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

Proceeding	92050920
Party	Plaintiff Intellect Technical Solutions, Inc.
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Date	01/27/2011
Attachments	NOR149.tif (157 pages)(4664162 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 NINTH 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 149. The deposition testimony of Respondent, Milena Soni, taken on February 9, 2010 in this proceeding, a portion of which will be filed under seal, pursuant to 37 C.F.R. 2.120(j). Copies of the deposition transcript have been marked for identification as Intellect's Exhibit 149(a) (unsealed portion) and 149(b) (sealed portion).

Respectfully submitted,

Date: January 27, 2011

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CERTIFICATE OF SERVICE

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

Surjit P. Soni,
Ronald E. Perez, ron@sonilaw.com
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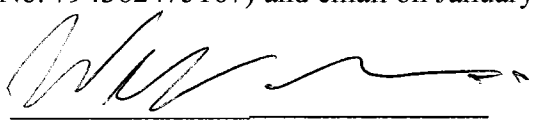
via Federal Express, Overnight Delivery (Tracking No. 794362475167) and email on January 27, 2011.

Dated: January 27, 2011



William G. Giltinan

Intellect Technical Solutions v. Milena Soni
Cancellation No. 92050920
Intellect's Exhibit 149(a)

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3

4

CERTIFIED TRANSCRIPT

5 INTELLECT TECHNICAL SOLUTIONS,)

6 INC.,) Cancellation

7 Petitioner,) No.92050920

8 vs.) VOLUME I

9 MILENA SONI,)

10 Respondent.)

11)

12

13

14 Deposition of MILENA SONI, taken

15 at 350 West Colorado Boulevard,

16 Pasadena, California, commencing at

17 9:00 A.M., Tuesday, February 9, 2010,

18 before Harry Hansen, CSR No. 4907.

19

20

21

22

Intellect Technical Solutions v. Milena Soni
Cancellation No. 92050920
Intellect's Exhibit 149(a)

23 PAGES 1 - 152

24 PAGES 109-152 ARE CONFIDENTIAL AND

25 BOUND UNDER SEPARATE COVER

1 APPEARANCES OF COUNSEL:

2

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20

21

22

23

24

25

1 MILENA SONI

2 having been first placed under oath, testified as

3 follows:

4

5 EXAMINATION

6 BY MR. BLEEKER:

7 Q. Good morning. How are you?

8 A. Good morning.

9 Q. Do you prefer to be called Ms. Soni or

10 Mrs. Soni?

11 A. Makes no difference.

12 Q. Ms. Soni, have you had your deposition

13 taken before?

14 A. Yes.

15 Q. In what context?

16 A. We were in litigation with someone owed us

17 money.

18 Q. Is that the only time you had your

19 deposition taken?

20 A. I would think so.

21 Q. How long ago was that deposition?

22 A. Last year.

23 Q. So 2009?

24 A. Uh-huh.

25 Q. And before we get into more substantive

1 portions, you've had your deposition taken before,
2 so you probably kind of understand how it works.
3 But just to refresh your memory, the
4 deposition is being transcribed, so it's important
5 not to talk at the same time. And so I'll wait to
6 ask my next question until you're finished speaking.
7 And if you could wait to answer until I'm finished
8 speaking, that will make it easier for the court
9 reporter and a better record. Okay?
10 A. Yes.
11 Q. It's also important to answer in audible
12 words such as yes or no as opposed to saying uh-huh
13 or uh-uh or shaking your head, because that doesn't
14 translate well onto a deposition transcript.
15 Okay?
16 A. Okay.
17 Q. Now if during the course of the deposition
18 you don't understand a question that I'm asking,
19 please let me know.
20 Okay?
21 A. Okay.
22 Q. And if you do answer my question, I will
23 assume that you understood the question that was
24 asked.
25 Okay?

1 A. Okay.
2 Q. And you understand that you are under oath
3 to tell the truth and you're under penalty of
4 perjury in your testimony today; correct?
5 A. I do.
6 Q. Is there any reason you cannot give your
7 best answer to any questions today?
8 A. The only reason would be if I don't know
9 something.
10 Q. Okay, fair enough.
11 Ms. Soni, do you have an undergraduate
12 degree?
13 A. Yes, I do.
14 Q. Which university did you obtain that?
15 A. Washington University, St. Louis,
16 Missouri.
17 Q. And what type of degree is that?
18 A. Political science and Econ.
19 Q. And when did you obtain that degree?
20 A. '81.
21 Q. Do you have any graduate degrees?
22 A. No.
23 Q. Have you ever taken any graduate course
24 work?
25 A. No.

1 Q. Other than your degree from Washington
2 University, do you have any other undergraduate
3 degrees?
4 A. I took a certification from UCLA, night
5 course in PR and fund-raising.
6 Q. And by PR do you mean --
7 A. Public relations.
8 Q. -- public relations?
9 And when did you obtain that
10 certification?
11 A. '70 -- no, sorry -- '95.
12 Q. During the time that you were an undergrad
13 or after that, have you ever taken any psychology
14 classes?
15 A. No.
16 Q. Have you taken any business classes?
17 A. I had a major in Econ -- a minor in Econ,
18 some accounting and basic micro economics. Basic
19 Econ classes in school.
20 Q. Did you ever have any classes on trademark
21 law?
22 A. No.
23 Q. Intellectual property?
24 A. No.
25 Q. Ms. Soni, are you self-employed?

1 A. No, I don't work. I -- I guess -- I don't
2 know how to answer that.
3 Q. Okay. Are you employed by an employer?
4 A. No. I help my husband. We have a
5 development business. So I guess I'm self-employed.
6 I'm just not used to saying that.
7 Q. Now you say that you help your husband.
8 In what capacity do you help your husband?
9 A. We have a development company, so I attend
10 meetings with architects and with decorators. I go
11 to the job sites. I read e-mails and make comments,
12 give my opinion. Go to City Hall for the commission
13 meetings.
14 Q. So this is a residential development
15 company?
16 A. Not just residential. We have in plans
17 for commercial units coming on line.
18 Q. And you also operate a business under the
19 mark Entellect, E N T E L L E C T; is that correct?
20 A. Uh-huh.
21 Q. Is that -- Is Entellect a corporation?
22 A. I don't know. You have to ask my lawyer.
23 Q. Okay.
24 Is it -- How would you classify it?
25 A. I don't know. You ask me if I said a

1 corporation, I don't know. I don't know how to
2 classify it. It is -- It's a company. I have a
3 business card. I don't know classifications.
4 Q. When was this business started, Entellect?
5 A. 2002.
6 Q. And how did that come about?
7 A. We happened to -- My husband happened to
8 know a person that has a product and we thought it
9 was a good idea to start something for me and, you
10 know, get involved with it in trying to establish a
11 company that used this specific tool.
12 Q. You say you knew a person who had a
13 product. What was the product?
14 A. The product is motivational test,
15 assessment test.
16 Q. And who is this person?
17 A. Patrick Neils, N E I L S.
18 Q. And you testified you wanted to get
19 involved with Mr. Neils and this motivation
20 assessment test; is that correct?
21 A. Uh-huh.
22 Q. "Yes"?
23 A. Yes. I'm sorry.
24 Q. And how did you want to get involved?
25 A. We were just thinking it would be a good

1 business for me to run.
2 Q. And at that time how were you envisioning
3 getting involved with Mr. Neils?
4 A. We were going to use his product as a tool
5 to help people find out -- I mean everything from
6 kids in high school, finding out what they want to
7 study, to people changing careers, to psychology
8 assessment, to compatibility assessments, be it
9 couples or end of hiring process when people want to
10 hire employees and figure out whether they are right
11 for the culture and the company.
12 Q. So was it your intention, then, to give
13 people this motivational assessment test?
14 A. Right.
15 Q. Would this be in conjunction with
16 Mr. Neils?
17 A. We're using his product.
18 Q. And would you compensate Mr. Neils for use
19 of his product?
20 A. Right. My husband -- I would not know
21 anything more about that. My husband knows about
22 that.
23 Q. And at any point in time did you enter
24 into an agreement with Mr. Neils to use his product
25 in conjunction with your business?

1 A. I personally didn't.
2 Q. Did not?
3 A. No.
4 Q. Did anyone?
5 A. My husband did.
6 Q. And do you know in what capacity he
7 entered into that agreement?
8 A. No.
9 Q. Do you know if that agreement was entered
10 into by the business Entellect or if it was a
11 personal agreement?
12 A. Don't know.
13 Q. Do you know if there's a written
14 agreement?
15 A. Don't know.
16 Q. So you haven't seen any written agreement?
17 A. Don't recall.
18 Q. Do you recall any of the terms of that
19 agreement?
20 A. No.
21 Q. Do you know approximately when that
22 agreement was entered into?
23 A. Not really. I -- At the very beginning,
24 but I can't tell you specifically.
25 Q. So it was sometime after 2002?

1 A. I don't know if it was before or after.
2 We started, you know -- I don't know.
3 Q. All right.
4 So at some point in time, then, there was
5 an agreement reached in which you were allowed to
6 use Mr. Neils' motivational assessment test in your
7 business; correct?
8 A. I believe so.
9 Q. And have you ever given this motivational
10 assessment test to a client or a customer?
11 A. Me personally?
12 Q. Yes.
13 A. No. That's not how it works.
14 Q. How does it work?
15 A. They take -- I don't give it to them.
16 Q. So it's a self-assessment test?
17 A. Uh-huh.
18 Q. So take me through the motivational
19 assessment test and how it is administered to a
20 client or a customer.
21 A. It has changed during the years. Before
22 we used to -- we used to have to download it and
23 then send it and now it's just uploadable, anybody
24 can access it. You answer 94 questions and then
25 they give you back a report and one hour explanation

1 of the context so you can understand what it says.
2 Q. So is it fair to say, then, that early on
3 the motivational assessment test had to be
4 downloaded and then sent to a client or customer; is
5 that right?
6 A. Yes.
7 Q. And who was the person that downloaded it
8 and sent it to the customer?
9 A. I believe it was Patrick Neils.
10 Q. And how did he know which customer to send
11 it to?
12 A. My husband would make the phone call. Or
13 I don't know how he conducted, e-mail or whatever.
14 He would refer.
15 Q. And at any point did you refer a customer
16 or client to Mr. Neils?
17 A. I made contact, but he handled it. So I
18 pass it on to him.
19 Q. So you would make a contact with the
20 client or customer who would be interested in taking
21 this test, and then you would provide that
22 information to Mr. Soni, and Mr. Soni would
23 contact --
24 A. Follow through.
25 Q. -- he would contact Mr. Neils and follow

1 through with that?
2 So after the assessment test was sent to
3 the client or customer, what happened next?
4 A. They fill it out, they return it to
5 Patrick Neils, and then he will produce a very
6 sizable report both in writing and has charts and --
7 And then some sometimes it was sent to him,
8 sometimes it was sent to the client, it depends on
9 what he instructed. I don't know details.
10 Q. So Mr. Neils would then create or generate
11 a report; is that correct?
12 A. Uh-huh.
13 Q. And he would either send it directly to
14 the client or send it to Mr. Soni; is that correct?
15 A. Uh-huh.
16 Q. And then how was that report presented to
17 the client or customer?
18 A. How is it given to the client or customer?
19 I don't --
20 Q. Is it a written report or was there an
21 in-person --
22 A. Yes, it's -- Yes, it is a written report.
23 Q. At any point was there an in-person
24 meeting between either Mr. Neils or Mr. Soni and the
25 client?

1 A. Usually was on the phone.
2 Q. Did you ever participate in any of those
3 phone conferences?
4 A. A few times.
5 Q. About how many?
6 A. Probably four or five times.
7 Q. And approximately how long would that
8 phone call last?
9 A. An hour, an hour and a half.
10 Q. And then what happened after that, was
11 that the end of the service, then, or was there
12 follow-up with the customer or client?
13 A. No, that was the end.
14 Q. And the customer or client, did they pay
15 for this service?
16 A. Yes.
17 Q. And how much does -- I guess in the
18 beginning how much did the service cost?
19 A. Around $300.
20 Q. And has that changed over time?
21 A. I don't know. He's handling it. You have
22 to ask him.
23 Q. Who would the client pay the $300 to?
24 A. Us.
25 Q. And by "us," you mean --

1 A. Me and my --
2 Q. -- you and your husband?
3 And was Mr. Neils compensated for his work
4 in this transaction?
5 A. I don't know how that went.
6 Q. Do you know if any portion of that $300
7 was then sent to Mr. Neils?
8 A. I don't know what the original
9 agreement -- Yeah, don't know exactly.
10 Q. Do you know what Mr. Neils' background is,
11 what his educational background is?
12 A. Oh, God, I used to know.
13 I know his father is the one who put up --
14 I mean who I think is the engineer, mathematician,
15 who constructed the test. And he is the son of the
16 gentleman and taken over the business. So I
17 honestly don't know what his background is.
18 Q. How did you become acquainted with
19 Mr. Neils?
20 A. My husband did.
21 Q. Do you know how your husband became
22 acquainted with Mr. Neils?
23 A. He used the test.
24 Q. Your husband used the test?
25 A. Right.

