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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	NOR144.tif ( 58 pages )(1470108 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 FOURTH 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 144. Petitioner's First Set of Interrogatories to Respondent and Respondent's initial and supplemental responses 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 Fourth 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 144**

**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.

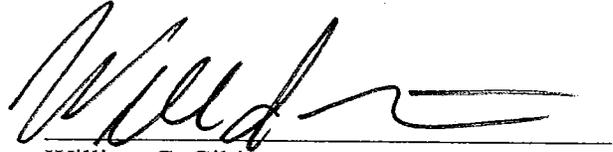
Cancellation No.: 92050920

**PETITIONER'S NOTICE OF SERVING FIRST SET OF  
INTERROGATORIES TO RESPONDENT**

Pursuant to TTAB Rule 2.120, Petitioner, Intellect Technical Solutions, Inc. propounds the following written interrogatories to be answered by Respondent Milena Soni separately and fully in writing under oath within thirty (30) days after service hereof. These interrogatories are intended to be continuing in nature and effect and to require supplementary responses with respect to any and all information falling within the scope of each interrogatory that may come into the knowledge, custody, control, or possession of Soni, subsequent to Respondent's responses hereto before the final hearing in the matter.

Respectfully submitted,

Date: 10/5/09



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 Initial Disclosures on respondent's counsel at the following addresses:

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

via First Class United States Mail, postage prepaid, and deposited with the United States Postal Service on October 5, 2009.

Dated: 10 5, 2009



William G. Giltinan

**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  
INTEROGATORIES TO RESPONDENT**

**INSTRUCTIONS**

In each instance where an Interrogatory is answered on information and belief, it is requested that the Respondent set forth the basis for such information and belief.

In each instance where the Respondent denies knowledge or information sufficient to answer the Interrogatory, it is requested that the Respondent set forth the name and address of each person, if any, known or reasonably believed to have such knowledge.

In each instance where the existence of a document is disclosed, the Respondent is requested to identify such document or attach a copy of such document to the answer. If such document is not in the Respondent's possession or control, it is requested that the Respondent state the name and address of each person known or reasonably believed to have possession or

control of a copy of such document, and identify which documents are in such person's possession or control.

Should Respondent deem to be privileged any documents concerning which information or inspection is requested by any of the following interrogatories, Respondent shall identify such documents and additionally shall indicate that Respondent claims privilege therefor, briefly state the grounds on which the claim of privilege rests, identify who is making the claim of privilege, and identify the portion of the document to which the claim extends. Further, Respondant shall identify the extent, if any, that the document contains:

1. authorizations to file applications and/or take other steps to obtain a trademark registration;
2. documents or information for submission to the U. S. Patent and Trademark Office and/or appearing in the public record of any application file;
3. compendiums of filing fees and requirements for registration or applications for registration in the United States or any foreign country;
4. resumes of applications filed or registrations obtained or rejected;
5. information communicated to an attorney primarily for aid in completing or prosecuting trademark applications;
6. business advice;
7. communications not made in confidence or whose confidentiality has been waived;
8. documents written by or obtained from third parties;

9. communications which passed through an attorney who acted as a conduit for a third party or for a file; and

10. transmittal letters or acknowledgement of receipt letters,

all in order that Petitioner may have the factual basis to determine whether such documents are, in fact, privileged.

### **DEFINITION OF TERMS**

A. As used in these interrogatories, unless otherwise specifically indicated, the term “Soni” refers to (i) Respondent Milena Soni, (ii) any corporation or other business entity controlled by Milena Soni, and (iii) any corporation or other business entity through which Milena Soni offers services in connection with any trademark, service mark, or trade name identical or similar to the ENTELLECT mark.

B. In the following interrogatories, the terms “possession” and “control” are used in a comprehensive sense and refer to possession or control by any one or combination of the following persons or corporations:

1. Soni;
2. any employee, agent, or consultant of or for Soni; and
3. counsel for Soni.

C. In the following interrogatories, the term “documents” is also used in a comprehensive sense and includes, without limitation, letters, e-mails, intra-corporate communications, reports, memoranda, minutes, bulletins, circulars, instructions, work assignments, notebooks, sketches, drawings, photographs, prints, drafts, worksheets, advertisements, catalogues, invoices, signs, non-paper information storage, and other writings and electronic records of any nature; including copies or electronic or mechanical or photocopy

reproduction or any or all of the foregoing items, as well as copies of non-paper information storage means such as tape, film, and computer memory device in readable form. Where such items are copies and contain any marking not appearing on the original, or are altered from the original, then such items shall be considered to be separate original documents.

