

ESTTA Tracking number: **ESTTA393495**

Filing date: **02/15/2011**

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

| | |
|------------------------|---|
| Proceeding | 92050920 |
| Party | Defendant Soni, Milena |
| Correspondence Address | SURJIT P SONI THE SONI LAW FIRM 35 N LAKE AVENUE , SUITE 720 PASADENA, CA 91101 UNITED STATES surj@sonilaw.com, woosoon@sonilaw.com, ron@sonilaw.com |
| Submission | Other Motions/Papers |
| Filer's Name | Ronald E. Perez |
| Filer's e-mail | ron@sonilaw.com, lauren@sonilaw.com, woosoon@sonilaw.com, surj@sonilaw.com |
| Signature | /Ronald E. Perez/ |
| Date | 02/15/2011 |
| Attachments | Respondents Pretrial Disclosures_FINAL.pdf (14 pages)(46917 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,) CANCELLATION NO.: 92050920
v.)
)
MILENA SONI)
)
Respondent.)
_____)

RESPONDENT'S PRETRIAL DISCLOSURES

Respondent Milena Soni ("RESPONDENT") hereby presents its pretrial disclosures to Petitioner Intellect Technical Solutions, Inc. ("PETITIONER" or "Intellect"), pursuant to 37 C.F.R. § 2.121(e).

I. List of Witnesses From Whom RESPONDENT Intends To Or May Take Testimony

1. Milena Soni

35 N. Lake Ave., Site 720, Pasadena, CA 91101

(626) 683-7600

A. List of Subjects on which Witness May Testify

- Formation of Respondent's business in connection with offering the services identified in the registration of the ENTELLECT mark
- Operation of Respondent's business in connection with offering the services identified in the registration of the ENTELLECT mark
- Creation and adoption of the Entellect mark
- Respondent's use of the ENTELLECT mark either personally or through the business formed in connection with offering the services identified in the registration of the ENTELLECT mark
- Respondent's role in providing the services identified in the registration of the ENTELLECT mark
- The application for registration of the ENTELLECT mark, and its prosecution before the Patent and Trademark Office
- Respondent's marketing efforts in connection with providing the services identified in the registration of the ENTELLECT mark
- Respondent's business relationships with Patrick Neils, Kenneth Neils, and Jag Soni in relation with the use of ENTELLECT mark and offering the services identified in the registration of the ENTELLECT mark
- Respondent's business relationships with any business entities operated or controlled by Patrick Neils or Kenneth Neils in connection with the use of ENTELLECT mark

and offering the services identified in the registration of the ENTELLECT mark

- Respondent's revenues and expenditure related with the ENTELLECT mark
- Respondent's continued use and intent to continue use of the Entellect mark.

B. Summary of Documents or Things that may be Introduced During Testimony

- Respondent's discovery responses
- Documents produced in response to Petitioner's discovery requests
- Respondent's deposition transcript
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

2. Surjit P. Soni

35 N. Lake Ave., Site 720, Pasadena, CA 91101

(626) 683-7600

A. List of Subjects on which Witness May Testify

- Mr. Soni's business relationship with Respondent
- Mr. Soni's use of the ENTELLECT mark

- The arrangement between Mr. Soni and Respondent in connection with the services identified in the registration of the ENTELLECT mark
- The nature of any business activity with which Mr. Soni is involved in marketing, promoting, selling, offering to sell, managing, and performing the services identified in the registration of the ENTELLECT mark
- The nature of any business activity with which any business entity through which Mr. Soni does business is involved in marketing, selling, offering to sell, managing performing the services identified in the registration of the ENTELLECT mark
- The application for registration of the ENTELLECT mark, and its prosecution before the Patent and Trademark Office
- Respondent's business operations, records and retention policy
- Respondent's business relationships with Patrick Neils, Kenneth Neils, and Jag Soni in relation with the use of ENTELLECT mark and offering the services identified in the registration of the ENTELLECT mark
- Respondent's business relationships with any business entities operated or controlled by Patrick Neils or Kenneth Neils in connection with the use of ENTELLECT mark and the services identified in the registration of the ENTELLECT mark
- Respondent's revenues and expenditure related with the

ENTELLECT mark

- Respondent's continued use and intent to continue use of the Entellect mark.

B. Summary of Documents or Things that may be Introduced During Testimony

- Respondent's discovery responses
- Documents produced in response to Petitioner's discovery requests
- Respondent's deposition transcript
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

3. Patrick R. Neils, President of Potentials Development, Inc.

P.O. Box 55339, Seattle, WA 98155-0339

(425) 776-5400

A. List of Subjects on which Witness May Testify

- Mr. Neil's business relationship with Respondent or any business Respondent is operating both personally and through any business entities through which he is doing business in connection with the use of ENTELLECT mark and the services identified in the registration of the ENTELLECT mark

- Mr. Neil's use of the ENTELLECT mark
- The nature of any arrangement between Mr. Neil or any business entities through which he is doing business and Respondent in connection with the services identified in the registration of the ENTELLECT mark
- The role and activities with which Mr. Neil or any business entities through which he is doing business is involved in marketing, selling, or providing the services identified in the registration of the ENTELLECT mark

B. Summary of Documents or Things that may be Introduced During Testimony

- Respondent's discovery responses
- Documents produced in response to Petitioner's discovery requests
- Respondent's deposition transcript
- Documents currently available from Potential Development website or past documents from the same web sites available through www.internetarchive.org
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