1 Q. Do you know approximately when your
2 husband used the test?
3 A. Oh, before we were married, so -- I don't
4 know. I know it was before we were married. We've
5 been married 13 years, so. You'd have to ask him.
6 Q. Now you testified that originally the test
7 was downloaded and sent to the client or customer
8 and then later the client or customer could download
9 the test themselves; is that correct?
10 A. Right.
11 Q. How does the client or customer download
12 the test, is it from the Internet?
13 A. Right.
14 Q. Is there a specific web site that the
15 client or customer is directed to?
16 A. Yeah. And you get a password.
17 Q. What is the web site?
18 A. Do they still have it up?
19 I don't know. I don't know. It used to
20 be, I think, potentialdevelopment.com.
21 Q. You said it used to be. Has that changed,
22 do you know?
23 A. Well, he has been sick and every so often
24 you go in there and it's down for some reason. So
25 I -- That's why I'm telling sometimes -- It's just

1 recently he's been sick.
2 Q. Mr. Neils is sick?
3 A. Uh-huh.
4 Q. Is there any other way for a client to
5 download the test other than from this web site?
6 A. No.
7 Q. Do you know approximately when the shift
8 occurred between the time when it was downloaded by
9 Mr. Neils or Mr. Soni and sent to the client --
10 A. No.
11 Q. -- and when the client did it directly?
12 A. I don't know. Like everything, it
13 evolved.
14 Q. So you testified that you started at your
15 company, Entellect, in approximately 2002?
16 A. Uh-huh.
17 Q. So between 2002 and now, can you estimate
18 about how many individuals have taken this
19 motivational assessment test?
20 A. I can't give you a number specifically. I
21 know who I referred to, but I know he does his own
22 thing, so I don't know. Not that many.
23 Q. How many have you referred to the test
24 that have taken the test?
25 A. Oh, God, I -- It's hard for us to give you

1 a number.
2 Q. Is it more than 10?
3 A. Yes.
4 Q. More than 50?
5 A. Probably.
6 Q. More than a hundred?
7 A. Around there, could be. Probably not
8 more.
9 Q. I'm sorry?
10 A. I don't know. It's hard for me to give
11 you a number.
12 Q. If you had to make your best estimate,
13 would you say it's more than a hundred?
14 A. Just me, just my referrals?
15 Q. Yes.
16 A. I -- It's around there.
17 Q. And of those around a hundred referrals,
18 do you know approximately how many of those
19 referrals took the test in 2002?
20 A. No. I don't break it down.
21 Q. Do you know if -- Do you recall if there
22 were referrals that you made during every year
23 between 2002 and 2010?
24 A. Probably. Every year a few people.
25 Q. Do you know were there any years when

1 there was a gap and there were no people that you
2 referred to take the test?
3 A. I'm not sure, but I don't think so.
4 Q. What documentation do you have that shows
5 when a client takes the test that you maintain?
6 A. Me personally? I just make phone calls.
7 Q. Who receives the $300 check, you or your
8 husband?
9 A. Either.
10 Q. And what do you do with the $300 check
11 once you receive it?
12 A. Give it to my husband.
13 Q. And do you know if he maintains records of
14 how many checks you receive?
15 A. Don't know.
16 Q. Do you know approximately how many
17 referrals your husband has made between 2002 and the
18 present?
19 A. No, I don't.
20 Q. Do you know if there's any documents that
21 would describe how many referrals your husband
22 has --
23 A. No, I don't.
24 Q. Besides you and your husband, are there
25 any other individuals who make referrals or bring in

1 clients to take this test for your business?
2 A. Make referrals?
3 Yeah, we have people all the time that
4 have already taken the test that send us other
5 people.
6 Q. So other than individuals who have already
7 taken the test and referred --
8 A. Well sometimes it's not the individuals
9 themselves, it's people who their kids have taken
10 the test, and so if they had one kid take the test
11 they want the other kid to take the test. So they
12 don't have to have necessarily taken the test
13 themselves.
14 Q. And do they contact you, then?
15 A. Right.
16 Q. Does Mr. Neils contact people to try to
17 get them to take the test?
18 A. I don't know.
19 Q. How is the market Entellect used in
20 conjunction with this --
21 A. I'm sorry.
22 Q. How is the word Entellect,
23 E N T E L L E C T, used in conjunction with this
24 business of providing motivational assessment tests?
25 A. How is it used?

1 Q. Uh-huh.
2 A. It's the name of the company.
3 Q. The name of which company, your company?
4 A. Of the company that WE formed to do this.
5 Q. When you say "we formed," who are you
6 referring to?
7 A. Myself and my husband.
8 Q. How about Mr. Neils, is he a part of that
9 company?
10 A. No.
11 Q. Does he have a separate company?
12 A. Yes.
13 Q. Does he use the word "Entellect" in
14 conjunction with his company?
15 A. I don't know.
16 Q. Does the word "Entellect" appear on the
17 motivational assessment test that'S sent to the
18 client or downloaded by the client?
19 A. No.
20 Q. Does your business, Entellect, have an
21 office?
22 A. Works out of my husband's office.
23 Q. And where is that located?
24 A. Here in Pasadena.
25 Q. And what's the specific address?

1 A. 35 North Lake.
2 Q. Are there any paid employees for this
3 company, Entellect?
4 A. No.
5 Q. Does anyone work for this company besides
6 yourself and Mr. Soni?
7 A. No.
8 Q. Besides the office on 35 North Lake, has
9 this been run out of any other offices before that?
10 A. Our office at home, I guess.
11 Q. You have a home office?
12 A. Yes, we do.
13 Q. And for what time period was the business
14 run out of the home office?
15 A. Well, it's not really run out of one or
16 the other. When I do my thing I'm home, when he
17 does his thing he's there, so that's one thing.
18 Q. So it's been run out of the home office
19 from approximately 2002 to the present --
20 A. Uh-huh.
21 Q. -- is that correct?
22 A. Out of my home office. And when he's at
23 his office, out of his office. So.
24 Q. And how long has it been run out of
25 Mr. Soni's office?

1 A. Well, it's not one or the other. It's
2 both at the same time. Since we are doing the same
3 thing.
4 Q. I understand.
5 A. There's no division of --
6 Q. Okay. So it's run out of both places?
7 A. Right.
8 Q. How long has it been -- have you been
9 running the business also out of Mr. Soni's office?
10 A. From the beginning.
11 Q. And has his office always Ben at 35 North
12 Lake?
13 A. No, it was one black up at 55 North Lake
14 before.
15 Q. Do you know if your business has filed
16 articles of incorporation?
17 A. I don't know.
18 Q. Do you know if this business is registered
19 with the California Secretary of State?
20 A. I don't know.
21 Q. Does your business have an operating web
22 site?
23 A. No.
24 Q. Have you ever had an operating web site?
25 A. No.

1 Q. When did you get your first client or
2 customer who took this motivational assessment test?
3 A. Our children were our first clients.
4 Q. Did they pay you $300?
5 A. I wish.
6 Q. So they were free?
7 A. This is our children.
8 Q. When did you have your first paying
9 client?
10 A. Soon after that.
11 Q. And when did you offer the test to your
12 children?
13 A. Right around there.
14 Q. And what is that date?
15 A. 2002, sometime in 2002.
16 Q. Do you know approximately when in 2002?
17 A. I don't remember.
18 Q. So was your first paying customer at some
19 point in 2002?
20 A. Yes.
21 Q. How did you find your first paying
22 customer?
23 A. We told our friends that the kids are
24 taking the test and the results and how accurate and
25 how much information you have. And we had several

1 of our friends want their kids to take the course,
2 the test, too. Friends and family. Cousins,
3 children.
4 Q. Who decided to use the word "Entellect" to
5 use with your business?
6 A. We searched, we got together, we threw out
7 names, we wrote names, we did a -- even the kids got
8 involved. You know, we started eliminating names
9 and we ended up with this search made up this name
10 and that's how we came up with the name.
11 Q. And when you say "we," you're referring to
12 yourself and your husband?
13 A. Yes, my husband. But the kids were
14 involved, too. Give us good ideas, they all had
15 taken test so they knew. Give us opinions, your
16 ideas.
17 Q. So do you remember of the people in your
18 family who actually came up with the name
19 "Entellect"?
20 A. My husband.
21 Q. Mr. Soni?
22 A. Uh-huh.
23 Q. And you testified that you, during this
24 time you're looking for a name, you performed
25 searches; is that right, you did searches?

1 A. Uh-huh, yes.
2 Q. Where did you search?
3 A. My husband did all that.
4 Q. Did you do any searching?
5 A. No.
6 Q. Did your kids do any searching?
7 A. No.
8 Q. Do you know where Mr. Soni conducted these
9 searches?
10 A. I know he used a computer, but I can't
11 tell you anymore than that.
12 Q. So you don't know where he searched other
13 than he used a computer to do it?
14 A. Uh-huh.
15 Q. "Yes"?
16 A. Yes.
17 Q. Before you filed your trademark
18 application for the mark "Entellect," did you
19 perform any additional searches besides the searches
20 that were done before picking the name?
21 A. All the searches were done by my husband,
22 so you'd have to ask him.
23 Q. Do you know if he performed additional
24 searches prior to filing the application?
25 A. I don't know.

1 Q. You don't know?
2 A. No.
3 Q. Other than coordinating with Mr. Neils to
4 provide motivational assessment tests to clients and
5 customers, are there any other services that you
6 provide under the Entellect mark?
7 A. No. Me personally, no.
8 Q. How about your husband?
9 A. I don't know. But I -- This is what I do.
10 Q. Do you have a copy of this motivational
11 assessment test that you could produce in this
12 proceeding?
13 A. Right now?
14 Q. Well, not necessarily with you, but during
15 the course of these proceedings?
16 MR. SONI: Well, if you propound an
17 appropriate request that calls for it, we'll respond
18 appropriately.
19 BY MR. BLEEKER:
20 Q. Ms. Soni, where is Mr. Neils located?
21 A. Up north. Oregon, I believe. Oregon, I
22 believe.
23 Q. Do you know where in Oregon?
24 A. I don't know. Eugene or -- Don't know.
25 I'm not sure.

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1 Q. Did you ever send correspondence to
2 Mr. Neils?
3 A. No.
4 Q. Does Mr. Soni?
5 A. I don't know.
6 Q. Have you ever received an e-mail from
7 Mr. Neils?
8 A. Me?
9 Q. Yes.
10 A. Yes.
11 Q. Do you know what his e-mail address is?
12 A. PNeils@potential -- Pdevelopment or
13 potential -- I don't remember. PNeils@ -- I don't
14 know. It's something like that.
15 Q. So do you know approximately how many
16 people paid your company for this service in
17 2002?
18 MR. SONI: Asked and answered.
19 BY MR. BLEEKER:
20 Q. Do you know the answer to that?
21 A. No.
22 Q. How about 2003?
23 A. Don't know.
24 MR. SONI: Asked and answered.
25 THE WITNESS: Don't know.

1 BY MR. BLEEKER:
2 Q. Do you have an estimate?
3 A. No.
4 Q. Do you have any way of finding out how
5 many people paid Entellect for this service in 2003?
6 A. No.
7 Q. Would Mr. Soni know the answer to that if
8 we took his deposition?
9 A. I don't know. I can't answer for him.
10 Q. Who maintains the records for the company
11 Entellect, do you do that?
12 A. No, I don't.
13 Q. Does Mr. Soni?
14 A. I guess so.
15 Q. Well, the two of you that run the company;
16 correct?
17 A. Right.
18 But I just want don't want to answer
19 some -- I don't know what he does. I don't want to
20 say something that I don't know. Maybe he's telling
21 me he does it and he doesn't, so.
22 Q. Has he represented to you that he's
23 maintaining records of individuals that send
24 payments to your company?
25 A. We don't -- I don't think we've had that

1 conversation. I don't ask, I don't -- No. Give him
2 the things and he handles it.
3 Q. And where are those records -- Do you know
4 where those records are kept, are they kept in
5 Mr. Soni's office?
6 A. I guess so.
7 Q. Are those records located in your home
8 office?
9 A. I don't know.
10 Q. Do you have access to those records?
11 A. You mean physical access?
12 Q. Yes. Yes, physical access.
13 A. I can go open the drawers, is that what
14 you mean?
15 Q. If I asked you to find out how many
16 customers you've had between 2002 and 2010, is there
17 a file located in your house that you could go to
18 find that information?
19 A. No.
20 Q. Do you know where that information would
21 be located?
22 A. No. Not in my house.
23 Q. Do you know if it would be located in
24 Mr. Soni's office?
25 A. I would guess so.

1 Q. So what specifically do you do for the
2 company Entellect?
3 A. Very little.
4 MR. SONI: Asked and answered.
5 BY MR. BLEEKER:
6 Q. Specifically what do you do?
7 A. Refer. Just tell the people, whoever I
8 come in contact, I tell them about this. And
9 whoever I socially I meet that I think might
10 benefit, I -- I let them know and do referrals.
11 Q. Other than tell people about the business,
12 is there anything else you do for the business?
13 A. No.
14 Q. When you communicate to people about the
15 business, is it always in person, like
16 person-to-person communication?
17 A. Not always.
18 Q. What other forms of communication --
19 A. On the phone.
20 Q. Anything else?
21 A. Sometimes indirectly I've told somebody,
22 and like I told you, told somebody indirectly.
23 Q. So you'll tell somebody and they will tell
24 somebody else?
25 A. Sometimes.

1 Q. Do you ever send e-mails to anyone?
2 A. Specifically asking for business, is that
3 what you mean?
4 Q. Right.
5 A. No.
6 Q. Have you ever referred someone who's ended
7 up taking the test via e-mail?
8 I'll rephrase that question. That was a
9 bad question.
10 Have you ever contacted anyone via e-mail
11 about the test and they've taken the test?
12 A. That's not usually happened, no.
13 Q. Has it ever happened that way?
14 A. Don't think so.
15 Q. How do you determine what people to tell
16 about this service?
17 A. Well, I have four kids, so most of this
18 has happened in four different schools, private
19 schools that they've been going to in the Pasadena
20 area. All kinds of meetings and all kinds of parent
21 meetings, that's mostly how I refer.
22 Q. Do you ever do speaking engagements where
23 you speak to a group of people?
24 A. No.
25 Q. It's more of an individual type thing?