D. Whenever in the following interrogatories a request is made to identify documents, the term “identify” means to tabulate each document in the designated category, supplying separately as to each such document the following information:

1. the type of document (e.g., letter, notebook, etc.) and the number of pages of which it consists;
2. the date of the document, if any (and if no date appears thereon, the answer shall so state and shall give the date or approximate date that such document was prepared);
3. the date on which the document came into Soni’s possession or control, if different from the date appearing on the document itself;
4. the name and title of the signer of the document and the name and title of the author, if different from that of the signer (and if it was not signed, the answer shall so state and shall give the name and title of the person who prepared it, if known, and if not known, the answer shall so state);
5. the name and title of each recipient or addressee of such document (whether specifically named therein or not) who received copies of the document, either at the time of initial distribution or any subsequent time;
6. a brief summary of the subject matter of the document; and

7. the present whereabouts of the document and the name and address of the custodian thereof.

Whenever in the following interrogatories a request to identify documents appears, the Respondent may, if she wishes, produce for inspection and copying by Petitioner's counsel, true and correct copies of the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request, of which a list is requested; and such production of copies will be accepted as compliance with such request.

E. Whenever in the following interrogatories a request is made to identify persons, the term "identify" means to give for each such person the full name, the position at the relevant time, the present or last known residence address, and the present or last known business position, affiliation and address. In each instance where a business entity is identified in response to an interrogatory, give the full name and address of such entity.

F. As used in these interrogatories, the terms "trademark" and "mark" include a trademark or a service mark used in connection with services as well as on goods; unless a contrary meaning is clear from the context.

G. The term "ENTELLECT registration" in these interrogatories shall refer to United States Trademark Registration 3,009,990.

H. The terms "Soni's alleged mark" or "the ENTELLECT mark" in these interrogatories shall mean the service mark identified in the ENTELLECT registration.

I. Reference to uses of the ENTELLECT mark in these interrogatories shall include trademark, service mark and trade name usages of the term ENTELLECT as identified in the ENTELLECT registration.

J. “Employment counseling,” “recruiting,” “career counseling” and other terms used in the description of services in the ENTELLECT registration shall have the same meaning in these interrogatories as they have in the ENTELLECT registration.

K. The word “person” means any natural person, partnership, association, proprietorship, joint venture, corporation, governmental agency, or other organization or legal or business activity.

L. The connectives “and” and “or” are to be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

M. The term “date” means the exact day, month, and year, if ascertainable, or, if not, the best approximation thereof (including relationship to other events). In each response, the Respondent shall indicate whether the date is exact or an approximation.

N. These interrogatories shall be deemed to seek responses as of the date they are served and to be continuing. Any additional responsive information which becomes known to Soni, up to and including the close of the testimony periods herein, shall be furnished to Defendants within a reasonable time after such information becomes known to Soni.

## INTERROGATORIES

**INTERROGATORY NO. 1:** State the date on which Soni first began offering services under the ENTELLECT mark and identify all documents in Soni's possession that evidence Soni's use of the mark ENTELLECT in commerce between that date and August 6, 2003.

**RESPONSE NO. 1:**

**INTERROGATORY NO. 2:** Describe all means by which Soni used the ENTELLECT mark as a trademark, service mark or trade name prior to August 6, 2003.

**RESPONSE NO. 2:**

**INTERROGATORY NO. 3:** Describe all means by which Soni has used the ENTELLECT mark as a service mark in connection with the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009, including a specific description of the media utilized.

**RESPONSE NO. 3:**

**INTERROGATORY NO. 4:** List by year the amount (in U.S. dollars) spent by Soni on advertising and promoting the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

**RESPONSE NO. 4:**

**INTERROGATORY NO. 5:** List by year the amount (in U.S. dollars) of revenue earned by Soni from providing the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

**RESPONSE NO. 5:**

**INTERROGATORY NO. 6:** Identify all persons known or reasonably believed to have knowledge of Soni's use of the ENTELLECT mark as a trademark, service mark, or trade name prior to August 6, 2003.

