admit that Respondent has not referred others to businesses other than Potentials Development, Inc. for any of the Disputed Services.

Request Number 79: Admit that Respondent has not referred others to businesses other than Potentials Development, Inc. or PDI Coaching services for any of the Disputed Services.

Request Number 80: Admit that Respondent has not referred others to persons other than Patrick R. Neils or Kenneth G. Neils for any of the Disputed Services.

Request Number 81: Admit that Respondent does not recruit employees for others.

Request Number 82: Admit that Respondent does not provide ENTELLECT brand business management and consulting services to others.

Request Number 83: Admit that Respondent does not provide ENTELLECT brand personnel management consulting services to others.

Request Number 84: Admit that Respondent does not provide ENTELLECT brand psychological testing for the selection of personnel to others.

Request Number 85: Admit that Respondent does not administer psychological tests to others.

Request Number 86: Admit that Respondent does not draft psychological tests that it offers under the ENTELLECT Mark.

Request Number 87: Admit that Respondent does not been paid to interpret the results of psychological tests.

Request Number 88: Admit that Respondent has not been paid by others to recruit employees.

Request Number 89: Admit that Respondent has not been paid by others to recruit employees for specific job openings.

Request Number 90: Admit that Respondent does not provide ENTELLECT brand career counseling services.

Request Number 91: Admit that Respondent has not been paid by others for ENTELLECT brand career counseling services.

Request Number 92: Admit that Respondent is not a licensed psychologist in any state.

Request Number 93: Admit that Respondent is not a licensed psychiatrist in any state.

Request Number 94: Admit that Respondent is not licensed to provide psychological counseling as required by Cal Bus & Prof Code § 2903.

Request Number 95: Admit that Respondent is not qualified to provide psychological counseling services.

Request Number 96: Admit that Surjit P. Soni is not a licensed psychologist in any state.

Request Number 97: Admit that Surjit P. Soni is not a licensed psychiatrist in any state.

Request Number 98: Admit that Surjit P. Soni is not licensed to provide psychological counseling as required by Cal Bus & Prof Code § 2903.

Request Number 99: Admit that Surjit P. Soni is not qualified to provide psychological counseling services.

Request Number 100: Admit that Respondent does not provide ENTELLECT brand psychological counseling services to others.

Request Number 101: Admit that Respondent does not provide ENTELLECT brand psychological consulting services to other.

Request Number 102: Admit that Respondent does not provide ENTELLECT brand psychological testing services to others.

Request Number 103: Admit that Respondent's ENTELLECT brand services include referring persons to third parties for testing, counseling, and consulting services provided by others.

Request Number 104: Admit that Respondent's ENTELLECT brand services are limited to referring persons to third parties for testing, counseling, and consulting services provided by others.

Request Number 105: Admit that Respondent has not offered the Disputed Services outside the state of California.

Request Number 106: Admit that Respondent has not been paid by persons who are United States residents and reside outside the state of California, for performing the Disputed Services.

Request Number 107: Admit that Respondent has not performed the Disputed Services for persons residing in the United States, but outside the state of California.

Request Number 108: Admit that Respondent did not use the ENTELLECT Mark in commerce prior to May 1, 2002 in connection with the Disputed Services.

Request Number 109: Admit that Respondent did not provide ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

Request Number 110: Admit that Respondent did not provide ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

Request Number 111: Admit that Respondent did not provide ENTELLECT brand psychological testing services to others prior to May 1, 2002.

Request Number 112: Admit that Respondent did not provide ENTELLECT brand psychological counseling services to others after May 1, 2002.

Request Number 113: Admit that Respondent did not provide ENTELLECT brand psychological consulting services to others after May 1, 2002.

Request Number 114: Admit that Respondent did not provide ENTELLECT brand psychological testing services to others after May 1, 2002.

Request Number 115: Admit that Respondent did not offer the Disputed Services in connection with the ENTELLECT Mark after May 1, 2002.

Request Number 116: Admit that Respondent does not have in her possession, custody or control any record showing that Respondent provided ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

Request Number 117: Admit that Surjit P. Soni does not have in his possession, custody or control any record showing that Respondent provided ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

Request Number 118: Admit that Respondent does not have in her possession, custody, or control any records showing that Respondent provided ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

Request Number 119: Admit that Surjit P. Soni does not have in her possession, custody, or control any records showing that Respondent provided ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

Request Number 120: Admit that Respondent does not have in her possession, custody or control any has records showing that Respondent provided ENTELLECT brand psychological testing services to others prior to May 1, 2002.

Request Number 121: Admit that Surjit P. Soni does not have in his possession, custody or control any has records showing that Respondent provided ENTELLECT brand psychological testing services to others prior to May 1, 2002.