1 A. Yes.
2 Q. What do you tell people about this
3 service?
4 A. My children took it. It made it clear for
5 them what they were good at, where their passion
6 lies. Not just -- Not just what they were good at,
7 but where their passion lies. So there's a higher
8 possibility of them being happy in the career they
9 are going to choose.
10 So all parents want to know what their
11 kids -- what's going to make them pick. So, you
12 know, most parents are really enthused about the
13 kids taking that test. So you guide your child to
14 the right path, the right profession.
15 Q. And what else do you tell people about the
16 test?
17 A. I also had friends that have taken the
18 test for compatibility. It's a very good tool, very
19 accurate. Lets you know how your partner is, over
20 conflicts might arise and where you, you know, you
21 see it black and white, you're not going toe change
22 this person, this person is this way. It's a very
23 helpful tool for couples.
24 People who are changing careers, or some
25 friends, two people are in conflict, their kids are

1 lost, they went to school or they didn't want to
2 continue what they are doing or they want to change
3 careers, they want to change schools, they don't
4 know, they change two times majors. People in that
5 situation.
6 Q. Is there anything else you tell people
7 about this test when you're explaining it to them?
8 A. Well, I expound on the accuracy, the
9 charts. You get this whole, you know, visual of
10 your child, the person that's taking, you know,
11 breakdown of --
12 Because sometimes the child can be good in
13 several different areas but you don't know exactly
14 where passion might lie. So I explain a little bit
15 about the results and how helpful they are.
16 Q. Is there anything else you can think of
17 that you tell people about this service that you
18 provide?
19 A. It seems like you're trying to get at
20 something. I don't know. I don't know what else.
21 Q. When you're telling people about this
22 service, do you use the term "Entellect" when you're
23 describing this service?
24 A. I tell them that it's my company and they
25 are going to have to come through me.

1 Q. Do you use the word "Entellect" when you
2 talk to them about this service?
3 A. Sometimes.
4 Q. How often?
5 A. At some point in the conversation it's
6 going to come up, how do I do this, well, you're
7 going to have to come through me, the company.
8 Q. And then what happens at that point?
9 A. Then they will pay me and then I'll refer
10 it to Surj, he'll take care of it.
11 Q. And approximately how often during the
12 course of that discussion does the word "Entellect"
13 get used?
14 A. Well, at least, you know, a couple of
15 times. But I don't know. It's just not the first
16 thing that comes to my mind. A couple of times,
17 maybe.
18 Q. And does it come up in every conversation
19 you have with a client or customer?
20 A. No. Because I don't try to be pushy.
21 Sometimes I've met somebody two or three times and
22 we talked about it several times before they
23 actually come up and say, yes, they want to do it.
24 Then I say --
25 So I'm not always selling it. I'm just

1 expounding on it very naturally. And when people
2 get interested. And when they are ready and to come
3 and tell me I want this, then I will.
4 Q. And when somebody comes to you and says I
5 want to take it, do you always use the word
6 "Entellect" when you're providing them the
7 information and how to pay you?
8 A. Yes.
9 Q. Are there times when you haven't used that
10 word?
11 A. How do I answer that? I don't recall.
12 Q. Do you have a business card?
13 A. Yes.
14 Q. Do you typically hand out your business
15 cards to individuals who you speak to about this
16 service?
17 A. Not always. The majority of the people,
18 like I tell you, are friends and the setting in
19 schools, so not usually.
20 (Discussion between counsel and
21 witness.)
22 BY MR. BLEEKER:
23 Q. Have you ever placed advertising for this
24 service --
25 A. No.

1 Q. -- in a brochure?
2 A. No.
3 Q. Have you ever placed an ad on the radio?
4 A. No.
5 Q. Have you ever placed an ad on the
6 Internet?
7 A. No.
8 Q. How about the television?
9 A. No.
10 Q. Newspaper?
11 A. No.
12 Q. Between the time you started the company
13 and now, has the company spent any money on
14 advertising or promotion?
15 A. No.
16 Q. Does the word "Entellect" appear on any
17 documents other than the business cards and
18 letterhead?
19 A. No.
20 MR. BLEEKER: Let's go ahead and take
21 about a five-minute break.
22 (Recess taken.)
23 MR. BLEEKER: Let's go back on the record.
24 I'll ask the court reporter to mark this
25 document as Exhibit 1.

1 (Deposition Exhibit 1 was
2 marked for identification and is
3 annexed hereto.)
4 BY MR. BLEEKER:
5 Q. Ms. Soni, I'm going to give you a second
6 to look through this document and then I have a few
7 questions.
8 Have you had a chance to look through
9 this document?
10 A. Yes.
11 Q. Do you recognize this document?
12 A. Yes.
13 Q. What is this document?
14 A. Well, I don't recognize this document. I
15 know this is Patrick Neils. I have never seen this
16 specifically, you know, like this. But, yes, I know
17 what this is.
18 Q. And I think you testified earlier that
19 Mr. Neils' web site was
20 www.potentialdevelopment.com; is that correct?
21 A. Yes.
22 Q. And does this document refresh your
23 recollection that --
24 A. Yes.
25 MR. SONI: Let him ask the question before

1 you start answering.
2 THE WITNESS: Sorry.
3 BY MR. BLEEKER:
4 Q. I know it's hard because in normal
5 conversation we tend to talk over each other all the
6 time. But in a formal deposition it makes it easier
7 for the court reporter and also have a clear record
8 if we don't talk at the same time.
9 You testified earlier that your company
10 worked with Mr. Neils to provide assessment tests to
11 individuals; correct?
12 A. Yes.
13 Q. Now the document in front of you lists as
14 a contact Patrick R. Neils as president of Potential
15 Development Incorporation.
16 Is that the same Mr. Neils that you were
17 referring to --
18 A. Yes.
19 Q. -- earlier?
20 MR. SONI: Wait until he finishes his
21 question. Allow a moment of silence after he
22 finishes before you answer.
23 BY MR. BLEEKER:
24 Q. Now this document indicates that Mr. Neils
25 offers several services, including Reflections

1 Questionnaire.
2 Are you familiar with the Reflections
3 Questionnaire?
4 A. Yes.
5 Q. What is your understanding of what a
6 Reflections Questionnaire is?
7 A. What I thought I just explained to you,
8 motivational preference and motivational test.
9 Q. And is that different than the
10 Motivational Assessment of Personality?
11 A. I never said the word personality.
12 Q. I'm sorry. What did you say before?
13 A. I said the motivational assessment test.
14 Q. Okay.
15 A. And to choose vocation, career or
16 compatibility.
17 Q. And you indicated there was a motivational
18 assessment test that could be downloaded from
19 Mr. Neils' web site; correct?
20 A. Yes.
21 Q. Do you see a description of the
22 motivational assessment test in this document?
23 A. Right up here, motivational; assessment of
24 personality. Personal assessment, yes, that's what
25 I was referring to.

1 Q. And what you're referring to is located on
2 page 2 of this document under the subheading
3 "Motivational Assessment of Personality"; is that
4 correct?
5 A. Yes. It's one of the things that the test
6 assesses, I guess.
7 Q. Now when you testified that somebody
8 downloads this motivational assessment test, were
9 you referring to this Motivational Assessment of
10 Personality test or was it more than that test?
11 A. Yes, it's more than that. The whole, you
12 know -- It's a very, very complex report you end up
13 with. You know, it's been whittled down, but I
14 think it's down to forty something pages. It used
15 to be a very heavy report with all kinds of
16 breakdowns from what is the best study environment
17 for this specific person, to, you know, what is the
18 careers of choice, what are the careers, you know,
19 that would be more compatible.
20 It's -- It's quite a wide array of charts
21 and graphs that you get at the end of this
22 questionnaire. So maybe I didn't explain it. Yeah,
23 it's all this.
24 Q. So the Reflections Questionnaire, is that
25 part of this motivational assessment test or is that

1 something different?
2 A. No, it's the same thing, that's what I was
3 referring to.
4 Q. Page 2 of the document describes the
5 Reflections Questionnaire as requiring only 30 to 40
6 minutes to finish.
7 Do you see that?
8 A. Yes.
9 Q. And then the document states that the
10 Motivational Assessment of Personality varies from
11 three to five parts up to 50 pages in length,
12 depending upon the client request.
13 Do you see that?
14 A. Wait, where are you?
15 Q. It's the paragraph below Reflections
16 Questionnaire.
17 So is it your understanding that the
18 Reflections Questionnaire and the Motivational
19 Assessment of Personality are two separate tests or
20 are they part of the same testing procedure?
21 A. I was under the impression it's part of
22 the same testing procedure. Anything that we do is
23 the one test. So I still don't know where --
24 Q. I'm looking under "Our Services."
25 A. Oh, down here. I'm looking at under

1 Reflections down here.
2 Q. I was looking up there.
3 A. Oh, okay.
4 Q. So when you --
5 MR. SONI: Is there a question pending?
6 MR. BLEEKER: Not yet. I just wanted to
7 make sure she had a chance to read that.
8 Q. So when you testified earlier about a
9 motivational assessment test, were you referring to
10 the combination of the Reflections Questionnaire and
11 the Motivational Assessment of Personality or just
12 to one of them?
13 A. I was referring to the first one.
14 Q. The Reflections Questionnaire?
15 A. Yes.
16 Q. Now, if you look at the third subheading
17 called "Job Map," which is described here as a
18 proprietary process of matching individuals with
19 specific tasks and jobs.
20 Is that something that you refer clients
21 to as well?
22 A. You know, it all comes out under the same
23 questionnaire. So when you get your answers from
24 the 30, 40 minutes, this is all under -- in there.
25 It's not separate.

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1 Q. Have you ever referred any individuals to
2 the Work Group MAP, which looks at teams of people,
3 or are you focused more on individuals?
4 A. I have never referred groups.
5 Q. I believe you testified before that when
6 you refer a client for this service, they pay you
7 $300, they pay your company $300; correct?
8 A. We started at $300, yes.
9 Q. OKAY. And you testified you weren't sure
10 if that had increased; correct?
11 A. Yes.
12 Q. Now does that client also pay Mr. Neils or
13 Mr. Neils' company a separate amount?
14 A. I don't know. I don't think so.
15 Q. Is it your understanding that Mr. Neils
16 doesn't use the word "Entellect" in conjunction with
17 the services that he offers?
18 A. No. His company is a different company.
19 MR. BLEEKER: I see.
20 I'll mark as Exhibit 2 a document entitled
21 "Respondent's Response to Petitioner's First Set of
22 Interrogatories."
23 (Deposition Exhibit 2 was
24 marked for identification and is
25 annexed hereto.)

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1 MR. SONI: Can we take a break for a
2 second?
3 MR. BLEEKER: Sure.
4 (Recess taken.)
5 MR. BLEEKER: Let's go back on the record.
6 Q. Ms. Soni, I've handed you a document
7 entitled "Respondent's Response to Petitioner's
8 First Set of Interrogatories."
9 I'll give you a chance to look through the
10 document and then I'll have specific questions to
11 ask after you've had a chance to review it.
12 Just let me know when you're ready.
13 All right, have you had a chance to review
14 the document?
15 A. Yes.
16 Q. Great.
17 I first want to direct your attention to
18 page 14 of the document, which is titled
19 "Certification" at the top.
20 And it states that "I hereby certify that
21 each of the answers to the foregoing interrogatories
22 are true and complete to the best of my knowledge
23 and belief."
24 Is that your signature under that
25 statement?

1 A. Yes.
2 Q. And did you sign that on the date that's
3 listed?
4 A. Yes.
5 Q. And prior to signing this certification,
6 did you review the responses to each of these
7 interrogatories?
8 A. Yes.
9 Q. And at the time that you signed it,
10 did you believe the responses were true and
11 complete?
12 A. Yes.
13 Q. Let's now turn to page 4 of this document.
14 And the first interrogatory asks for you
15 to state the date that you first began offering
16 services under the Entellect mark.
17 And in response you stated that you first
18 began offering services on May 1st, 2002.
19 Do you see that?
20 A. Yes.
21 Q. How did you determine that May 1st, 2002
22 was the first date that you began offering services
23 under that mark?
24 A. I think it was -- was the first test we
25 did.

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1 Q. The first test --
2 A. Yes.
3 Q. -- to which you referred somebody to
4 Mr. Neils?
5 A. Yes. Right.
6 Q. Do you remember if you referred that
7 client to Mr. Neils or if it was --
8 A. It was my daughter I referred.
9 Q. It was your daughter?
10 A. Yes.
11 Q. And is May 1st the date that your daughter
12 took the test?
13 A. I don't remember the date -- exactly the
14 date that she took, but I remember she was the first
15 one.
16 Q. How did you come up with the date May 1st?
17 A. There must have been some document.
18 Q. Do you remember what document there was?
19 A. I don't remember.
20 Q. You don't remember what document listed
21 May 1st, 2002?
22 A. It was probably the test.
23 Q. Do you have a copy of that test?
24 A. I don't know.
25 Q. But it's your testimony that there was a

1 document that alerted you to the fact that it was
2 May 1st, 2002 as the first date?
3 A. Probably.
4 Q. Is there any other document it could have
5 been besides the test?
6 MR. SONI: Asked and answered.
7 THE WITNESS: Don't know.
8 BY MR. BLEEKER:
9 Q. This interrogatory also asks that you
10 provide documents that evidence your use of the mark
11 in commerce between the first date of use and August
12 6th of 2003.
13 And in response you identified the
14 specimen submitted to USPTO in your trademark
15 application.
16 Besides the specimens that you submitted
17 to USPTO, do you know of any other documents that
18 evidence your use of the mark "Entellect" between
19 May of '02 and August of '03?
20 A. I don't know.
21 Q. So it's your testimony that you're not
22 aware of any other documents that evidence that use
23 besides the specimens submitted to the PTO?
24 MR. SONI: Asked and answered.
25 THE WITNESS: I don't know.