**RESPONSE NO. 6:**

**INTERROGATORY NO. 7:** Identify all persons for whom Soni has provided employment counseling, recruiting and/or career counseling services during the years of 2002, 2008 and 2009.

**RESPONSE NO. 7:**

**INTERROGATORY NO. 8:** List by year the number of persons for whom Soni has found employment by virtue of recruiting services offered in connection with Soni's alleged mark for each year between 2002 and 2009.

**RESPONSE NO. 8:**

**INTERROGATORY NO. 9:** Describe in detail all services Soni has offered in connection with the ENTELLECT mark between the years 2002 and 2009.

**RESPONSE NO. 9:**

**INTERROGATORY NO. 10:** Identify all locations (by city, town or municipality) in which Soni has advertised, promoted or offered recruiting, employment counseling, or career counseling services between the years of 2002 and 2009.

**RESPONSE NO. 10:**

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**INTERROGATORY NO. 11:** Identify all persons who participated in preparing responses to these Interrogatories or to Petitioner's First Request for Production to Respondent.

**RESPONSE NO. 11:**

**INTERROGATORY NO. 12:** Identify all persons from whom Respondent intends to or may obtain testimony in support of her position in this cancellation proceeding.

**RESPONSE NO. 12:**

**INTERROGATORY NO. 13:** Identify all documents Respondent intends to or may use in support of her position in this cancellation proceeding.

**RESPONSE NO. 13:**

CERTIFICATION

I HEREBY CERTIFY that all of the above answers are true and complete to the best of my knowledge and belief.

By: \_\_\_\_\_  
Milena Soni

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_, well known to me to be the person acknowledging before me the execution of the foregoing to be his/her free and voluntary act and deed for the uses and purposes and in the capacity therein stated and expressed.

WITNESS my hand and official seal at \_\_\_\_\_, \_\_\_\_\_  
County, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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 INTERROGATORIES

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 interrogatories from Petitioner Intellect Technical Solutions, Inc. ("PETITIONER").

### GENERAL OBJECTIONS

All of the following general objections are included in each of the responses to these interrogatories:

1. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information not relevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence.
2. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek the work product, mental impressions, conclusions, opinions or legal theories developed by RESPONDENT'S attorneys in connection with or in anticipation of this or other litigation or business transactions.
3. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information protected by the attorney-client privilege or any other applicable privilege.
4. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information not relevant to specific allegations in PETITIONER'S Petition for Cancellation.
5. RESPONDENT objects to each and every one of the interrogatories to the extent that they seek information not in RESPONDENT'S possession, custody, or control on the grounds that they are unduly burdensome and oppressive.
6. To the extent that any interrogatory calls for information already in the possession of or equally available to PETITIONER or its counsel, RESPONDENT objects to that interrogatory as unnecessary, unduly burdensome and oppressive,

and constituting annoyance, harassment, and oppression of RESPONDENT.

7. RESPONDENT will make reasonable effort to respond to each interrogatory to the extent that no objection is made, as RESPONDENT understands and interprets the interrogatory. If PETITIONER subsequently asserts any interpretation of any interrogatory that differs from that of RESPONDENT, RESPONDENT reserves the right to supplement his objections and responses accordingly.

8. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information protected by the rights of privacy of RESPONDENT and its employees, customers, owners, or representatives under the United States Constitution or other applicable law.

9. "AND," as well as "OR," shall be construed either disjunctively or conjunctively; the term "INCLUDING" means "including but not limited to"; the word "ALL" means "any and all; the past tense shall include the present tense; the single shall be deemed to include the plural and vice versa, all as is necessary to bring within the scope of these requests all matters which might otherwise be construed to be outside their scope.

RESPONDENT'S RESPONSES

INTERROGATORY NO. 1:

State the date on which Soni first began offering services under the ENTELLECT mark and identify all documents in Soni's possession that evidence Soni's use of the mark ENTELLECT in commerce between that date and August 6, 2003.