4. Kenneth G. Neils, APD, SPHR of PDI Coaching Services

Helena, Montana

(406) 442-1686

A. List of Subjects on which Witness May Testify

- Mr. Neil's business relationship with Respondent or any business Respondent is operating both personally and through any business entities through which he is doing business in connection with the use of ENTELLECT mark and the services identified in the registration of the ENTELLECT mark
- Mr. Neil's use of the ENTELLECT mark
- The nature of any arrangement between Mr. Neil or any business entities through which he is doing business and Respondent in connection with the services identified in the registration of the ENTELLECT mark
- The role and activities with which Mr. Neil or any business entities through which he is doing business is involved in marketing, selling, or providing the services identified in the registration of the ENTELLECT mark

B. Summary of Documents or Things that may be Introduced During Testimony

- Respondent's discovery responses
- Documents produced in response to Petitioner's discovery requests

- Respondent's deposition transcript
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

5. Dr. Jag Soni, Managing Director of RESULTS, Inc.

4712 Admiralty Way #988

Marina del Rey, California 90292

(626) 698-3359

A. List of Subjects on which Witness May Testify

- Ms. Soni's business relationship with Respondent or any business Respondent is operating both personally and through any business entities through which she is doing business in connection with the use of ENTELLECT mark and the services identified in the registration of the ENTELLECT mark
- Ms. Soni's use of the ENTELLECT mark
- The nature of any arrangement between Ms. Soni or any business entities through which she is doing business and Respondent in connection with the services identified in the registration of the ENTELLECT mark
- The role and activities with which Ms. Soni or any business entities through which she is doing business is involved in marketing, selling, or providing the services identified in the registration of the ENTELLECT mark

B. Summary of Documents or Things that may be Introduced During Testimony

- Respondent's discovery responses
- Documents produced in response to Petitioner's discovery requests
- Respondent's deposition transcript
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

6. James Barge, president of Intellect

5404 Cypress Center Dr., Suite 150, Tampa, FL 33609
(727) 533-9797

A. List of Subjects on which Witness May Testify

- Formation of Intellect
- Creation and adoption of Intellect's service mark\
- Operation of Intellect's business in connection with providing the services with which Intellect's service mark is used
- Intellect's sales and marketing efforts in connection with providing the services with which Intellect's service mark is used
- Intellect's use of its service mark from formation to

present

- Dates of use of Intellect's service mark including the first date of use in commerce
- Intellect's applications for federal registration of its service mark
- Instances of actual confusion between Intellect's service mark and the ENTELLECT mark

B. Summary of Documents or Things that may be Introduced During Testimony

- Documents produced in response to Respondent's discovery requests
- Deposition transcript of James Barge
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

7. Rhonda Dabney, Operation manager of Intellect and document custodian for Intellect

5404 Cypress Center Dr., Suite 150, Tampa, FL 33609

(727) 533-9797

A. List of Subjects on which Witness May Testify

- Operation of Intellect's business in connection with

providing the services with which Intellect's service mark is used

- Intellect's sales marketing efforts in connection with providing the services with which Intellect's service mark is used
- Intellect's use of its service mark, including its use on Internet
- Dates of use of Intellect's service mark including the first date of use in commerce
- Instances of actual confusion between Intellect's service mark and the ENTELLECT mark

B. Summary of Documents or Things that may be Introduced During Testimony

- Documents produced in response to Respondent's discovery requests
- Deposition transcript of Rhonda Dabney
- Documents produced in response to Respondent's discovery requests
- Petitioner's discovery responses
- Petitioner's deposition transcripts

II. Additional Documents and Things Respondent May Rely Upon

1. Respondent reserves the right to use during trial additional documents and things for the purpose of cross-examination,

impeachment, and rebuttal as Petitioner designates additional documents and things.

2. Respondent reserves the right to use during trial all documents and things listed on Petitioner's Pretrial Disclosures.
3. Respondent reserves the right to use during trial all documents and things produced by Petitioner in response to Respondent's discovery requests.
4. Petitioner's responses to Respondent's discovery requests
5. Documents presently available from <http://intellectcorp.com>; <http://intellectstaffing.com>; <http://intellectinc.com>; <http://potentialsdevelopment.com>; <http://www.resultsinc.org> or past documents from the same web sites available through <http://www.internetarchive.org>.
6. Documents submitted to the United States Trademark Office in the application for registration of the ENTELLECT mark.
7. Certificate of registration of the ENTELLECT mark.
8. Petitioner's pleadings in the present proceeding.
9. Deposition transcript of Respondent.
10. Deposition transcripts of James Barge and Rhonda Dabney.

Respondent reserves the right to revise the instant pretrial disclosures to change or add the subjects on which witnesses may testify, the list of Documents and Things Respondent May Rely Upon during trial that have been set forth above during its testimony period

to the extent that such revision does not result in unfair surprise to
Petitioner.

Dated: February 15, 2011

By: /Ronald E. Perez/
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 PRETRIAL DISCLOSURES** was served upon the PETITIONER via email transmission and USPS First Class Mail on this 15th day of February 2011, as follows:

William Giltinan
Carlton Fields, P.A.
PO Box 3239
Tampa FL 33601-3239
Fax: (813) 229-4133
tgiltinan@carltonfields.com

By: /Lauren P. Coyle/
Lauren P. Coyle