1 BY MR. BLEEKER:
2 Q. You don't know if you're aware or you're
3 not aware of any other documents?
4 MR. SONI: Asked and answered.
5 THE WITNESS: I don't know.
6 BY MR. BLEEKER:
7 Q. So you're not aware of any other
8 documents; is that correct?
9 MR. SONI: Asked and answered.
10 Misconstruing the testimony. The record reflects
11 her testimony.
12 Do you have another question?
13 BY MR. BLEEKER:
14 Q. You can answer my question.
15 I just want to make sure the record is
16 clear. I just want to confirm that you don't know
17 of any other documents besides those that are
18 listed; is that correct?
19 A. I don't know if there are or there aren't,
20 I don't know.
21 Q. Okay. Now, on to page 5.
22 Interrogatory 2 asks you to describe all
23 means by which you used the mark as a trademark,
24 service mark or trade name prior to August 6th,
25 2003.

1 And you responded in part that the mark
2 was used by being imprinted on letterheads and
3 business cards and by being transmitted to potential
4 customers by word of mouth; is that correct?
5 A. Right.
6 Q. Did you use the mark in any other way
7 besides the ways described in your response to
8 Interrogatory No. 2?
9 A. No. I don't think so.
10 Q. Now I've asked you a few questions before
11 about potential customers, and I think you testified
12 that you generally targeted family and friends who
13 you thought might be interested in this service; is
14 that correct?
15 A. Yes. Well, whoever I come across that in,
16 you know, conversation that might benefit from the
17 test.
18 Q. Have any of your potential customers come
19 from outside of California?
20 A. Yes.
21 Q. How many of your potential -- or how many
22 of your customers have come from outside of
23 California?
24 A. Maybe I had customers in Canada, in Peru
25 and in Belgium. Let me think anywhere else. Japan,

1 maybe.
2 Q. Have you had any customers from any other
3 state within the United States besides California?
4 A. I don't think so.
5 Q. You testified that you've had customers
6 from Canada, Peru, Belgium and Japan; correct?
7 A. Yes.
8 Q. You testified also that you -- It's your
9 best recollection that you've referred approximately
10 a hundred customers throughout the course --
11 A. Probably.
12 Q. -- of your business; correct?
13 About what percentage of those customers
14 were the customers you referred from Canada, Peru,
15 Belgium and Japan?
16 A. What percentage of those hundred?
17 Q. Yes.
18 A. All together, those foreign countries?
19 Q. Correct.
20 A. Probably 10 percent.
21 Q. Let's start with Canada.
22 Do you know approximately how many of your
23 referrals, what percentage of your referrals come
24 from Canada?
25 A. Exact number of referrals?

1 Q. Start with a percentage, a total.
2 So of the hundred, what percentage,
3 approximately a hundred, what percentage were from
4 Canada?
5 A. Three or four.
6 Q. Three or four percent?
7 A. Yeah.
8 Q. Which would translate to about three or
9 four customers?
10 A. Yes.
11 Q. How about Peru?
12 A. Same. Three or four, probably.
13 Q. How about Belgium?
14 A. Yeah, one person.
15 Q. And how about Japan?
16 A. Either one or two.
17 Q. How did you come in contact with these
18 customers from international locations?
19 A. Word of mouth.
20 Q. Did you talk to these individuals
21 directly?
22 A. No, not always.
23 Q. At some point in the -- in the time
24 between they first learned about this service and
25 the time that they signed up for this service, at

1 any point in that time did all of these individuals
2 speak with you personally?
3 A. Some spoke to my husband.
4 Q. Is there ever an instance when an
5 individual hears about your service through somebody
6 else, not you or your husband, and they signs up for
7 this service without ever speaking to you or your
8 husband?
9 A. No.
10 Q. You testified approximately 10 percent of
11 the customers you referred are from international
12 locations outside of California and approximately 90
13 percent are from within California; correct?
14 A. Right.
15 Q. Of the 90 percent that are within
16 California, what percentage of those are from
17 Southern California?
18 A. The majority.
19 Q. And the rest would be from Northern
20 California?
21 A. Northern.
22 Q. Interrogatory No. 3 asks you to describe
23 all means by which you use the Entellect mark as a
24 service mark in connection with the services you've
25 identified in your trademark application.

1 And in response you stated that the mark
2 was used as a service mark for those services by
3 being imprinted on letterheads and business cards
4 and by being transmitted to potential customers by
5 word of mouth.
6 Other than those uses that you've
7 described in your interrogatory response, are there
8 any other uses of that mark as a service mark?
9 A. As a service mark?
10 I don't understand the question.
11 Are there any other uses?
12 Q. Right.
13 So are there any other ways you used that
14 mark when you're offering services to individuals
15 other than the types you've described in response?
16 A. No.
17 Q. No?
18 A. No.
19 Q. Interrogatory 4 asks you to list by year
20 the amount in dollars spent on advertising and
21 promoting the services identified in the trademark
22 registration.
23 Has your company spent any money on
24 advertising or promoting its services?
25 A. No.

1 Q. And, I'm sorry, from 2002 to the present
2 your company has spent no money --
3 A. No.
4 Q. -- on advertising or promoting services?
5 A. No.
6 Q. Okay.
7 Interrogatory 5 asks you to list by year
8 the amount of revenue earned through providing the
9 services that are listed in the trademark
10 registration.
11 And in response to the interrogatory you
12 reserve the right to provide information by
13 producing documents.
14 Are you aware of any documents in the
15 possession of the company that would list the
16 revenues earned from the referral services?
17 A. I don't know. My husband takes care of
18 that, I don't know.
19 Q. So Mr. Soni would know the answer to that?
20 A. I guess so.
21 Q. All right.
22 Interrogatory No. 6 asks you to identify
23 all persons known or reasonably believed to have
24 knowledge of your use of the Entellect mark as a
25 trademark, service mark or trade name prior to

1 August 6 of '03.
2 And in response you have listed Mr. Soni
3 and Mr. Michael Hoffman and Mr. Brian Carpenter.
4 Other than those three individuals is
5 there anyone else that would have knowledge of your
6 use of the mark prior to August 6 of '03?
7 A. The people who we do business with,
8 whoever.
9 Q. So your clients and customers?
10 A. Right.
11 Q. Okay. Other than those individuals,
12 anyone else?
13 A. Family, I guess.
14 Q. And by family, who are you referring to?
15 A. My brothers, sisters, children.
16 Q. Are those also clients, have they also
17 taken the test?
18 A. Some of them.
19 Q. Is there anyone else you can think of that
20 would have knowledge?
21 A. No.
22 Q. Do you maintain a list of your clients
23 that have paid for this service?
24 A. No.
25 Q. Does the company maintain a list?

1 A. I don't know.
2 Q. Interrogatory No. 7 asks to identify all
3 persons for whom Ms. Soni has provided employment
4 counseling and/or career counseling services during
5 the years of 2002, 2008 and 2009.
6 And your response is that discovery and
7 investigation are ongoing and you reserve the right
8 to supplement your response.
9 Do you consider the referral service that
10 you provide employment counseling?
11 A. Referral -- The eventual service that the
12 client gets, gets that.
13 Q. You're referring to the test that --
14 A. Right.
15 Q. -- Mr. Neils offers --
16 A. The final product that they get in their
17 hands, it's that. It's a very clear, you know,
18 referral of exactly of what careers, what set-ups,
19 what type of profession, what setting for study is
20 more beneficial to this specific person.
21 Q. But the referral service that you operate,
22 that doesn't provide directly employment counseling;
23 correct?
24 MR. SONI: Mischaracterizes the services
25 rendered. Mischaracterizes the testimony.

1 BY MR. BLEEKER:
2 Q. You may answer the question.
3 A. Just repeat it, please.
4 Q. When you refer an individual for testing,
5 the specific service that you provide is a referral
6 service; correct?
7 A. The specific service that my company
8 provides is the employment and the recruiting and
9 the, you know, personality assessment and the whole
10 thing. But I don't provide the personal.
11 Q. Well your company doesn't provide that,
12 either; correct?
13 MR. SONI: Argumentative.
14 The witness has answered the question.
15 BY MR. BLEEKER:
16 Q. How does your company provide employment
17 counseling -- How does Entellect provide employment
18 counseling?
19 MR. SONI: Asked and answered.
20 BY MR. BLEEKER:
21 Q. You can go ahead and answer.
22 A. Through the final product that they get in
23 their hand and the one-hour assessment that they get
24 to help read the report.
25 Q. And who provides that assessment to them?

1 A. Mr. Neils.
2 Q. Your company doesn't provide that
3 assessment to them, then?
4 A. For all intents and purposes it's my
5 company that contacts Mr. Neils and uses Mr. Neils
6 and the client gets that service. Just not provided
7 by me personally. That's what I'm understanding
8 you're asking.
9 Q. Right.
10 So you don't personally provide employment
11 counseling, it's Mr. Neils that provides employment
12 counseling?
13 MR. SONI: Mischaracterizes the witness'
14 testimony. Argumentative.
15 Don't answer the question. It's intended
16 to confuse you and entrap you.
17 You've answered the question already.
18 BY MR. BLEEKER:
19 Q. You may answer my question.
20 MR. SONI: I said she will not.
21 MR. BLEEKER: So to be clear, you're
22 instructing her not to answer?
23 MR. SONI: I very clearly instructed her
24 not to answer.
25 Because the question is misleading,

1 misrepresents testimony and argumentative and
2 harassing.
3 Proceed to your next topic. She's
4 answered your question.
5 BY MR. BLEEKER:
6 Q. Ms. Soni, does Entellect provide career
7 counseling?
8 MR. SONI: Asked and answered.
9 BY MR. BLEEKER:
10 Q. You may answer.
11 MR. SONI: Give it to him one last time
12 and then we'll move on to another topic.
13 THE WITNESS: Yes.
14 BY MR. BLEEKER:
15 Q. How does it provide career counseling?
16 MR. SONI: Asked and answered.
17 BY MR. BLEEKER:
18 Q. You may answer.
19 A. Through a lengthy report and one-hour
20 discussion or, you know, I don't know, oral --
21 Now you made me nervous.
22 Q. So the career counseling occurs after the
23 test is taken during -- when Mr. Neils provides the
24 results to the client?
25 MR. SONI: Misrepresents the testimony.

1 BY MR. BLEEKER:
2 Q. Is that correct?
3 MR. SONI: Mischaracterizes the testimony.
4 BY MR. BLEEKER:
5 Q. Is that correct?
6 A. I don't know.
7 Q. You don't know when the career counseling
8 is provided to the client?
9 MR. SONI: She's asked and answered the
10 question.
11 THE WITNESS: I don't know.
12 BY MR. BLEEKER:
13 Q. What don't you know?
14 MR. SONI: You're being harassing. Please
15 move on to your next question.
16 MR. BLEEKER: Well, I'm not being
17 harassing. I'm trying to get a clear answer to --
18 MR. SONI: She told you she did not know
19 the answer. She previously has testified that the
20 test results provide the information, the one-hour
21 consultation explains the results.
22 MR. BLEEKER: And so I'm trying to clarify
23 that the referral process, then -- it's her
24 understanding that the referral process does not
25 constitute career counseling. I just want to make a

1 clear record of that. I'm not trying to harass
2 Ms. Soni.
3 I do want --
4 MR. SONI: All right. Let me paint the
5 picture for you. She's testified to this
6 repeatedly. You asked the question, she's told you.
7 MR. BLEEKER: Right now we're not taking
8 your deposition, we're taking Ms. Soni's deposition.
9 Based on her testimony, we might have to
10 take your deposition as well. But for now the fact
11 is your capacity is defending the deposition, which
12 is fine.
13 MR. SONI: That's correct.
14 You have difficulty understanding her
15 answers which are clearly on the record. And I'm
16 not going to allow you let go over the same
17 questions again and again for harassing purposes.
18 And you're doing that.
19 MR. BLEEKER: I'm not -- My goal is not to
20 harass Ms. Soni. And my goal is to make sure that
21 the record is clear and make sure I have a clear
22 understanding of her testimony.
23 MR. SONI: The record is very clear. She
24 has testified that she refers people who have
25 interest in it to a test that provides test results.