Request Number 122: Admit that Respondent did not refer any person to third parties for ENTELLECT brand testing, counseling, or consulting services provided by others prior to May 1, 2002.

Request Number 123: Admit that Respondent does not have in her possession, custody or control any records showing that Respondent referred persons to third parties for ENTELLECT brand psychological testing services to others prior to May 1, 2002.

Request Number 124: Admit that Surjit P. Soni does not have in his possession, custody or control any records showing that Respondent referred persons to third parties for ENTELLECT brand psychological testing services to others prior to May 1, 2002.

Request Number 125: Admit that Respondent does not have in her possession, custody, or control any financial records reflecting amounts received by Respondent for providing the Disputed Services.

Request Number 126: Admit that Surjit P. Soni has no financial records in his possession, custody or control reflecting amounts received by Respondent for providing the Disputed Services.

Request Number 127: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2002 Federal Income Tax Returns.

Request Number 128: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2003 Federal Income Tax Returns.

Request Number 129: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2004 Federal Income Tax Returns.

Request Number 130: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2005 Federal Income Tax Returns.

Request Number 131: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2006 Federal Income Tax Returns.

Request Number 132: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2007 Federal Income Tax Returns.

Request Number 133: Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2008 Federal Income Tax Returns.

Request Number 134: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2002 California Income Tax Returns.

Request Number 135: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2003 California Income Tax Returns.

Request Number 136: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2004 California Income Tax Returns.

Request Number 137: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2005 California Income Tax Returns.

Request Number 138: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2006 California Income Tax Returns.

Request Number 139: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2007 California Income Tax Returns.

Request Number 140: Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2008 California Income Tax Returns.

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.

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.

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.

Request Number 144: Admit that Respondent's Affiliates do not have in their 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.

Request Number 145: Admit that Respondent has abandoned the ENTELLECT Mark.

Request Number 146: Admit that Respondent does not use the ENTELLECT Mark as a service mark in connection any of the Disputed Services.

Request Number 147: Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services prior to May 1, 2002.

Request Number 148: Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services between May 1, 2002 and December 31, 2008.

Request Number 149: Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services between January 1, 2009 and February 1, 2010.

Request Number 150: Admit that the service marks ENTELLECT and INTELLECT are confusingly similar.

Request Number 151: Admit that Respondent does not offer any of the Disputed Services personally.

Request Number 152: Admit that Respondent did not offer the Disputed Services between May 1, 2002 and February 1, 2010.

Registration No.: 3,009,990 Registered: November 1, 2005
Mark: ENTELLECT
Intellect Technical Solutions, Inc. v. Milena Soni

Cancellation Proceeding No. 92050920

Page No. 20

Request Number 153: Admit that Respondent's Affiliates do not offer any of the Disputed Services in connection with the ENTELLECT Mark.

Request Number 154: Admit that Respondent's Affiliates did not offer any the Disputed Services between May 1, 2002 and February 1, 2010 in connection with the ENTELLECT Mark.

Respectfully submitted,

Date: Feb. 11, 2010



William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601-3239
(813) 223-7000
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petitioner's First Set of Requests for Admissions to Respondent on respondent's counsel at the following addresses:

Surjit P. Soni
Ronald E. Perez
WooSoon Choe
The Soni Law Firm
35 N. Lake Ave. #720
Pasadena, CA 91101

via Federal Express Overnight Delivery and First Class United States Mail, postage prepaid, and deposited with the United States Postal Service on February 11, 2010.

Dated: February 11, 2010



G. Warren Bleeker

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").

**RESPONDENT'S OBJECTIONS AND RESPONSES
TO PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSION**

RESPONDENT, Milena Soni, hereby submits the following objections and responses to PETITIONER'S First Set of Requests for Admission.

RESPONDENT, based upon its current knowledge, understanding, and belief of the facts, information, and documents available to her, responds as set forth below. As this action proceeds, RESPONDENT may discover further responsive information. RESPONDENT reserves the right to modify or supplement these responses accordingly.

These responses are given without prejudice to using or relying on at trial information omitted from these responses as a result of mistake, error, oversight, or inadvertence. RESPONDENT further reserves the right to object on appropriate ground to the introduction of any information included in these responses.

RESPONDENT'S responses are made without waiving or intending to waive, but on the contrary, preserving and intending to preserve, all objections as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the answers, or the subject matter thereof, in this or any subsequent proceeding.

GENERAL OBJECTIONS

RESPONDENT objects generally to the following:

1. RESPONDENT objects to the requests for admission to the extent that they seek to impose duties or obligations on RESPONDENT beyond those imposed by the Federal Rules of Civil Procedure or the applicable Rules of Practice of the United States Trademark Office.