RESPONSE TO INTERROGATORY NO. 1:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

(1a) The date on which RESPONDENT first began offering services under the ENTELLECT mark was May 1, 2002.

(1b) For the documents evidencing RESPONDENT'S use of the ENTELLECT mark, RESPONDENT refers PETITIONER to the specimens submitted to USPTO for RESPONDENT'S application for Federal Registration, which has been issued as Fed. Reg. No. 3,009,990, covering "employment counseling and recruiting, business consultation, business management and consultation, business management consultation, personnel management consultation, psychological testing for the selection of personnel."

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 2:

Describe all means by which Soni used the ENTELLECT mark as a trademark, service mark or trade name prior to August 6, 2003.

RESPONSE TO INTERROGATORY NO. 2:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory on the basis that the term "means" is vague and ambiguous. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

The ENTELLECT mark was used as a service mark for the services identified in RESPONDENT'S Fed. Reg. No. 3,009,990 by being imprinted in letterheads AND business cards, AND by being transmitted to potential customers by word of mouth.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 3:

Describe all means by which Soni has used the ENTELLECT mark as a service mark in connection with the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009, including a specific description of the media utilized.

RESPONSE TO INTERROGATORY NO. 3:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth

above. RESPONDENT objects to this interrogatory on the basis that the term "means" is vague and ambiguous. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

The ENTELLECT mark was used as a service mark for the services identified in RESPONDENT'S Fed. Reg. No. 3,009,990 by being imprinted in letterheads AND business cards, AND by being transmitted to potential customers by word of mouth.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 4:

List by year the amount (in U.S. dollars) spent by Soni on advertising and promoting the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

RESPONSE TO INTERROGATORY NO. 4:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory insofar as it seeks information regarding confidential business transactions and financial information that is protected by both the California Constitution, Article 1, Section 1, and the rights of privacy of RESPONDENT under the United States Constitution or other applicable law. REGISTRANT further objects to this

interrogatory as compound.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 5:

List by year the amount (in U.S. dollars) of revenue earned by Soni from providing the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

RESPONSE TO INTERROGATORY NO. 5:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory insofar as it seeks information regarding confidential business transactions and financial information that is protected by both the California Constitution, Article 1, Section 1, and the rights of privacy of RESPONDENT under the United States Constitution or other applicable law. RESPONDENT further objects to this interrogatory as compound.

RESPONDENT reserves the right to provide the information by producing documents under Fed. R. Civ. P. 33(b).

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 6:

Identify all persons known or reasonably believed to have knowledge of Soni's use of the ENTELLECT mark as a trademark, service mark, or trade name prior to August 6, 2003.

RESPONSE TO INTERROGATORY NO. 6:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as burdensome and oppressive, and as seeking trade secret customer list information, to the extent the interrogatory inartfully seeks the identity of "all" persons with knowledge of "use" of RESPONDENT'S mark. This inartful wording would require the identification of potentially hundreds of consumers who were contacted by RESPONDENT or have received and seen any advertisement regarding the services RESPONDENT has been providing in connection with the ENTELLECT mark. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

(1) One person with knowledge of RESPONDENT'S "use" of the mark is Surjit P. Soni. Mr. Soni's current business address is: c/o The Soni Law Firm. Mr. Soni's position at the time of relevant knowledge was a lawyer as well as the principal of The Soni Law Firm.

(2) Another person that may have knowledge of RESPONDENT'S "use" of the mark is Michael E Hoffman. Mr. Hoffman's position at the time of relevant knowledge was a

lawyer representing RESPONDENT'S interests in the ENTELLECT mark while he was employed by The Soni Law Firm. Mr. Hoffman's current business address is unknown; however, he was a patent attorney registered with the USPTO.

(3) Another person that may have knowledge of RESPONDENT'S "use" of the mark is Brian M. Carpenter. Mr. Carpenter's position at the time of relevant knowledge was a lawyer representing RESPONDENT'S interests in the ENTELLECT mark while he was employed by The Soni Law Firm. Mr. Carpenter's last known business address is: c/o the Fairchild Industrial Products Company, 3920 West Point Blvd., Winston-Salem, NC 27103, Cell: (336) 659-3400, Fax: (336) 659-9323.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO.7:

Identify all persons for whom Soni has provided employment counseling, recruiting and/or career counseling services during the years of 2002, 2008 and 2009.