1 The test results are used by those people for career
2 counseling, for employment counseling, for
3 motivational testing. She told you all this. It's
4 all in the record.
5 MR. BLEEKER: Fine.
6 MR. SONI: You've seen it.
7 MR. BLEEKER: So there's no reason for you
8 to repeat it.
9 But my purpose here is to make sure the
10 record is clear. And I have the right to ask
11 follow-up questions --
12 MR. SONI: You don't have the right to
13 harangue her. And what you've been doing is
14 haranguing her.
15 MR. BLEEKER: I'm not been haranguing her.
16 MR. SONI: Do you have a question?
17 MR. BLEEKER: I do have a question.
18 Q. So based on your understanding of the
19 referral service that you provide --
20 MR. SONI: Mischaracterizes the service
21 provided.
22 BY MR. BLEEKER:
23 Q. You provide a referral services for
24 Mr. Neils' test; is that correct?
25 MR. SONI: Mischaracterizes the testimony

1 of the witness.
2 BY MR. BLEEKER:
3 Q. Is that correct?
4 You may answer my question.
5 MR. SONI: Could you read the question
6 again.
7 (The pending question was read
8 as follows:
9 "Q. You provide a referral
10 services for Mr. Neils' test; is that
11 correct?")
12 THE WITNESS: Partially, I guess.
13 BY MR. BLEEKER:
14 Q. What other services do you provide besides
15 a referral service?
16 A. Me personally?
17 Q. And the company Entellect.
18 A. You know, you have to ask him. Me
19 personally, I don't do that.
20 Q. What does Mr. Soni do?
21 A. You have to ask him.
22 Q. Do you know what Mr. Soni does?
23 A. Not always.
24 Q. Sometimes?
25 A. Sometimes.

1 Q. Based on your knowledge of what Mr. Soni
2 does, what services does he provide under the
3 Entellect mark?
4 A. You know, he does what he does, I don't
5 know. I am not there, I cannot tell you. I cannot
6 answer that.
7 Q. So just so the record is clear, is it your
8 testimony that Entellect provides employment
9 counseling, recruiting or career counseling for the
10 individuals you refer to Mr. Neils?
11 A. Is it my -- I'm sorry. Is it my
12 understanding that --
13 Q. Correct.
14 Is it your understanding that Entellect,
15 the business run as Entellect, provides employment
16 counseling, recruiting and/or career counseling --
17 A. Yes, that's what it is.
18 Q. -- to the customers by offering the
19 referal service to Mr. Neils, the test is given, and
20 then Mr. Neils provides the results to the client;
21 is that correct?
22 MR. SONI: Compound. Partially
23 mischaracterizes testimony.
24 You want to break it down to two questions
25 or three?

1 MR. BLEEKER: Sure.
2 MR. SONI: I think you probably got three
3 or four in there.
4 MR. BLEEKER: I'll just start with the
5 basics.
6 Q. It's your contention that your company
7 provides employment counseling; correct?
8 A. Yes.
9 Q. And it's also your testimony that the
10 employment counseling is provided by Mr. Neils to
11 the customer and that you refer that customer to
12 Mr. Neils; correct?
13 A. I guess so.
14 Q. So is it your testimony that the
15 employment counseling you provide isn't directly
16 provided by you or Mr. Soni, but it's provided
17 through an individual that you refer the clients to?
18 A. I don't know about Mr. Soni. I don't
19 provide it personally.
20 Q. So you don't personally provide employment
21 counseling to your clients?
22 A. Me myself, no.
23 Q. Or recruiting counseling?
24 A. No.
25 Q. Or career counseling?

1 A. Me? No.
2 Q. Does Mr. Soni provide direct employment
3 counseling?
4 A. You have to ask Mr. Soni.
5 Q. Do you know if he provides direct
6 employment counseling?
7 A. I don't know.
8 Q. Do you know if he provides direct
9 recruiting counseling?
10 A. I don't know.
11 Q. Do you know if he provides direct career
12 counseling?
13 A. I don't know.
14 Q. But it's your testimony that Mr. Neils
15 does provide direct employment counseling,
16 recruiting and career counseling?
17 A. He does.
18 Q. Interrogatory No. 8 asks you to list by
19 year the number of persons for whom you have found
20 employment by virtue of the recruiting services
21 offered.
22 And in response you state the discovery
23 and investigation are ongoing and you reserve the
24 right to supplement your response.
25 Do you intend to supplement your response

1 to list the number of persons that you have found
2 employment?
3 A. I don't know. You have to ask my lawyer.
4 Q. Well, I'm asking you for your best
5 knowledge.
6 A. I will not do anything without his advice.
7 So I don't -- I can't answer that.
8 Q. Do you know if any of your clients have
9 found employment by virtue of the services that you
10 have provided?
11 A. Probably.
12 Q. And what's your basis for that?
13 A. How do I know? I know that they took the
14 test. They found out whatever change something and
15 found a job.
16 Q. Who found a job based on what they
17 learned?
18 A. Some of our people that took our test.
19 Q. Who specifically?
20 A. Can't give you names.
21 Q. How many individuals?
22 A. I don't know. Don't have number.
23 Q. Is it more than five?
24 A. Probably.
25 Q. More than ten?

1 A. No, I don't know.
2 Q. How did you find out that they found
3 employment by virtue of your recruiting services?
4 A. Most of the people are .people I know, so
5 it's all word of mouth, somebody else will tell me
6 and we eventually find out.
7 Q. Do you know how many of these individuals
8 found employment in 2002?
9 A. No, I don't know.
10 Q. Do you know if any found employment in
11 2002?
12 A. If who found employment?
13 Q. Do you know if any found employment?
14 A. I don't know.
15 Q. 2003?
16 A. No, I don't know.
17 Q. Do you know the years that these
18 individuals found employment?
19 A. No, I don't know.
20 Q. Do you know approximately what years they
21 found employment?
22 A. I don't know.
23 Q. Interrogatory 9 asks you to describe in
24 detail all services offered in connection with
25 Entellect mark between '02 and '09.

1 And in response to Interrogatory No. 9 you
2 stated that you've offered employment counseling and
3 recruiting, business management coaching, business
4 management consultation, personal management
5 consultation, and career and psychological
6 counseling and testing services between 2002 and
7 2009; correct?
8 A. Yes.
9 Q. Now it's your testimony today that you
10 personally have not offered those services; correct?
11 A. Right.
12 Q. And it's your understanding that Mr. Neils
13 has offered those services; correct?
14 A. Yes.
15 Q. Interrogatory 10 asks you to identify all
16 locations in which you've advertised, promoted or
17 offered recruiting, employment counseling or career
18 counseling between '02 and '09.
19 And in response you've stated that you've
20 offered these services in Los Angeles and other
21 cities.
22 Besides Los Angeles, which other cities
23 are you referring to?
24 A. San Francisco.
25 Q. Any other cities?

1 A. No.
2 Q. Do you intend to supplement your
3 interrogatory response to state that it's Los
4 Angeles and San Francisco and no other city?
5 I can direct that to Mr. Soni.
6 Are you intending to supplement your
7 response?
8 MR. SONI: We'll take it under advisement
9 whether supplementation is warranted in light of
10 your examination.
11 MR. BLEEKER: I'm now marking as Exhibit 3
12 "Respondent's Response to Petitioner's First Set of
13 requests for Production of Documents."
14 And I'll give a copy to Mr. Soni and
15 Ms. Soni.
16 (Deposition Exhibit 3 was
17 marked for identification and is
18 annexed hereto.)
19 BY MR. BLEEKER:
20 Q. Ms. Soni, I'm going to ask you a few
21 questions regarding this document as well. But
22 before I do, I'll give you a chance to take a look
23 at it. And you can let me know when you've had a
24 chance to review it.
25 Have you had a chance to review this

1 document?
2 A. Yes.
3 Q. I want to direct your attention to page 7
4 and specifically request for production No. 2,
5 which asks for all documents and things tending to
6 prove or disprove the date on which Soni first began
7 using the Entellect mark in connection with the
8 services identified in the trademark registration.
9 Did you search for documents responsive to
10 this request?
11 A. No.
12 Q. Do you know who searched for documents
13 responsive to this request?
14 A. All of this has been handled by my
15 husband.
16 Q. Did Mr. Soni ask you to look for any
17 documents responsive to this request?
18 A. No.
19 Q. And you didn't look for any documents
20 responsive to this request?
21 A. No.
22 Q. Is that the same answer for all the
23 requests?
24 A. Yes. It's all handled by him.
25 Q. Did you review these responses before they

1 were served on the petitioner?
2 A. He mentioned it, I don't remember that I
3 actually -- I probably did review it. But I
4 probably don't understand it, so.
5 Q. So in response, just to be clear, in
6 response to the request for production you
7 personally didn't search for any documents?
8 A. No.
9 Q. And you were never asked to search for any
10 documents?
11 A. No.
12 Q. Do you know if anyone besides Mr. Soni
13 searched for documents?
14 A. I don't know.
15 MR. BLEEKER: I'm marking as Exhibit 4 a
16 document entitled "Agreement" that has been
17 identified by the document number SONI 72.
18 (Deposition Exhibit 4 was
19 marked for identification and is
20 annexed hereto.)
21 MR. BLEEKER: And providing copies to
22 Ms. Soni and Mr. Soni.
23 Q. I'll give you a chance, Ms. Soni, to
24 review this document. And let me know when you've
25 had a chance to do that.

1 Have you had a chance to review the
2 document?
3 A. Yes.
4 Q. Do you recognize this document?
5 A. Yes.
6 Q. What is this document?
7 A. An agreement.
8 Q. What type of agreement?
9 A. I don't know. An agreement.
10 Q. At the bottom is a notation for the
11 signature of Milena Soni.
12 Is that your signature at the bottom --
13 A. Yes.
14 Q. -- of this document.
15 You entered into this agreement?
16 A. The company did.
17 Q. At the top of the document, the first
18 sentence states that this agreement is entered this
19 12th day of March, 2007 between Bob McLain and
20 Milena Soni dba Entellect.
21 A. Right.
22 Q. So is it accurate, then, that you do
23 business as -- under the name Entellect?
24 A. Right.
25 Q. And you signed this document on behalf of

1 Entellect; correct?
2 A. Right.
3 Q. How do you first find out that Bob McLain
4 owned the domain name www.Entellect.com?
5 A. My husband told me.
6 Q. And do you remember approximately when
7 that occurred?
8 A. No.
9 Q. This agreement is dated March 12th of
10 2007.
11 A. Uh-huh.
12 Q. Do you remember approximately how much
13 time passed between the time you learned that
14 Mr. McLain owned this domain name and the agreement
15 was entered into?
16 A. No. No recollection.
17 Q. Was it more than a year?
18 A. I couldn't tell you. I don't remember.
19 Q. Was it more than two years?
20 A. I don't remember.
21 Q. Did you provide any compensation to
22 Mr. McLain for obtaining the domain name
23 Entellect.com?
24 A. I don't know. All of this was done by my
25 husband, my lawyer.

1 Q. You signed this agreement?
2 A. I signed the agreement, but I didn't do
3 any -- didn't have anything else to do other than
4 signing the agreement.
5 Q. Did you review the agreement before you
6 signed it?
7 A. Yes.
8 Q. Did you understand the terms of the
9 agreement before you signed it?
10 A. More or less.
11 Q. So under the terms of this agreement,
12 Mr. McLain was allowed to retain ownership of the
13 domain name www.Entellectmedia.com; correct?
14 A. Mischaracterizes the document, misstates
15 what's there in.
16 Q. Is that correct?
17 MR. SONI: Mischaracterizes the document.
18 BY MR. BLEEKER:
19 Q. You may answer my question.
20 A. I don't know. I honestly don't know what
21 you're referring to.
22 Q. Let me direct your attention to No. 2,
23 under the parties hereto agree as follows, where it
24 states that Milena Soni hereby consents to Bob
25 McLain registering and using the domain name

1 www.Entellectmedia.com to promote a publishing
2 venture in technical subjects and for no other
3 purpose.
4 Do you see that?
5 A. Yes.
6 Q. So as part of this agreement, Mr. McLain
7 was allowed to use his domain name or the domain
8 name Entellectmedia.com; correct?
9 A. I did not do any of the negotiations. I
10 have never talked to Mr. McLain. It was handled by
11 my husband. I don't know.
12 Q. But you testified that you read the
13 agreement before you signed it --
14 A. Right.
15 Q. -- and that you understood the terms
16 before you --
17 A. I said more or less.
18 I trust -- He's the lawyer, he gives me a
19 paper, this is what I have to read and sign, I sign.
20 Q. After you obtained ownership of the domain
21 name Entellect.com, did you ever do anything with
22 that domain name?
23 A. The web site, you mean?
24 Q. Correct. The Entellect.com.
25 A. No.

1 Q. So you never created a web site for your
2 services that you offered?
3 A. No.
4 Q. Have you sold that domain name to someone
5 else?
6 A. I don't think so. Don't know. But I
7 don't think so.
8 Q. So is it your understanding that you
9 currently own that domain name?
10 A. I guess so.
11 MR. BLEEKER: I'm marking as Exhibit 5 a
12 two-page document that bears the document
13 identification numbers SONI 69 and SONI 70.
14 (Deposition Exhibit 5 was
15 marked for identification and is
16 annexed hereto.)
17 BY MR. BLEEKER:
18 Q. Ms. Soni, I'll give you a chance to look
19 through this document and let me know when you've
20 had a chance.
21 Are you ready?
22 A. Yes.
23 Q. Ms. Soni, this document was produced by
24 you in this case.
25 Have you seen this document before?

1 A. Yes.
2 Q. And do you know what this document is?
3 A. I believe it's the company that we are,
4 you know, this proceeding is against, Intellect
5 Technical Solutions.
6 Q. How did you get a copy of this document?
7 A. I was shown a copy of this document by my
8 husband.
9 Q. Prior to the time Mr. Soni showed you this
10 document, had you seen this document before?
11 A. No.
12 Q. Approximately when did your husband show
13 you this document?
14 A. Lately. Not too long ago.
15 Q. Was it after this cancellation proceeding
16 was initiated?
17 A. Probably, yes.
18 Q. Do you know why this document was produced
19 by you in the litigation?
20 A. No. I am not the -- I'm figuring it out,
21 but I got it similar, the name is similar to our
22 name. And from what I read, that they provide
23 similar services.
24 Q. How does Intellect Technical Solutions
25 provide similar services?