2. RESPONDENT objects to the requests for admission insofar as they are vague, ambiguous, indefinite, over broad, unduly burdensome, duplicative, cumulative, unintelligible or otherwise unclear as to the precise information sought.

3. RESPONDENT objects to the requests for admission insofar as they seek information that is neither relevant to the claims or defenses of either party in this action nor reasonably calculated to lead to the discovery of admissible evidence.

4. RESPONDENT objects to the requests for admission to the extent that they call for information that is protected from discovery by the attorney-client privilege, the work product doctrine, or any other applicable privilege, doctrine, protection or immunity.

5. RESPONDENT objects to the requests for admission to the extent they seek information or the compilation of data that may be derived from or ascertained by business records, where the burden of deriving or ascertaining the answers thereto is substantially the same for PETITIONER as for RESPONDENT.

6. RESPONDENT objects to each and every request for admission to the extent that it calls for the production of confidential business information, trade secret, or commercially sensitive information of RESPONDENT. Unless otherwise agreed, to the extent RESPONDENT produces such information, she will only do so pursuant to the protective order entered in this matter.

7. RESPONDENT objects to the requests for admission to the extent that they call for information not reasonably available to RESPONDENT, or equally available to PETITIONER.

8. RESPONDENT objects to the requests for admission to the extent that they call for RESPONDENT to provide responses on behalf of any third party unrelated to this Cancellation Proceeding. RESPONDENT does not have any authority, either express or implied, to provide responses on behalf of any third party unrelated to this Cancellation Proceeding.

9. RESPONDENT has not fully completed her investigation of the facts relating to this proceeding and has not completed preparation for trial. RESPONDENT's responses are given without prejudice to her right to amend its responses to the requests. RESPONDENT expressly reserves the right to revise, correct, or modify her responses herein.

10. RESPONDENT objects to these requests to the extent they are harassing, unreasonable, and unduly burdensome and duplicative.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST NUMBER 1:

Admit that Respondent is the owner of Respondent's Registration.

RESPONSE TO REQUEST NO. 1:

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 2:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through television advertising.

RESPONSE TO REQUEST NO. 2:

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 3:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through radio advertising.

RESPONSE TO REQUEST NO. 3:

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 4:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through Online Advertising.

RESPONSE TO REQUEST NO. 4:

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 5:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through direct mail advertising.

RESPONSE TO REQUEST NO. 5:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the term "direct" as vague and ambiguous.

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

REQUEST NUMBER 6:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through email advertising.

RESPONSE TO REQUEST NO. 6:

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 7:

Admit that Respondent has not used the ENTELLECT Mark on printed documents distributed to others, other than on Respondent's business cards and letterhead.

RESPONSE TO REQUEST NO. 7:

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 8:

Admit that Respondent has not used the ENTELLECT Mark to promote the Disputed Services through print advertising.

RESPONSE TO REQUEST NO. 8:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "print advertising" as vague and ambiguous.

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

REQUEST NUMBER 9:

Admit that Respondent does not advertise the Disputed Services.

RESPONSE TO REQUEST NO. 9:

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 10:

Admit that Respondent has not spent money advertising the Disputed Services.

RESPONSE TO REQUEST NO. 10:

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 11:

Admit that Respondent does not possess, control, or have in Respondent's custody any records documenting monies spent advertising the Disputed Services.

RESPONSE TO REQUEST NO. 11:

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 12:

Admit that Surjit P. Soni does not possess, control, or have
in his custody any records documenting monies spent advertising
the Disputed Services.

RESPONSE TO REQUEST NO. 12:

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 13:

Admit that Respondent does not possess, control, or have in
Respondent's custody any copies of printed brochures that display
the ENTELLECT Mark and that copies of which have been distributed
in an effort to promote Respondent's offering of the Disputed
Services.

RESPONSE TO REQUEST NO. 13:

Respondent incorporates by reference the general objections
set forth above.

Respondent objects to the request as vague and ambiguous.

Since this request is unintelligible as written, Respondent
denies this request for admission.

REQUEST NUMBER 14:

Admit that Surjit P. Soni does not possess, control, or have in his custody any copies of printed brochures that display the ENTELLECT Mark and that copies of which have been distributed in an effort to promote Respondent's offering of the Disputed Services.

RESPONSE TO REQUEST NO. 14:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the request as vague and ambiguous.

Since this request is unintelligible as written and since the request seeks information about someone other than Respondent, Respondent denies this request for admission.

REQUEST NUMBER 15:

Admit that Respondent has not distributed printed brochures displaying the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 15:

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 16:

Admit that Surjit P. Soni has not distributed printed brochures displaying the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 16:

Respondent incorporates by reference the general objections set forth above.

Since the request seeks information about someone other than Respondent, Respondent denies this request for admission.