RESPONSE TO INTERROGATORY NO. 7:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as seeking customer list information that would constitute trade secret. RESPONDENT objects to this request as burdensome and oppressive to the

extent the interrogatory inartfully seeks the identity and current and past addresses of "all" persons for whom RESPONDENT provided relevant services. This inartful wording would require the identification, including their addresses, of potentially hundreds of consumers who received services RESPONDENT has been providing in connection with the ENTELLECT mark.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 8:

List by year the number of persons for whom Soni has found employment by virtue of recruiting services offered in connection with Soni's alleged mark for each year between 2002 and 2009.

RESPONSE TO INTERROGATORY NO. 8:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as seeking customer list information that would constitute trade secret.

Discovery and investigation are ongoing. RESPONDENT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 9:

Describe in detail all services Soni has offered in connection with the ENTELLECT mark between the years 2002 and 2009.

RESPONSE TO INTERROGATORY NO. 9:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT has offered employment counseling and recruiting, business management coaching, business management consultation, personnel management consultation, and career & psychological counseling and testing services between the years 2002 and 2009.

INTERROGATORY NO. 10:

Identify all locations (by city, town or municipality) in which Soni has advertised, promoted or offered recruiting, employment counseling, or career counseling services between the years of 2002 and 2009.

RESPONSE TO INTERROGATORY NO. 10:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT has offered recruiting, employment counseling AND career counseling services in Los Angeles AND other cities.

Discovery and investigation are ongoing. RESPONDENT

reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 11:

Identify all persons who participated in preparing responses to these interrogatories or to Petitioner's First Request for Production to Respondent.

RESPONSE TO INTERROGATORY NO. 11:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT (who may be contacted only through RESPONDENT'S counsel at The Soni Law Firm) and RESPONDENT'S counsel.

INTERROGATORY NO. 12:

Identify all persons from whom Respondent intends to or may obtain testimony in support of her position in this cancellation proceeding.

RESPONSE TO INTERROGATORY NO. 12:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory as being premature.

Without waiving the foregoing objections, RESPONDENT responds

to this interrogatory as follows:

Those from whom testimony to support RESPONDENT'S position may be obtained INCLUDE RESPONDENT and Surjit P. Soni, who may be contacted only through RESPONDENT'S counsel at The Soni Law Firm.

If RESPONDENT retains an expert to testify, the disclosures required by Fed. R. Civ. P. 26(a)(2)(B) and the TTAB Rules will be provided in accordance with those rules.

Discovery and investigation are ongoing. REGISTRANT reserves the right to supplement her response to this interrogatory.

INTERROGATORY NO. 13:

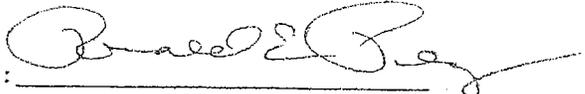
Identify all documents Respondent intends to or may use in support of her position in this cancellation proceeding.

RESPONSE TO INTERROGATORY NO. 13:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory as being premature.

Discovery and investigation are ongoing. REGISTRANT reserves the right to supplement her response to this interrogatory.

Dated: November 9, 2009

By: 

Surjit P. Soni  
Ronald E. Perez  
Woo Soon Choe

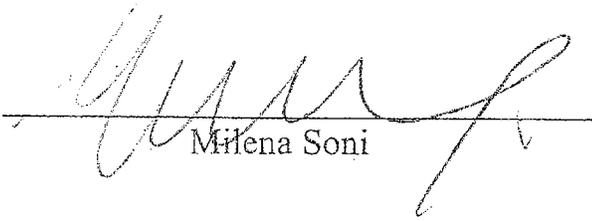
Attorneys for RESPONDENT,  
Milena Soni

CERTIFICATION

I HEREBY CERTIFY that each of the answers to the foregoing interrogatories are true and complete to the best of my knowledge and belief.