1 A. Finding qualified -- Let me see --
2 qualified employment.
3 Q. What do you mean by employment?
4 MR. SONI: Vague and ambiguous.
5 BY MR. BLEEKER:
6 Q. You may answer.
7 A. The recruiting part, the employment. On
8 the second page is what grabbed my attention.
9 Q. What specifically about the second page
10 grabbed your attention?
11 A. The service, the similarity.
12 Q. How is it similar?
13 A. I don't know exactly. I don't know
14 exactly what they do. But that was my first
15 impression when I raid this.
16 Q. Does your company find qualified
17 candidates within the first 48 hours of a request?
18 A. No.
19 Q. Does your company provide a referral
20 service for employment candidates?
21 A. No.
22 Q. Does your company offer the service of
23 finding employees to fill certain employment
24 openings?
25 A. No.

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1 Q. So your company doesn't provide any sort
2 of headhunter services; correct?
3 A. Correct.
4 MR. BLEEKER: I'm marking as Exhibit 6 a
5 document entitled "Declaration of Milena Soni,"
6 which is dated November 20th, 2004, along with some
7 attachments. And this document is contains a
8 document ID number SONI 58 through SONI 64.
9 (Deposition Exhibit 6 was
10 marked for identification and is
11 annexed hereto.)
12 BY MR. BLEEKER:
13 Q. Ms. Soni, let me know when you've had a
14 chance to look through this.
15 Are you ready?
16 A. Uh-huh.
17 Q. I first want to direct your attention to
18 the what appears to be a letterhead that's marked as
19 SONI 59, SONI 61 and SONI 63.
20 And these all appear to be copies of the
21 same document, but I wanted to ask for your
22 testimony to confirm that these are all the same
23 copies of the same letterhead.
24 Is that correct?
25 Take a second to look at them.

1 A. Looks like it.
2 Q. And, Ms. Soni, is this one of the
3 specimens that was presented to the PTO in
4 conjunction with your application for the trademark?
5 A. Yes.
6 Q. And is this -- What document is this?
7 A. Declaration.
8 Q. I'm sorry, I'm still referring to the
9 document that's 59, 61 and -- --
10 A. The letterhead, you mean.
11 Q. -- 63, the letterhead.
12 This is the letterhead for Entellect?
13 A. Right.
14 Q. At the top there is the word "Entellect"
15 spelled out.
16 A. Uh-huh.
17 Q. Who came up with that design?
18 A. My husband.
19 Q. Do you know when he came up with that
20 design?
21 A. No.
22 Q. Did he consult with you about that design?
23 A. Yeah, we looked at several different
24 things. Like with some fonts and -- Yeah.
25 Q. At what time period was that when you were

1 coming up with the design?
2 A. I cannot remember. Way back when.
3 Q. Was it in 2002?
4 A. Don't remember.
5 Q. Did you -- Did the company have a
6 third-party print this letterhead for you?
7 A. I don't know.
8 Q. Do you know how much it cost to buy the
9 letterhead?
10 A. No.
11 Q. At the bottom of the letterhead is some
12 text starting with "Employment Counseling &
13 Recruiting."
14 Who decided what text would go at the
15 bottom of the letterhead?
16 A. My husband.
17 Q. Did you have any input into that?
18 A. No. Other than approving it, no. Looked
19 at it and --
20 Q. So you approved the wording at the bottom
21 of the letterhead?
22 A. He showed it to me. I said yeah, we're
23 going with it.
24 Q. Do you remember when you approved it?
25 A. No.

1 Q. Do you know if it was before May 1st of
2 2002?
3 A. I don't remember.
4 Q. The next page appears to be a business
5 card.
6 A. Uh-huh.
7 Q. And it appears that the card noted on page
8 60 and 62 and 64 are all identical.
9 Is that correct?
10 A. Yes.
11 Q. Did Mr. Soni come up with the design for
12 the business card as well?
13 A. Yes.
14 Q. And approximately when did he design this
15 business card?
16 A. It was all together, and I don't remember
17 when.
18 Q. And did you provide input to Mr. Soni
19 during the process of designing the business card?
20 A. No.
21 Q. Did you approve the design and layout and
22 text of the card --
23 A. No.
24 Q. -- after Mr. --
25 You didn't?

1 A. I consulted on this, but not after that,
2 no.
3 Q. And do you know if a third-party printed
4 this card for your company?
5 A. I don't know.
6 Q. Do you know how much it cost to buy these
7 cards?
8 A. No.
9 Q. Do you have any records or receipts or
10 purchase orders regarding the letterhead or the
11 business cards?
12 A. No. I don't.
13 Q. Does the company?
14 A. I don't know.
15 Q. Have you looked for any documents that
16 would identify the date that the letterhead and
17 business card --
18 A. No.
19 Q. -- were created?
20 A. No.
21 Q. Let's go to the first page, which is the
22 declaration.
23 At the bottom is what appears to be your
24 signature.
25 Is that in fact your signature?

1 A. Yes.
2 Q. And did you sign this on November 20th of
3 '04?
4 A. Right.
5 Q. And did you review this declaration before
6 you signed it?
7 A. Yes.
8 Q. In this declaration, in the first
9 paragraph you state that submitted with this
10 declaration are specimen of the mark as used in
11 commerce.
12 In that statement are you referring to the
13 letterhead and business card?
14 A. I guess so.
15 Q. You state the specimen was in use in
16 commerce at least as early as May 1, 2002.
17 What's the basis for that statement, how
18 did you know that it was in commerce at least as
19 early as May 1, 2002?
20 A. That's when we came up with the whole
21 concept, idea, the logo, the whatever. It's when we
22 created it.
23 Q. You testified previously that the May 1,
24 2002 date was based around the time that your
25 daughter first took a test; right?

1 A. Yes.
2 Q. Did you create the letterhead -- Did
3 Mr. Soni create the letterhead before or after your
4 daughter took that first test?
5 A. Probably before.
6 Q. Before you signed this declaration did you
7 review any documents that would corroborate the fact
8 that the specimen was in use in commerce at least as
9 early as May 1, 2002?
10 A. Review any documents?
11 Q. Uh-huh.
12 How did you know the date was before May
13 1, 2002 or at least as early as May 1, 2002?
14 A. Because we had been working on trying to
15 get this company together and do this before then.
16 And then we came up with the logo and the stuff and
17 started our, you know, trying to tell people about
18 it.
19 Q. But how did you know a specific date to
20 put in this declaration, how did you come up with
21 that date?
22 A. I don't remember how we came up with the
23 date.
24 Q. Did you come up with that date?
25 A. Don't remember how the -- it came up. But

1 I know that we had been working on it, even talked
2 about the web site and had all kinds of plans that
3 did not come to fruition for a much bigger, you
4 know, company that we ended up with.
5 Q. Now, this declaration states that the
6 specimen was used in conjunction with the following
7 goods and services as early as May 1, 2002. And
8 then the first one is employment counseling and
9 recruiting.
10 How did you know that you were offering
11 employment counseling and recruiting on May 1, 2008?
12 A. How did I know?
13 That's what the company was set up for.
14 We had even had brochures and stuff, writing and
15 stuff that we never ended up -- So we had all the --
16 all the -- what do you call it -- materials for what
17 we -- our intention was for this company.
18 Q. So you created a brochure?
19 A. We didn't publish it. We had -- We put a
20 lot of work, doing a lot of stuff that at the end it
21 didn't happen.
22 Q. How come you didn't publish the brochure?
23 A. We couldn't, you know, raise the money.
24 We didn't have the money. We sat down and thought
25 about it and didn't want to make the investment at

1 the time.
2 Q. What investment?
3 A. Of trying to set up, you know, publishing
4 the brochures, doing the web site. My husband had
5 done a lot of writing and in preparation for doing
6 that and we ended up not doing it.
7 Q. So you testified previously that your
8 first client was one of your children who took the
9 motivational assessment test; correct?
10 A. Yes.
11 Q. And she took the test around May 1st,
12 2002?
13 A. I don't remember when she took the test, I
14 know she was our first.
15 Q. And then at some point did Mr. Neils have
16 a meeting with her or --
17 A. Over the phone.
18 Q. -- or a phone conference?
19 A. Over the phone.
20 Q. When did that occur?
21 A. After the test. At that time you still
22 had to wait back and forth. It wasn't that
23 immediate, that I remember. A couple of weeks after
24 the test.
25 Q. And was that the first instance in which

1 Mr. Neils had provided his assessment to one of your
2 clients?
3 A. I don't -- My referrals, I don't know
4 about this. I don't know about my husband's.
5 Q. Were there any referrals before your
6 daughter?
7 A. From me, no.
8 Q. How about from Mr. Soni?
9 A. I believe so.
10 Q. How many?
11 A. I don't know.
12 Q. Do you know when those occurred?
13 A. No.
14 I tell you, he's known about this since
15 before I came into the picture, so I don't know how
16 long.
17 Q. And was Mr. Soni using the word
18 "Entellect" with that -- in conjunction with that
19 service he was offering when he made the referrals
20 before the --
21 A. I don't know.
22 Q. -- one with your daughter?
23 When Mr. Neils had a phone conversation
24 with your daughter, were you also on that call?
25 A. Yes.

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1 Q. Did Mr. Neils provide employment
2 counseling to your daughter?
3 A. Yes.
4 Q. How old was your daughter at the time of
5 this call?
6 A. She was, I think, junior year in high
7 school.
8 Q. And did he provide employment recruiting?
9 A. Recruiting?
10 Q. Uh-huh.
11 A. I -- For a specific company or --
12 Q. Any sort of business recruiting?
13 A. No.
14 Q. Did he provide any business consultation
15 during this meeting?
16 A. It wouldn't have happened with -- Wouldn't
17 have been appropriate for my daughter.
18 Q. So the answer is no?
19 A. No.
20 Q. How about business management and
21 consultation?
22 A. Not on that occasion.
23 Q. How about business management
24 consultation?
25 A. No.

1 Q. Personnel management consultation?
2 A. No. Not for her.
3 Q. Psychological testing for the selection of
4 personnel?
5 A. No.
6 Q. Career counseling?
7 A. Yes.
8 Q. Psychological counseling?
9 A. Well, I don't know you regard it as
10 psychological counseling, but there's a lot of in
11 there that goes through her make up and her -- the
12 patterns of study and, you know, I guess you can
13 call it psychological counseling.
14 Q. So is it -- Just to be clear, is it your
15 testimony, then, that it is or is not
16 psychological --
17 A. Yes, there is a portion of that test that
18 he interprets for you that -- and it's, you know,
19 can be called a type of psychological counseling.
20 Q. And he interpreted that for your daughter
21 during that phone call?
22 A. Right.
23 Q. What about psychological consultation?
24 A. Yeah, I guess it was a consultation, you
25 know, it's -- He explains to you what your different

1 charts and graphs mean.
2 Q. How about --
3 A. They all had a psychological component to
4 them.
5 Q. How about psychological testing services?
6 A. Well, that's part of the actual test.
7 Q. And how about psychological testing?
8 A. I guess. It's all part of the test.
9 Q. So after you referred your daughter, who
10 did you refer next?
11 A. Classmates of my daughter's. Cousins of
12 my daughter's. Those were the first referred.
13 Q. And about how long after you referred your
14 daughter did you start referring her classmates and
15 cousins?
16 A. After we got the results and we realized
17 how accurate it was and how much it helped her.
18 Q. How long does it take to get the results,
19 typically?
20 A. Back then, it used to take a couple of
21 weeks.
22 Q. So if she took the test on or about May
23 1st, 2002, she wouldn't have received the results
24 until at least a few weeks after that?
25 A. Yeah, but I think that was the normal.

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1 But sometimes Patrick did it faster for us. If we
2 called and said we need that faster. And I don't
3 remember if he did that faster for my daughter.
4 Q. Do you know if Mr. Neils provided business
5 consultation to any of the classmates of your
6 daughter or any of the cousins of your daughter?
7 A. Maybe one of the cousins that was older,
8 but not the younger. Depends on your age group or
9 where you are, what's the purpose.
10 Q. Do you know the date that Mr. Neils first
11 provided business consultation to one of the clients
12 that you referred?
13 A. No.
14 Q. In 2004 did you know that?
15 A. Did I know what?
16 Q. When you signed this declaration, did you
17 know the date, the first date that Mr. Neils
18 provided business --
19 A. No.
20 Q. -- consultation to one of your client?
21 A. No, I don't remember dates. No, I don't
22 know.
23 Q. In this declaration you state that the
24 specimen was used in commerce at least as early as
25 May 1, 2002 in conjunction with the following goods

1 and services, and then there's a list of goods and
2 services.
3 A. Right.
4 Q. One of them being business consultation.
5 A. Right.
6 Q. How did you know that Mr. Neils had
7 provided business consultation services to your
8 clients by as early as May 1, 2002?
9 A. I'm not the only one referring.
10 Q. You were the one applying for the
11 registration --
12 A. Right.
13 Q. -- of the mark Entellect; correct?
14 A. Right.
15 Q. And so you were doing business as
16 Entellect --
17 A. Right.
18 Q. -- correct?
19 So that's your company?
20 A. Right.
21 Q. You don't know if anyone else was using --
22 A. My husband was part of that, too. So if
23 he's referring and he's doing something, then I
24 wouldn't know.
25 Q. Was he referring individuals on behalf of

1 your company Entellect?
2 A. Yes.
3 Q. Did you know that Mr. Soni had referred an
4 individual and that Mr. Neils had provided business
5 consultation before on May 1, 2002?
6 A. I don't know specifically.
7 Q. On November 20th, '04 did you know?
8 A. If he had done -- If he had referred
9 people before?
10 Q. If he had referred people before and
11 Mr. Neils had provided business consultation as
12 early as May 1, 2002?
13 A. Did I know specifically, is your question?
14 Q. Yes.
15 A. I knew he had referred people. I didn't
16 know exactly for what.
17 Q. So you didn't know if Mr. Neils had
18 provided business consultation to any client
19 referred by you or your husband as early as May 1,
20 20082002; correct?
21 A. I know my husband referred people to him
22 but for different -- but I didn't know specifically.
23 Q. You didn't know that Mr. Neils had
24 provided business consultation to any of those
25 clients as of May 1, 2002?