REQUEST NUMBER 17:

Admit that Respondent has not used any website to display the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 17:

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 18:

Admit that Respondent has not used any website to promote the Disputed Services.

RESPONSE TO REQUEST NO. 18:

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 19:

Admit that Respondent's Affiliates have not used any website to display the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 19:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent has made a reasonable inquiry and the information known or readily obtainable by Respondent is insufficient to enable Respondent to admit or deny this request.

REQUEST NUMBER 20:

Admit that Respondent's Affiliates have not used any website to promote the Disputed Services.

RESPONSE TO REQUEST NO. 20:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent has made a reasonable inquiry and the information known or readily obtainable by Respondent is insufficient to enable Respondent to admit or deny this request.

REQUEST NUMBER 21:

Admit that Respondent has no knowledge of any website displaying the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 21:

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 22:

Admit that Respondent has not issued any press release displaying the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 22:

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 23:

Admit that Respondent promotes the Disputed Services by word of mouth.

RESPONSE TO REQUEST NO. 23:

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 24:

Admit that Respondent does not promote the Disputed Services other than by word of mouth, business cards and letterhead.

RESPONSE TO REQUEST NO. 24:

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 25:

Admit that Respondent has no employees who perform the Disputed Services for others.

RESPONSE TO REQUEST NO. 25:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "employees" as vague and ambiguous.

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

REQUEST NUMBER 26:

Admit that Between Date of First Use and the present, Respondent has not engaged others to perform the Disputed Services.

RESPONSE TO REQUEST NO. 26:

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 27:

Admit that Surjit P. Soni is not an employee of Respondent.

RESPONSE TO REQUEST NO. 27:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "employee" as vague and ambiguous.

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

REQUEST NUMBER 28:

Admit that Patrick R. Neils is not an employee of Respondent.

RESPONSE TO REQUEST NO. 28:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "employee" as vague and ambiguous.

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

REQUEST NUMBER 29:

Admit that Kenneth G. Neils is not an employee of Respondent.

RESPONSE TO REQUEST NO. 29:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "employee" as vague and ambiguous.

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

REQUEST NUMBER 30:

Admit that Respondent is not a corporation organized under the laws of any state.

RESPONSE TO REQUEST NO. 30:

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 31:

Admit that Respondent is not a limited liability company organized under the laws of any state.

RESPONSE TO REQUEST NO. 31:

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 32:

Admit that Respondent is not a limited liability partnership
organized under the laws of any state.

RESPONSE TO REQUEST NO. 32:

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 33:

Admit that Respondent is not a professional association
organized under the laws of any state.

RESPONSE TO REQUEST NO. 33:

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 34:

Admit that Respondent is an individual.

RESPONSE TO REQUEST NO. 34:

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 35:

Admit that Respondent is an individual doing business as ENTELLECT.

RESPONSE TO REQUEST NO. 35:

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 36:

Admit that Respondent is not registered to do business in any state.

RESPONSE TO REQUEST NO. 36:

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 37:

Admit that Respondent has not entered into any written license agreement purporting to give a third party the right to use the ENTELLECT Mark in connection with the Disputed Services.

RESPONSE TO REQUEST NO. 37:

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 38:

Admit that Respondent has not given any third party a license to use the ENTELLECT Mark in connection with the Disputed Services.

RESPONSE TO REQUEST NO. 38:

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 39:

Admit that Respondent is not in possession, custody or control of any copies of a license agreement purporting to give any third party the right to use the ENTELLECT Mark in connection with the Disputed Services that have not been produced to Petitioner.

RESPONSE TO REQUEST NO. 39:

Respondent incorporates by reference the general objections set forth above.

Since this request is unintelligible as written, Respondent denies this request for admission.

REQUEST NUMBER 40:

Admit that Respondent's Affiliates are not in possession, custody or control of any copies of a license agreement purporting to give any third party the right to use the ENTELLECT Mark in connection with the Disputed Services that have not been produced to Petitioner.

RESPONSE TO REQUEST NO. 40:

Respondent incorporates by reference the general objections set forth above.

Since this request is unintelligible as written, Respondent denies this request for admission.

REQUEST NUMBER 41:

Admit that Respondent does not have the right to control the actions of Surjit P. Soni.

RESPONSE TO REQUEST NO. 41:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "control" and "actions" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 42:

Admit that Respondent does not have the right to control the quality of services provided by Surjit P. Soni.

RESPONSE TO REQUEST NO. 42:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "control" and "services" as vague, ambiguous, and over broad since the nature or type of services has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 43:

Admit that Respondent does not have the right to control the actions of Patrick R. Neils.

RESPONSE TO REQUEST NO. 43:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "control" and "actions" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 44:

Admit that Respondent does not have the right to control the quality of services provided by Patrick R. Neils.