Date

1/7/10

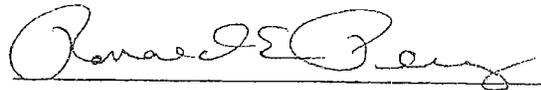
  
Milena Soni

**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 INTERROGATORIES** was served upon the Petitioner via First-Class

Mail on this 9th day of November 2009, as follows:

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



Ronald E. Perez

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 SUPPLEMENTAL RESPONSE TO  
PETITIONER'S FIRST SET OF INTERROGATORIES

PROPOUNDING PARTY: PETITIONER,  
                                  INTELLECT TECHNICAL SOLUTIONS, INC.

RESPONDING PARTY: RESPONDENT, MILENA SONI

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, and in compliance with the Order of the Trademark Trial and Appeal Board issued on October 1, 2010 on the Motion to Compel filed by Petitioner Intellect Technical Solutions, Inc. ("PETITIONER"), hereby supplements her response to the First Set of Interrogatories from PETITIONER.

### GENERAL OBJECTIONS

All of the following general objections are included in each of the responses to these interrogatories:

1. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information not relevant to the subject matter of this action and are not reasonably calculated to lead to the discovery of admissible evidence.
2. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek the work product, mental impressions, conclusions, opinions or legal theories developed by RESPONDENT'S attorneys in connection with or in anticipation of this or other litigation or business transactions.
3. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information protected by the attorney-client privilege or any other applicable privilege.
4. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information not relevant to specific allegations in PETITIONER'S Petition for Cancellation.
5. RESPONDENT objects to each and every one of the interrogatories to the extent that they seek information not in RESPONDENT'S possession, custody, or control on the grounds that they are unduly burdensome and oppressive.
6. To the extent that any interrogatory calls for information already in the possession of or equally available to PETITIONER or its counsel, RESPONDENT objects to that interrogatory as unnecessary, unduly burdensome and oppressive,

and constituting annoyance, harassment, and oppression of RESPONDENT.

7. RESPONDENT will make reasonable effort to respond to each interrogatory to the extent that no objection is made, as RESPONDENT understands and interprets the interrogatory. If PETITIONER subsequently asserts any interpretation of any interrogatory that differs from that of RESPONDENT, RESPONDENT reserves the right to supplement his objections and responses accordingly.

8. RESPONDENT objects to PETITIONER'S interrogatories insofar as they seek information protected by the rights of privacy of RESPONDENT and its employees, customers, owners, or representatives under the United States Constitution or other applicable law.

9. "AND," as well as "OR," shall be construed either disjunctively or conjunctively; the term "INCLUDING" means "including but not limited to"; the word "ALL" means "any and all; the past tense shall include the present tense; the single shall be deemed to include the plural and vice versa, all as is necessary to bring within the scope of these requests all matters which might otherwise be construed to be outside their scope.

RESPONDENT'S SUPPLEMENTARY RESPONSES

INTERROGATORY NO. 1:

State the date on which Soni first began offering services under the ENTELLECT mark and identify all documents in Soni's possession that evidence Soni's use of the mark ENTELLECT in commerce between that date and August 6, 2003.

RESPONSE TO INTERROGATORY NO. 1:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

(1a) The date on which RESPONDENT first began offering services under the ENTELLECT mark was May 1, 2002.

(1b) For the documents evidencing RESPONDENT'S use of the ENTELLECT mark, RESPONDENT refers PETITIONER to the specimens submitted to USPTO for RESPONDENT'S application for Federal Registration, which has been issued as Fed. Reg. No. 3,009,990, that evidence uses for "employment counseling and recruiting, business consultation, business management and consultation, business management consultation, personnel management consultation, psychological testing for the selection of personnel."

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 2:**

Describe all means by which Soni used the ENTELLECT mark as a trademark, service mark or trade name prior to August 6, 2003.

**RESPONSE TO INTERROGATORY NO. 2:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory on the basis that the term "means" is vague and ambiguous. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

The ENTELLECT mark was used as a service mark for the services identified in RESPONDENT'S Fed. Reg. No. 3,009,990 by being imprinted in letterheads AND business cards, AND by being communicated to potential customers by word of mouth.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 3:**

Describe all means by which Soni has used the ENTELLECT mark as a service mark in connection with the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009, including a specific description of the media utilized.