1 A. I don't know specifically. It must have
2 been because my husband was not referring high
3 school kids.
4 Q. Did you have personal knowledge that
5 Mr. Neils had provided business consultation to one
6 of his referred clients as early as May 1, 2002?
7 MR. SONI: Asked and answered.
8 THE WITNESS: I know my husband had
9 referred people, yes.
10 BY MR. BLEEKER:
11 Q. That's not my question.
12 My question is:
13 Do you know if Mr. Neils had provided
14 business consultation to any of those people as
15 early as May 1st, 2002?
16 A. I know that the people my husband refers
17 are business people.
18 Q. That doesn't answer my question.
19 Do you know if Mr. Neils --
20 A. I wasn't present when Mr. Neils was having
21 the consultation with that client, so.
22 Q. So you don't know?
23 A. You know, I -- But if it's a businessman,
24 it's like you're saying, if it's a high school
25 student it's going to be something, if it's a

1 businessman it's going to be something else. So you
2 can safely assume that's what's going to happen with
3 a businessman that's taking the test.
4 Q. Did you have personal knowledge that
5 Mr. Neils had provided business consultation as
6 early as May 1, 2002?
7 A. Specific record and, you know, proof, no.
8 But I knew that this is what is happening.
9 Q. Did you know if Mr. Neils had provided
10 business management and consultation to any referred
11 client as early as May 1, 2002?
12 A. I don't -- didn't know specifically
13 because I don't know who my husband referred. I
14 know the people my husband referred were business
15 people. So logically that's what it would have
16 been.
17 Q. Well, you testified before that the
18 testing could also work for people in
19 relationships --
20 A. Right.
21 Q. -- correct?
22 A. That's right.
23 Q. So because somebody is in business, does
24 that necessarily mean they are going to receive
25 business consultation?

1 A. No. Not necessarily.
2 But for the most part, the people that my
3 husband was referring I know are in -- he wasn't
4 telling people about the -- the Harmony -- not
5 Harmony -- the compatibility. For the most part I
6 know that what he refers is the business people.
7 Q. Did you sit in on any of the consultations
8 that Mr. Neils had with any of the referrals that
9 your husband provided --
10 A. No.
11 Q. -- him?
12 So you don't have personal knowledge of
13 what exactly was said by Mr. Neils; is that --
14 A. It was confidential between the client and
15 the --
16 MR. SONI: Counsel, you're getting
17 argumentive. You've asked the same questions again
18 and again. She's told you her testimony. Please
19 move on.
20 MR. BLEEKER: I'm not asking the same
21 question, I'm asking for each different category.
22 And if --
23 MR. SONI: And she's answered as to each
24 and the answer is the same. You're being
25 argumentative.

1 BY MR. BLEEKER:
2 Q. Ms. Soni, were you aware that Mr. Neils
3 had provided personnel management consultation to
4 any client that you or your husband referred as
5 early as May 1, 2002?
6 A. I am not privy to the consultation that
7 comes up after the testing. It's a confidential
8 one-hour consultation that, you know, so I have no
9 way of answering your question.
10 Q. Do you have personal knowledge that
11 Mr. Neils provided psychological testing for the
12 selection of personnel for --
13 A. Yes, I know he does. I know he's done
14 that.
15 Q. I'm sorry, let me finish my question.
16 A. Sorry.
17 Q. Do you know that Mr. Neils provided
18 psychological testing for the selection of personnel
19 to one of the referrals that you or your husband
20 referred to him as early as May 1, 2002?
21 A. Yes.
22 Q. How do you know that?
23 A. I know that that's what that person was
24 asking for.
25 Q. Which person?

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1 A. One of the clients.
2 Q. Which client?
3 A. I am not going to say names. Wanted to
4 know -- They're hiring and they wanted to know
5 whether this person is going to be, you know, the
6 right person, let's say, to hire.
7 Q. Ms. Soni, I'm sure your husband has
8 explained to you that there's a protective order in
9 place. And to the extent something is confidential,
10 we can mark or designate this portion of the
11 transcript as confidential and then that information
12 will not be revealed outside of this proceeding.
13 So if you feel more comfortable as
14 designating this section as confidential, that's
15 fine. But I'm entitled to know what individual
16 received the psychological testing for the selection
17 of personnel.
18 If you know the name, please tell me.
19 MR. SONI: May we take a break so I can
20 explain to her the protective order?
21 MR. BLEEKER: Well, I prefer we don't take
22 a break while a question is pending.
23 But if you think that would be
24 beneficial --
25 MR. SONI: If I didn't, I wouldn't ask.

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1 Your choice.
2 MR. BLEEKER: Typically it's not done, but
3 in this case that's fine, if you want to take a
4 break --
5 MR. SONI: Your choice.
6 MR. BLEEKER: -- that's fine. We can go
7 off the record.
8 (Recess taken.)
9 (The following portion of the
10 deposition of MILENA SONI is
11 confidential pursuant to protective
12 order, Page 109 through Page 152.)
13
14 (TIME NOTED: 11:35 A.M.)
15
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25

1 I declare under penalty of
2 perjury under the laws of the State of
3 California that the foregoing is true
4 and correct.
5 Executed on _____, 2010
6 at _____, California.
7
8
9
10 _____
11 SIGNATURE OF THE WITNESS
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1 STATE OF CALIFORNIA)
2)ss:
3 COUNTY OF LOS ANGELES)
4
5 I, HARRY HANSEN, C.S.R. No. 4907, do
6 hereby certify:
7
8 That the foregoing deposition testimony
9 of MILENA SONI was taken before me at the time and
10 place therein set forth, at which time the witness
11 was placed under oath and was sworn by me to tell
12 the truth, the whole truth, and nothing but the
13 truth.
14 That the testimony of the witness and all
15 objections made by counsel at the time of the
16 examination were recorded stenographically by me,
17 and were thereafter transcribed under my direction
18 and supervision, and that the foregoing pages
19 contain a full, true and accurate record of all
20 proceedings and testimony to the best of my skill
21 and ability
22 I further certify that I am neither
23 counsel for any party in said action, nor am I
24 related to any party to said action, nor am I in any
25 way interested in the outcome thereof.

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IN WITNESS WHEREOF, I have subscribed my name this 25th day of February, 2010.

HARRY HANSEN, CSR No. 4907

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1 I N D E X

2 VOLUME I

3

4 TUESDAY, FEBRUARY 9, 2010

5

6 WITNESS EXAMINATION

7

8 MILENA SONI

9 By Mr. Bleeker 3

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1 DEPOSITION EXHIBITS

2 MILENA SONI

3

NUMBER	DESCRIPTION	IDENTIFIED
Exhibit 1	Document headed "www.PotentialsDevelopment .com."	38
Exhibit 2	Document entitled "Respondent's Response to Petitioner's First Set of Interrogatories."	44
Exhibit 3	Document titled, "Respondent's Response to Petitioner's First Set of requests for Production of Documents."	71
Exhibit 4	Document entitled "Agreement" that has been identified by the document number SONI 72.	73

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1 DEPOSITION EXHIBITS (CONTINUED)

2 MILENA SONI

3

4 NUMBER	DESCRIPTION	IDENTIFIED
5 Exhibit 5	Document that bears the 6 document identification 7 numbers SONI 69 and SONI 8 70.	78
10 Exhibit 6	Document entitled 11 "Declaration of Milena 12 Soni," dated November 13 20th, 2004	81
15 Exhibit 7	Document titled, 16 "Trademark/Service Mark 17 Application,	120

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www.PotentialsDevelopment.com

"Putting the Pieces Together"

Please click HERE to return to Home Page. --- Please click HERE for previous version of website.

How To Login at SelfMaps™:

Registered Users: Please click HERE to login using your e-mail address and the password you were previously assigned.

New Users: Contact us and we will assign you a unique password to use with your e-mail address. You may then click HERE to login and take the test. Note: Email address + Password must be unique for each user.

Sample User: If you would like to login so you can view sample MAPs and get a feel for the site, please click HERE and login with Email=johndoe@pdi.com and Password=johndoe.

DEPOSITION EXHIBIT 1 M. SOHI

Contact Us:

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P.O. Box 55339
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(425)778-4571 Fax
E-Mail: pneils@potentialsdevelopment.com

About You:

Think about it, when others ask you "Who are you?" do you respond by telling them:

1. What you do,
2. Where you work,
3. Where you went to school,
4. Who your family members are,
5. Who your friends are and so on?

This is not who you are, it is information about your history, environment and behavior.

The Reflections Questionnaire™ and the Motivational Assessment of Personality (MAP™) will help you and others you interact with get a better understanding of "Who You Are" and find "Best Fit" personal, vocational and educational options for your future.

About PDI:

Potentials Development, Inc. is a company with over fifty years of research, development and practical application with thousands of individuals and hundreds of organizations around the world!

We are dedicated to helping you and your organization recognize your potential and reach life goals.

We will help you determine "Who You Are" and find "Best Fit" personal, vocational and educational options based

on indivi ıl assessment results.

As an added benefit, one of our representatives will be available to work with you at whatever level you decide is best for you!

Our Services:

Reflections Questionnaire™:
Your motivational preferences are identified by the completed Reflections Questionnaire™, requiring only 30 to 40 minutes to finish. Your responses go directly into the Motivational Assessment of Personality (MAP™) software.

Motivational Assessment of Personality (MAP™):
The Motivational Assessment of Personality (MAP™) varies from three to five parts and up to 50 pages in length, depending upon client request. These reports form the basis for personalized coaching and consultation with affiliated, trained and certified professionals.

Job MAP™:
Job MAP™ is our proprietary process of matching individuals with specific tasks and jobs. The Job MAP™ precisely evaluates the person relative to behavioral and task terminology. Specific jobs are defined and measured in those same terms. Having the person's motivations and the tasks of the job, we match them against each other. It is immediately apparent why someone is succeeding in or stressed by his or her job. Any work components can be defined using the Job MAP™ technology.

Work Group MAP™:
Work Group MAP™ is another proprietary process by which PDI looks at teams of people. This process compares communication, decision making, leadership and other key characteristics of individuals within a work group. Twenty-seven graphical overlays and numerical comparisons allow immediate understanding of the inter-personal dynamics of a Work Group. In a world where people share a project and never meet each other Work Group MAP™ promotes understanding and communication. Each of the graphs is accompanied by definitions and explanatory information.

Reflections Questionnaire™:

One component of the SelfMaps™ process is the powerful Reflections Questionnaire™ that measures personal preference and motivation. These individual characteristics drive the choice of vocation and occupation, in addition to communication, learning and relationships.

A very complex analysis of your responses creates a Motivational Assessment of Personality (MAP™) that correlates your inherent drives with the world of work, study and relationships.

The Reflections Questionnaire™ can be completed in less than forty minutes. It is important to respond intuitively. Your first choice is your best choice. Do not over-analyze your response.

It is not necessary for you to have the skills, physical

capabilit ·aining or experience required for the t:
only the desire.

Respond only on the basis of your preference.

Sample Question:

Please read all 3 statements in the sample section below.

Click only one of the 3 Green Buttons for the statement that you prefer Most, then

Click only one of the 2 remaining Red Buttons for the statement that you prefer the Least.

Do not click Most and Least buttons for the same statement.

In the example below, the statement "Visit stores in a metropolitan shopping mall" was preferred the Most and the statement "Hike through a national wilderness area" was preferred the Least.

M L

Visit stores in a metropolitan shopping mall.

Spend a vacation at a luxury resort.

Hike through a national wilderness area.

Potentials Development, Inc.
Authorized Representative of SelfMaps, LLC
Motivational Assessments of Personality (MAP™)
Professional products from SelfMaps, LLC

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

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

DEPOSITION EXHIBIT
2
M. SONI

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").

(2)

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.

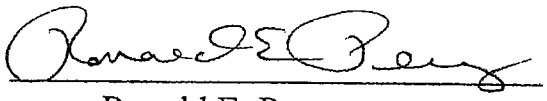
Date 1/2/10

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.	)

DEPOSITION EXHIBIT 3 M. SONI

RESPONDENT'S RESPONSE TO PETITIONER'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

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 and TTAB Rule 405, hereby responds to the first set of requests for production of documents from Petitioner Intellect Technical Solutions, Inc. ("PETITIONER").

(3)

REC'D NOV 31 2009

PLEASE READ THE FOLLOWING RESPONSES AND OBJECTIONS CAREFULLY

GENERAL RESPONSE

RESPONDENT Milena Soni's responses to PETITIONER Intellect Technical Solutions, Inc.'s document production requests are made without waiving, or intending to waive, but on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy or materiality, or any other proper grounds, to the use of the documents for any purpose in whole or in part, in any subsequent step or proceeding in this action or any other action; (b) the right to object to any and all grounds, at any time, to other document production requests or other discovery procedures involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add to, or clarify any of the responses provided herein.