RESPONSE TO REQUEST NO. 44:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "control" and "services" as vague, ambiguous, and over broad since the nature or type of services has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 45:

Admit that Respondent does not have the right to control the actions of Kenneth G. Neils.

RESPONSE TO REQUEST NO. 45:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "control" and "actions" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 46:

Admit that Respondent does not have the right to control the quality of services provided by Kenneth G. Neils.

RESPONSE TO REQUEST NO. 46:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "control" and "services" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 47:

Admit that Respondent is not an officer or employee of Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

RESPONSE TO REQUEST NO. 47:

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 48:

Admit that Respondent is not a member of the board of directors of Potentials Development, Inc. or any company known by

Respondent to be doing business under the name "Potentials Development, Inc."

RESPONSE TO REQUEST NO. 48:

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 49:

Admit that Respondent is not a party to a written contract with Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

RESPONSE TO REQUEST NO. 49:

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 50:

Admit that Respondent is not a party to any contract with Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

RESPONSE TO REQUEST NO. 50:

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 51:

Admit that Respondent is not an equity owner of Potentials Development, Inc. or any company known by Respondent to be doing business under the name "Potentials Development, Inc."

RESPONSE TO REQUEST NO. 51:

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 52:

Admit that Respondent is not an officer or employee of PDI Coaching Services.

RESPONSE TO REQUEST NO. 52:

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 53:

Admit that Respondent is not a member of the board of directors of PDI Coaching Services.

RESPONSE TO REQUEST NO. 53:

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 54:

Admit that Respondent is not a party to a written contract with PDI Coaching Services.

RESPONSE TO REQUEST NO. 54:

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 55:

Admit that Respondent is not a party to any contract with PDI Coaching Services.

RESPONSE TO REQUEST NO. 55:

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 56:

Admit that Respondent is not an equity owner of PDI Coaching Services.

RESPONSE TO REQUEST NO. 56:

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 57:

Admit that Respondent is not a party to a written contract with Patrick R. Neils.

RESPONSE TO REQUEST NO. 57:

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 58:

Admit that Respondent is not a party to any contract with Patrick R. Neils.

RESPONSE TO REQUEST NO. 58:

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 59:

Admit that Respondent is not a party to a written contract with Kenneth G. Neils.

RESPONSE TO REQUEST NO. 59:

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 60:

Admit that Respondent is not a party to any contract with Kenneth G. Neils.

RESPONSE TO REQUEST NO. 60:

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 61:

Admit that Respondent has referred others to Patrick R. Neils for testing services.

RESPONSE TO REQUEST NO. 61:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "referred others" and "testing" as vague, ambiguous.

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

REQUEST NUMBER 62:

Admit that Respondent referred others to Potentials
Development, Inc. for testing services.

RESPONSE TO REQUEST NO. 62:

Respondent incorporates by reference the general objections
set forth above.

Respondent objects to the terms "referred others" and
"testing" as vague, ambiguous.

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

REQUEST NUMBER 63:

Admit that Respondent has referred others to Kenneth G.
Neils for testing services.

RESPONSE TO REQUEST NO. 63:

Respondent incorporates by reference the general objections
set forth above.

Respondent objects to the terms "referred others" and
"testing" as vague, ambiguous.

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

REQUEST NUMBER 64:

Admit that Respondent has referred others to PDI Coaching Services for counseling services.

RESPONSE TO REQUEST NO. 64:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "referred others" and "counseling" as vague, ambiguous.

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

REQUEST NUMBER 65:

Admit that Respondent has referred others to Patrick R. Neils for counseling services.

RESPONSE TO REQUEST NO. 65:

Respondent incorporates by reference the general objections set forth above. Respondent objects to the terms "referred others" and "counseling" as vague, ambiguous.

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

REQUEST NUMBER 66:

Admit that Respondent has referred others to Kenneth G. Neils for counseling services.

RESPONSE TO REQUEST NO. 66:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "referred others" as vague, ambiguous.

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

REQUEST NUMBER 67:

Admit that Respondent has received referral fees from Patrick R. Neils.

RESPONSE TO REQUEST NO. 67:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referral fees" as vague, ambiguous.

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

REQUEST NUMBER 68:

Admit that Respondent has received referral fees from Kenneth G. Neils.

RESPONSE TO REQUEST NO. 68:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referral fees" as vague, ambiguous.

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

REQUEST NUMBER 69:

Admit that Respondent has received referral fees from Potentials Development, Inc.

RESPONSE TO REQUEST NO. 69:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referral fees" as vague, ambiguous.

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

REQUEST NUMBER 70:

Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Potentials Development, Inc.

RESPONSE TO REQUEST NO. 70:

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 71:

Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Patrick R. Neils.