**RESPONSE TO INTERROGATORY NO. 3:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth

above. RESPONDENT objects to this interrogatory on the basis that the term "means" is vague and ambiguous. RESPONDENT further objects to this interrogatory as compound.

Subject to and without waiving the foregoing objections, RESPONDENT responds as follows:

The ENTELLECT mark was used as a service mark for the services identified in RESPONDENT'S Fed. Reg. No. 3,009,990 by being imprinted in letterheads AND business cards; by being communicated to potential customers through word of mouth.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 4:**

List by year the amount (in U.S. dollars) spent by Soni on advertising and promoting the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

**RESPONSE TO INTERROGATORY NO. 4:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory insofar as it seeks information regarding confidential business transactions and financial information that is protected by both the California Constitution, Article 1, Section 1, and the rights of privacy of RESPONDENT under the United States Constitution or other applicable law. REGISTRANT further objects to this

interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

— ( RESPONDENT did not keep track of the sums expended for advertising and promotion.

— ( RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 5:**

List by year the amount (in U.S. dollars) of revenue earned by Soni from providing the services identified in the ENTELLECT registration for international classes 35 and 41, in each year between 2002 and 2009.

**RESPONSE TO INTERROGATORY NO. 5:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory insofar as it seeks information regarding confidential business transactions and financial information that is protected by both the California Constitution, Article 1, Section 1, and the rights of privacy of RESPONDENT under the United States Constitution or other applicable law. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

— ( RESPONDENT did not keep track of annual revenues earned from rendering the services in connection with the

ENTELLECT mark.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 6:**

Identify all persons known or reasonably believed to have knowledge of Soni's use of the ENTELLECT mark as a trademark, service mark, or trade name prior to August 6, 2003.

**RESPONSE TO INTERROGATORY NO. 6:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as burdensome and oppressive, and as seeking trade secret customer list information, to the extent the interrogatory inartfully seeks the identity of "all" persons with knowledge of "use" of RESPONDENT'S mark. This inartful wording would require the identification of potentially hundreds of consumers who were contacted by RESPONDENT, directly or indirectly, or have received and seen any advertisement regarding the services RESPONDENT has been providing in connection with the ENTELLECT mark. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

(1) Surjit P. Soni. Mr. Soni's current business address is: c/o The Soni Law Firm. Mr. Soni's position at the time of relevant knowledge was a lawyer as well as the principal of The Soni Law Firm.

(2) Michael E Hoffman. Mr. Hoffman's position at the time of relevant knowledge was a lawyer representing RESPONDENT'S interests in the ENTELLECT mark while he was employed by The Soni Law Firm. Mr. Hoffman's current business address is unknown; however, he was a patent attorney registered with the USPTO.

(3) Brian M. Carpenter. Mr. Carpenter's position at the time of relevant knowledge was a lawyer representing RESPONDENT'S interests in the ENTELLECT mark while he was employed by The Soni Law Firm. Mr. Carpenter's last known business address is: c/o the Fairchild Industrial Products Company, 3920 West Point Blvd., Winston-Salem, NC 27103, Cell: (336) 659-3400, Fax: (336) 659-9323.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 7:**

Identify all persons for whom Soni has provided employment counseling, recruiting and/or career counseling services during the years of 2002, 2008 and 2009.

**RESPONSE TO INTERROGATORY NO. 7:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as seeking customer list information that would constitute trade secret. RESPONDENT objects to this request as burdensome and oppressive to the extent the interrogatory inartfully seeks the identity and

current and past addresses of "all" persons for whom RESPONDENT provided relevant services. This inartful wording would require the identification, including their addresses, of every consumers who received services RESPONDENT has been providing in connection with the ENTELLECT mark. Such disclosures would violate the rights of privacy of each of such consumers.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 8:**

List by year the number of persons for whom Soni has found employment by virtue of recruiting services offered in connection with Soni's alleged mark for each year between 2002 and 2009.

**RESPONSE TO INTERROGATORY NO. 8:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this request as seeking customer list information that would constitute trade secret and violates the right of privacy of each such person. Moreover, the Interrogatory is neither relevant nor likely to relevant or admissible evidence and so the information sought is not discoverable; whether Respondent successfully "found employment by virtue of recruiting services offered" is not relevant to whether Respondent is the senior user of the mark and used the mark.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 9:**

Describe in detail all services Soni has offered in connection with the ENTELLECT mark between the years 2002 and 2009.