Certain documents may or will be produced in a form that indicates that certain information has been redacted. Information may be or has been redacted on the grounds that the matter (a) is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, or (b) is protected from discovery by the attorney-client privilege, work product doctrine or some other applicable privilege.

RESPONDENT has not fully completed its investigation of matters at issue in this case, and has not completed preparation for trial. The responses herein reflect only the present state

of RESPONDENT's discovery regarding the documents that PETITIONER has requested and represent RESPONDENT's reasonable efforts to provide the information requested. Except as otherwise stated below, an objection to a specific demand does not imply that documents responsive to the specific demand exist. RESPONDENT expressly reserves the right to rely on, at any time, including trial, subsequently discovered information or information omitted from these responses as a result of mistake, error, oversight, or inadvertence.

Production of any document is not intended as, and shall not be deemed to be, a waiver of any objection set forth herein. On the contrary, RESPONDENT expressly reserves the right to raise any applicable objection at any time. Moreover, the inadvertent production of documents protected from discovery by the attorney-client privilege, work product doctrine or some other applicable privilege shall not constitute a waiver of such privileges with respect to those or any other documents. In the event that inadvertent production occurs, PETITIONER shall promptly return all inadvertently produced documents to RESPONDENT upon request, and shall make no use of the contents thereof nor premise any further discovery on information learned therefrom.

GENERAL OBJECTIONS

The following general objections are incorporated into each of the responses below. Notwithstanding the specific responses to any of the demands, RESPONDENT does not waive any of the objections made herein. Any reference to one or more of these General Objections is not a waiver of any other General Objection not referred to by name in any specific response.

1. RESPONDENT objects to Petitioner's document production requests as burdensome and oppressive insofar as they seek information not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

2. RESPONDENT will make reasonable effort to respond to each request to the extent that no objection is made, as RESPONDENT understands and interprets the request. If Petitioner subsequently asserts any interpretation of any request for documents that differs from that of RESPONDENT, RESPONDENT reserves the right to supplement its objections and responses.

3. RESPONDENT objects to the entire set of document requests to the extent that it seeks documents that are equally available to both parties.

4. RESPONDENT objects to Petitioner's document production insofar as it seeks documents that contain 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.

5. RESPONDENT objects to PETITIONER'S document production requests insofar as they seek documents that are protected by the attorney-client privilege or any other applicable privilege.

6. RESPONDENT objects to Petitioner's document production requests insofar as they seek documents that are not relevant to specific claims in RESPONDENT'S defenses or affirmative defenses. Accordingly, the requested documents are outside the scope of discovery set forth in Federal Rule of Civil Procedure 26 (Fed. R. Civ. P.).

7. RESPONDENT objects to PETITIONER'S document production requests insofar as they seek documents not in RESPONDENT's possession, custody, or control.

8. RESPONDENT objects to PETITIONER'S document production requests insofar as they seek documents which, by reason of public filing or otherwise, are already in Petitioner's possession or are readily accessible to PETITIONER.

9. RESPONDENT objects to PETITIONER'S document production requests 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.

10. RESPONDENT objects to PETITIONER'S failure to specify a reasonable place and manner for the document production to take place under Rule 34, which states that "[t]he request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts." RESPONDENT will produce the documents responsive to Petitioner's requests in a way mutually convenient to the parties.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

All documents and things that are identified in Respondent's responses to Petitioner's First set of Interrogatories to Respondent being served concurrently herewith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request in that it does not set forth a reasonably particularized category of documents as required by Fed. R. Civ. P. 34.

RESPONDENT objects to this request as vague, ambiguous, over broad, unduly burdensome, oppressive, and compound in requiring RESPONDENT to recall any documents containing the specified information for many distinct interrogatories.

RESPONDENT objects to this request to the extent it seeks trade secret or confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

RESPONDENT objects to this request to the extent it seeks documents not relevant to this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 2:

All documents and things tending to prove or disprove the date on which Soni first began using the ENTELLECT mark in connection with the services identified in the ENTELLECT registration for international classes 35 and 41.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request to the extent it seeks documents containing trade secret or confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 3:

All documents and things tending to prove or disprove the amounts spent by Soni for 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 REQUEST FOR PRODUCTION NO. 3:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request as seeking documents that contain 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.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 4:

All communications that reference the ENTELLECT registration, the application for the ENTELLECT registration, or Petitioner's mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request to the extent it seeks documents containing trade secret or confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

RESPONDENT objects to this request to the extent it seeks documents not relevant to this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

RESPONDENT objects to this request in that the responsive documents in RESPONDENT's possession, custody or control are publicly available documents in the files of the U.S. Patent and Trademark Office or the documents in this proceeding which are as equally available to PETITIONER as they are to RESPONDENT.

RESPONDENT objects to this request insofar as it seeks documents in this proceeding which PETITIONER already has in its possession or are available from the USPTO.

RESPONDENT further objects to this request as being compound.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 5:

All trademark search reports prepared by or for Soni with regard to (i) the ENTELLECT mark or any term or device similar to the ENTELLECT mark, or (ii) Petitioner's marks or any term or device similar to Petitioner's marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

RESPONDENT incorporates the General Objections set forth above.

RESPONDENT objects to this request to the extent it seeks documents containing trade secret or confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

Respondent further objects to this interrogatory as being compound.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 6:

All surveys prepared by or for Soni with regard to the ENTELLECT mark, Petitioner's mark, or any term or similar to the ENTELLECT mark or Petitioner's mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request to the extent it seeks documents containing trade secret or confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

RESPONDENT further objects to this interrogatory as being compound.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 7:

All documents and things (including without limitation all brochures, advertisements, promotional literature, letterhead, websites, sales and marketing presentations, leaflets, signage, and labels) that were prepared or disseminated by, or on behalf of, Soni and that that(sic) bear the ENTELLECT mark or any term or trade name or trademark or service mark similar to the ENTELLECT mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request as seeking confidential business information.

RESPONDENT objects to this request as oppressive, burdensome and over broad to the extent it seeks 'all' responsive documents instead of merely representative documents sufficient to show the information specified.

RESPONDENT objects to this request to the extent it seeks documents not relevant to this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

RESPONDENT further objects to this interrogatory as being compound.

Subject to and without waiving the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 8:

All documents and things that Respondent intends to use, or may use, in defense of her position in this cancellation proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request as being premature.

RESPONDENT objects to this request as over broad, unduly burdensome and oppressive because it requests 'all' documents supporting RESPONDENT'S positions for this cancellation

proceeding. The courts generally question the over breadth and burdensomeness of discovery requests relating to specific contentions or positions. This request relates to *every* position of RESPONDENT. This request thus goes far beyond the bounds of reasonableness both as to burdensomeness and particularity, in direct violation of Fed. R. Civ. P. 34(b).

RESPONDENT objects to this request as seeking trade secrets and confidential business information.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

Subject to and without waiving the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 9:

All documents and things that tend to prove or disprove that the ENTELLECT mark and Petitioner's mark are confusingly similar.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

RESPONDENT objects to this request to the extent it seeks documents not relevant to this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 10:

All documents and things identifying persons from whom Soni intends to take, or may take, testimony in this proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request as being premature.

RESPONDENT objects to this request as oppressive, burdensome and over broad to the extent it seeks 'all' responsive documents instead of merely representative documents sufficient to show the information specified.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

Subject to and without waiving the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

REQUEST FOR PRODUCTION NO. 11:

Each communication sent or received by Soni, referencing, referring or relating to Petitioner's marks or this proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

RESPONDENT incorporates the GENERAL OBJECTIONS set forth above.

RESPONDENT objects to this request as being duplicate to the REQUEST FOR PRODUCTION NO. 4.

RESPONDENT objects to this request to the extent it seeks information protected by the attorney-client and/or work product privilege.

RESPONDENT objects to this request to the extent that it seeks documents that are equally available to both parties or already in PETITIONER'S possession.

Subject to the foregoing objections, RESPONDENT will provide any responsive documents in her possession pursuant to the TTAB's rules for production.

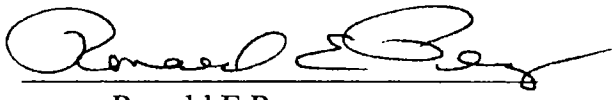
Dated: November 9, 2009

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 PRODUCTION OF DOCUMENTS was served upon 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

DEPOSITION EXHIBIT 4 M. SONI

4

AGREEMENT

This agreement is entered this 12th. day of March 2007 between Bob McLain and Milena soni dba ENTELLECT.

WHEREAS Milena Soni does business as ENTELLECT and has registered the ENTELLECT as a trademark with the United States Patent and Trademark Office for Employment counseling and recruiting, business consultation, business management and consultation, personnel management and consultation, psychological testing for selection of personnel, career counseling, psychological counseling, psychological consultation, psychological testing, and psychological testing services, having been issued U.S. Trademark No. 3, 009, 990;

WHEREAS Bob McLain has obtained and registered www.ENTELLECT.com as a domain name but has never used the domain for any purpose; and

WHEREAS the parties to this agreement wish to avoid any confusion from their intended uses of the ENTELLECT mark;

The Parties hereto agree as follows:

1. Bob McLain shall transfer the domain name www.ENTELLECT.com to Milena Soni;

2. Milena Soni hereby consents to Bob McLain registering and using the domain name www.ENTELLECTMEDIA.com to promote a publishing venture in technical subjects and for no other purpose;

3. Bob McLain hereby agrees no to use the ENTELLECT trademark for nay purpose other than to promote a publishing venture in technical subjects and for no other purpose;

4. This Agreement supersedes all prior agreements, understandings, and communications between the Parties, whether written or oral, express or implied, relating to the subject matter of this Agreement and is intended as a complete and final expression of the terms of the Agreement between the Parties and shall not be changed or subject to change orally. The Parties further agree and acknowledge that neither they nor anyone acting on their behalf made any inducements, agreements, promises, or representations other than those set forth in this Agreement;

5. This Agreement may not be altered or amended except in a writing signed by the Parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

By: _____ Bob McLain

By: _____ Milena Soni

INTELLECT
Technical Solutions, Inc.

Skilled SAP Candidates at Market Value

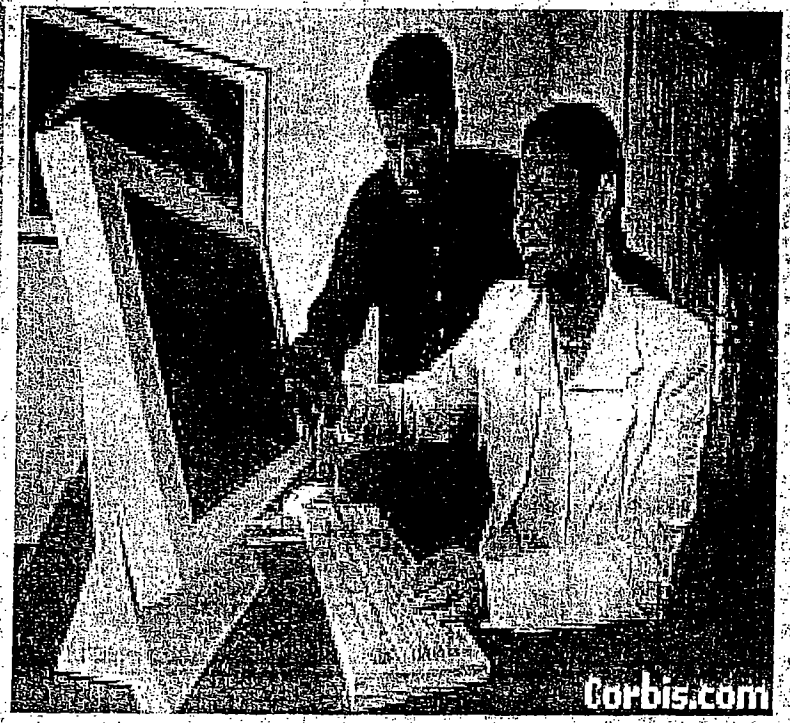
- ABAP Developers
- Business Analysts / Business Process Experts
- Basis Configurators
- Project Managers
- Other

DEPOSITION EXHIBIT
5
M. SONI

INTELLECT
Technical Solutions, Inc.

48 Hour Turnaround

- We will find you a qualified candidate within the first *48* hours of your request.
- We will work any hours to find your candidate.



DEPOSITION EXHIBIT
6
M. SONI

DECLARATION OF MILENA SONI

I Milena Soni Hereby declare:

I am the Applicant for Registration of the word mark "ENTELLECT". Serial No. 76/539434. Submitted with this declaration are specimen of the mark as used in commerce. The specimen was in use in commerce at least as early as May 1, 2002 in conjunction with the following goods and services:

- International Class 035 -
  Employment counseling and recruiting, Business Consultation, Business management and consultation, Business management consultation, Personnel management consultation, Psychological testing for the selection of personnel.
- International Class 041-
  Career counseling
- International Class 044 -
  Psychological counseling, Psychological consultation, Psychological testing services, Psychological testing

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §§1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application. She believes the applicant to be the owner of the trademark/service mark sought to be registered and to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Dated: Nov. 20th-07

Milena Soni, Declarant

6

ENTELLECT

972 Linda Vista Avenue
Pasadena, Ca. 91103

Employment Counseling & Recruiting, Business Management Coaching
Career & Psychological Counseling & Testing Services

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Intellect Technical Solutions v. Milena Soni
Cancellation No. 92050920

Intellect's Exhibit 149(b)

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