RESPONSE TO REQUEST NO. 71:

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 72:

Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by PDI Coaching Services.

RESPONSE TO REQUEST NO. 72:

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 73:

Admit that Respondent has no knowledge of any trademark use or service mark use of the ENTELLECT Mark by Kenneth G. Neils.

RESPONSE TO REQUEST NO. 73:

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 74:

Admit that Respondent has received referral fees from PDI
Coaching Services.

RESPONSE TO REQUEST NO. 74:

Respondent incorporates by reference the general objections
set forth above.

Respondent objects to the term "referral fees" as vague,
ambiguous.

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

REQUEST NUMBER 75:

Admit that Surjit P. Soni offers some or all of the Disputed
Services.

RESPONSE TO REQUEST NO. 75:

Respondent incorporates by reference the general objections
set forth above.

Respondent objects to this request as being compound.

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

REQUEST NUMBER 76:

Admit that Respondent has not referred others to persons other than Patrick R. Neils for testing services.

RESPONSE TO REQUEST NO. 76:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "referred others" and "testing" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 77:

Admit that Respondent has not referred others to persons other than Patrick R. Neils or Kenneth G. Neils for testing services.

RESPONSE TO REQUEST NO. 77:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "referred others" and "testing" as vague, ambiguous, and over broad since the nature or type of actions has been undefined, and therefore unlimited in scope.

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

REQUEST NUMBER 78:

Admit that Respondent has not referred others to businesses other than Potentials Development, Inc. for any of the Disputed Services.

RESPONSE TO REQUEST NO. 78:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referred others" as vague, ambiguous, and over broad.

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

REQUEST NUMBER 79:

Admit that Respondent has not referred others to businesses other than Potentials Development, Inc. or PDI Coaching services for any of the Disputed Services.

RESPONSE TO REQUEST NO. 79:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referred others" as vague, ambiguous, and over broad.

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

REQUEST NUMBER 80:

Admit that Respondent has not referred others to persons other than Patrick R. Neils or Kenneth G. Neils for any of the Disputed Services.

RESPONSE TO REQUEST NO. 80:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "referred others" as vague, ambiguous, and over broad.

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

REQUEST NUMBER 81:

Admit that Respondent does not recruit employees for others.

RESPONSE TO REQUEST NO. 81:

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 82:

Admit that Respondent does not provide ENTELLECT brand business management and consulting services to others.

RESPONSE TO REQUEST NO. 82:

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 83:

Admit that Respondent does not provide ENTELLECT brand personnel management consulting services to others.

RESPONSE TO REQUEST NO. 83:

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 84:

Admit that Respondent does not provide ENTELLECT brand psychological testing for the selection of personnel to others.

RESPONSE TO REQUEST NO. 84:

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 85:

Admit that Respondent does not administer psychological tests to others.

RESPONSE TO REQUEST NO. 85:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "administer" as vague and ambiguous.

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

REQUEST NUMBER 86:

Admit that Respondent does not draft psychological tests that it offers under the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 86:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "draft psychological tests" as vague and ambiguous.

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

REQUEST NUMBER 87:

Admit that Respondent does(sic) not been paid to interpret the results of psychological tests.

RESPONSE TO REQUEST NO. 87:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "paid to interpret the results of psychological tests" as vague and ambiguous.

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

REQUEST NUMBER 88:

Admit that Respondent has not been paid by others to recruit employees.

RESPONSE TO REQUEST NO. 88:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "paid by others to recruit employees" as vague and ambiguous.

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

REQUEST NUMBER 89:

Admit that Respondent has not been paid by others to recruit employees for specific job openings.

RESPONSE TO REQUEST NO. 89:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "paid by others to recruit employees" and "specific job openings" as vague and ambiguous.

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

REQUEST NUMBER 90:

Admit that Respondent does not provide ENTELLECT brand career counseling services.

RESPONSE TO REQUEST NO. 90:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "brand career counseling services" as vague and ambiguous.

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

REQUEST NUMBER 91:

Admit that Respondent has not been paid by others for ENTELLECT brand career counseling services.

RESPONSE TO REQUEST NO. 91:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the terms "paid by others" and "brand career counseling services" as vague and ambiguous.

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

REQUEST NUMBER 92:

Admit that Respondent is not a licensed psychologist in any state.

RESPONSE TO REQUEST NO. 92:

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 93:

Admit that Respondent is not a licensed psychiatrist in any state.

RESPONSE TO REQUEST NO. 93:

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 94:

Admit that Respondent is not licensed to provide psychological counseling as required by Cal Bus & Prof Code § 2903.

RESPONSE TO REQUEST NO. 94:

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 95:

Admit that Respondent is not qualified to provide psychological counseling services.

RESPONSE TO REQUEST NO. 95:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to the term "qualified" as vague, ambiguous.