**RESPONSE TO INTERROGATORY NO. 9:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT has offered employment counseling and recruiting, business management coaching, business management consultation, personnel management consultation, and career & psychological counseling and testing services between the years 2002 and 2009.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 10:**

Identify all locations (by city, town or municipality) in which Soni has advertised, promoted or offered recruiting, employment counseling, or career counseling services between the years of 2002 and 2009.

**RESPONSE TO INTERROGATORY NO. 10:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT has offered recruiting, employment counseling AND career counseling services in Los Angeles, San Francisco, New York, Toronto and Brussels, Belgium.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 11:**

Identify all persons who participated in preparing responses to these interrogatories or to Petitioner's First Request for Production to Respondent.

**RESPONSE TO INTERROGATORY NO. 11:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT further objects to this interrogatory as compound.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

RESPONDENT (who may be contacted only through RESPONDENT'S counsel at The Soni Law Firm) and RESPONDENT'S counsel.

**INTERROGATORY NO. 12:**

Identify all persons from whom Respondent intends to or may obtain testimony in support of her position in this cancellation proceeding.

**RESPONSE TO INTERROGATORY NO. 12:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory as being premature.

Without waiving the foregoing objections, RESPONDENT responds to this interrogatory as follows:

Those from whom testimony to support RESPONDENT'S position may be obtained INCLUDE RESPONDENT and Surjit P. Soni, who may be contacted only through RESPONDENT'S counsel at The Soni Law Firm.

If RESPONDENT retains an expert to testify, the disclosures required by Fed. R. Civ. P. 26(a)(2)(B) and the TTAB Rules will be provided in accordance with those rules.

RESPONDENT reserves the right to supplement her response to this interrogatory.

**INTERROGATORY NO. 13:**

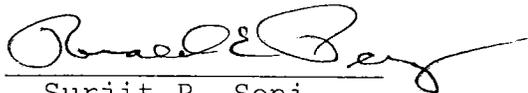
Identify all documents Respondent intends to or may use in support of her position in this cancellation proceeding.

**RESPONSE TO INTERROGATORY NO. 13:**

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above. RESPONDENT objects to this interrogatory as being premature.

RESPONDENT reserves the right to supplement her response to  
this interrogatory.

Dated: November 1, 2010

By: 

Surjit P. Soni  
Ronald E. Perez  
Woo Soon Choe

Attorneys for RESPONDENT,  
Milena Soni

## CERTIFICATION

I HEREBY CERTIFY that each of the answers to the foregoing  
**RESPONDENT'S SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST  
SET OF INTERROGATORIES** is true and complete to the best of my knowledge  
and belief.

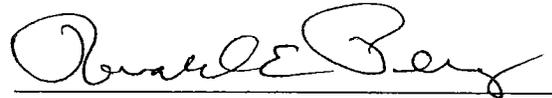
Date \_\_\_\_\_

\_\_\_\_\_  
Milena Soni

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES** was served upon the Petitioner via Priority Mail on this first day of November 2010, as follows:

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



Ronald E. Perez

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 SUPPLEMENTAL RESPONSE TO  
PETITIONER'S FIRST SET OF INTERROGATORIES

PROPOUNDING PARTY: PETITIONER,  
INTELLECT TECHNICAL SOLUTIONS, INC.

RESPONDING PARTY: RESPONDENT, MILENA SONI

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, and in compliance with the Order of the Trademark Trial and Appeal Board issued on October 1, 2010 on the Motion to Compel filed by Petitioner Intellect Technical Solutions, Inc. ("PETITIONER"), hereby supplements her response to the First Set of Interrogatories from PETITIONER.

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I HEREBY CERTIFY that each of the answers to the foregoing  
**RESPONDENT'S SUPPLEMENTAL RESPONSE TO PETITIONER'S FIRST  
SET OF INTERROGATORIES** is true and complete to the best of my knowledge  
and belief.

Date Dec-11-2010

  
Milena Soni