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

REQUEST NUMBER 96:

Admit that Surjit P. Soni is not a licensed psychologist in any state.

RESPONSE TO REQUEST NO. 96:

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 97:

Admit that Surjit P. Soni is not a licensed psychiatrist in any state.

RESPONSE TO REQUEST NO. 97:

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 98:

Admit that Surjit P. Soni is not licensed to provide
psychological counseling as required by Cal Bus & Prof Code §
2903.

RESPONSE TO REQUEST NO. 98:

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 99:

Admit that Surjit P. Soni is not qualified to provide
psychological counseling services.

RESPONSE TO REQUEST NO. 99:

Respondent incorporates by reference the general objections
set forth above. Respondent objects to the term "qualified" as
vague, ambiguous.

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

REQUEST NUMBER 100:

Admit that Respondent does not provide ENTELLECT brand
psychological counseling services to others.

RESPONSE TO REQUEST NO. 100:

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 101:

Admit that Respondent does not provide ENTELLECT brand psychological consulting services to other.

RESPONSE TO REQUEST NO. 101:

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 102:

Admit that Respondent does not provide ENTELLECT brand psychological testing services to others.

RESPONSE TO REQUEST NO. 102:

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 103:

Admit that Respondent's ENTELLECT brand services include referring persons to third parties for testing, counseling, and consulting services provided by others.

RESPONSE TO REQUEST NO. 103:

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 104:

Admit that Respondent's ENTELLECT brand services are limited to referring persons to third parties for testing, counseling, and consulting services provided by others.

RESPONSE TO REQUEST NO. 104:

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 105:

Admit that Respondent has not offered the Disputed Services outside the state of California.

RESPONSE TO REQUEST NO. 105:

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 106:

Admit that Respondent has not been paid by persons who are United States residents and reside outside the state of California, for performing the Disputed Services.

RESPONSE TO REQUEST NO. 106:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to this request is unintelligible as written.

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

REQUEST NUMBER 107:

Admit that Respondent has not performed the Disputed Services for persons residing in the United States, but outside the state of California.

RESPONSE TO REQUEST NO. 107:

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 108:

Admit that Respondent did not use the ENTELLECT Mark in commerce prior to May 1, 2002 in connection with the Disputed Services.

RESPONSE TO REQUEST NO. 108:

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 109:

Admit that Respondent did not provide ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 109:

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 110:

Admit that Respondent did not provide ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 110:

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 111:

Admit that Respondent did not provide ENTELLECT brand
psychological testing services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 111:

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 112:

Admit that Respondent did not provide ENTELLECT brand
psychological counseling services to others after May 1, 2002.

RESPONSE TO REQUEST NO. 112:

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 113:

Admit that Respondent did not provide ENTELLECT brand
psychological consulting services to others after May 1, 2002.

RESPONSE TO REQUEST NO. 113:

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 114:

Admit that Respondent did not provide ENTELLECT brand psychological testing services to others after May 1, 2002.

RESPONSE TO REQUEST NO. 114:

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 115:

Admit that Respondent did not offer the Disputed Services in connection with the ENTELLECT Mark after May 1, 2002.

RESPONSE TO REQUEST NO. 115:

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 116:

Admit that Respondent does not have in her possession, custody or control any record showing that Respondent provided ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 116:

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 117:

Admit that Surjit P. Soni does not have in his possession, custody or control any record showing that Respondent provided ENTELLECT brand psychological counseling services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 117:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent is without knowledge and information to be able to respond to this request for admission and therefore denies it.

REQUEST NUMBER 118:

Admit that Respondent does not have in her possession, custody, or control any records showing that Respondent provided

ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 118:

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 119:

Admit that Surjit P. Soni does not have in her possession, custody, or control any records showing that Respondent provided ENTELLECT brand psychological consulting services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 119:

Respondent incorporates by reference the general objections set forth above.

Respondent objects to this request is unintelligible as written.

Subject to and without waiving the foregoing objections, Respondent is without knowledge and information to be able to respond to this request for admission and therefore denies it.

REQUEST NUMBER 120:

Admit that Respondent does not have in her possession, custody or control any has records showing that Respondent

provided ENTELLECT brand psychological testing services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 120:

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 121:

Admit that Surjit P. Soni does not have in his possession, custody or control any has records showing that Respondent provided ENTELLECT brand psychological testing services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 121:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent is without knowledge and information to be able to respond to this request for admission and therefore denies it.

REQUEST NUMBER 122:

Admit that Respondent did not refer any person to third parties for ENTELLECT brand testing, counseling, or consulting services provided by others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 122:

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 123:

Admit that Respondent does not have in her possession, custody or control any records showing that Respondent referred persons to third parties for ENTELLECT brand psychological testing services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 123:

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 124:

Admit that Surjit P. Soni does not have in his possession, custody or control any records showing that Respondent referred persons to third parties for ENTELLECT brand psychological testing services to others prior to May 1, 2002.

RESPONSE TO REQUEST NO. 124:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent is without knowledge and information to be able to respond to this request for admission and therefore denies it.

REQUEST NUMBER 125:

Admit that Respondent does not have in her possession, custody, or control any financial records reflecting amounts received by Respondent for providing the Disputed Services.

RESPONSE TO REQUEST NO. 125:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent has made a reasonable inquiry and the information known or readily obtainable by Respondent is insufficient to enable Respondent to admit or deny this request.

REQUEST NUMBER 126:

Admit that Surjit P. Soni has no financial records in his possession, custody or control reflecting amounts received by Respondent for providing the Disputed Services.

RESPONSE TO REQUEST NO. 126:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent has made a reasonable inquiry and the information

known or readily obtainable by Respondent is insufficient to enable Respondent to admit or deny this request.

REQUEST NUMBER 127:

Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2002 Federal Income Tax Returns.

RESPONSE TO REQUEST NO. 127:

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 128:

Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2003 Federal Income Tax Returns.

RESPONSE TO REQUEST NO. 128:

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 129:

Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2004 Federal Income Tax Returns.

RESPONSE TO REQUEST NO. 129:

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 130:

Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2005 Federal Income Tax Returns.

RESPONSE TO REQUEST NO. 130:

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 131:

Admit that Respondent failed to declare amounts received for providing the Disputed Services as income on Respondent's 2006 Federal Income Tax Returns.

RESPONSE TO REQUEST NO. 131:

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 132:

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

RESPONSE TO REQUEST NO. 132:

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 133:

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

RESPONSE TO REQUEST NO. 133:

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 134:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2002 California Income Tax Returns.

RESPONSE TO REQUEST NO. 134:

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 135:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2003 California Income Tax Returns.

RESPONSE TO REQUEST NO. 135:

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 136:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2004 California Income Tax Returns.

RESPONSE TO REQUEST NO. 136:

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 137:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2005 California Income Tax Returns.

RESPONSE TO REQUEST NO. 137:

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 138:

Admit that Respondent failed to declare amounts received for providing the Disputed Services on Respondent's 2006 California Income Tax Returns.

RESPONSE TO REQUEST NO. 138:

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 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.

RESPONSE TO REQUEST NO. 143:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent is without knowledge and information to be able to respond to this request for admission and therefore denies it.

REQUEST NUMBER 144:

Admit that Respondent's Affiliates do not have in their 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. 144:

Respondent incorporates by reference the general objections set forth above.

Subject to and without waiving the foregoing objections, Respondent has made a reasonable inquiry and the information known or readily obtainable by Respondent is insufficient to enable Respondent to admit or deny this request

REQUEST NUMBER 145:

Admit that Respondent has abandoned the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 145:

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 146:

Admit that Respondent does not use the ENTELLECT Mark as a service mark in connection any of the Disputed Services.

RESPONSE TO REQUEST NO. 146:

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 147:

Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services prior to May 1, 2002.

RESPONSE TO REQUEST NO. 147:

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 148:

Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services between May 1, 2002 and December 31, 2008.

RESPONSE TO REQUEST NO. 148:

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 149:

Admit that Respondent did not use the ENTELLECT Mark as a service mark in connection with any of the Disputed Services between January 1, 2009 and February 1, 2010.

RESPONSE TO REQUEST NO. 149:

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 150:

Admit that the service marks ENTELLECT and INTELLECT are confusingly similar.

RESPONSE TO REQUEST NO. 150:

Respondent incorporates by reference the general objections set forth above.

Since "confusingly similar" is a legal term and the request is not directed to a fact at issue in this proceeding , Respondent denies this request for admission.

REQUEST NUMBER 151:

Admit that Respondent does not offer any of the Disputed Services personally.

RESPONSE TO REQUEST NO. 151:

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 152:

Admit that Respondent did not offer the Disputed Services between May 1, 2002 and February 1, 2010.

RESPONSE TO REQUEST NO. 152:

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 153:

Admit that Respondent's Affiliates do not offer any of the Disputed Services in connection with the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 153:

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 154:

Admit that Respondent's Affiliates did not offer any the Disputed Services between May 1, 2002 and February 1, 2010 in connection with the ENTELLECT Mark.

RESPONSE TO REQUEST NO. 154:

Respondent incorporates by reference the general objections set forth above.

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

Dated: March 15, 2010

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

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S RESPONSE TO PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSION** was served upon the Petitioner via USPS Priority Mail on this 15th day of March, 2010, as follows:

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

Ronald E. Perez