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

Proceeding	92050920
Party	Defendant Soni, Milena
Correspondence Address	SURJIT P SONI THE SONI LAW FIRM 35 N LAKE AVENUE , SUITE 720 PASADENA, CA 91101 UNITED STATES surj@sonilaw.com, woosoon@sonilaw.com, ron@sonilaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	Ronald E. Perez
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Signature	/Ronald E. Perez/
Date	03/31/2011
Attachments	Respondents 1st notice of reliance.Final.pdf (18 pages)(1071325 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 FIRST NOTICE OF RELIANCE

RESPONDENT, Milena Soni, ("SONI") hereby submits this Notice of Reliance in accordance with 37 C.F.R. § 2.120, *et seq.* and 37 C.F.R. § 2.122, *et seq.* The following, the copy of which is attached hereto, is designated and made part of the record of the instant proceeding.

1. SONI Exhibit No. 7: RESPONDENT's First Set of Requests for Admission to PETITIONER, and PETITIONER's response thereto, pursuant to 37 C.F.R. § 2.120(j).

Respectfully submitted,

Dated: March 31, 2011

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

INTELLECT TECHNICAL SOLUTIONS, INC.

v.

MILENA SONI

CANCELLATION NO. 92050920

SONI Exhibit No. 7

1 **PLEASE READ THE FOLLOWING DEFINITIONS AND INSTRUCTIONS**
2 **CAREFULLY; THEY APPLY TO ALL REQUESTS IN THIS CASE**

3 PURSUANT TO RULE 36(a) OF THE FEDERAL RULES OF
4 CIVIL PROCEDURE, "EACH MATTER OF WHICH AN
5 ADMISSION IS REQUESTED ... IS ADMITTED UNLESS,
6 WITHIN 30 DAYS AFTER THE SERVICE OF THE
7 REQUESTS, ... THE PARTY TO WHOM THE REQUEST IS
8 DIRECTED SERVES UPON THE PARTY REQUESTING THE
9 ADMISSION A WRITTEN ANSWER OR OBJECTION
10 ADDRESSED TO THE MATTER, SIGNED BY THE PARTY OR
11 BY HIS ATTORNEY ... IF OBJECTION IS MADE, THE
12 REASONS THEREFORE SHALL BE STATED. THE ANSWER
13 SHALL SPECIFICALLY DENY THE MATTER OR SET FORTH
14 IN DETAIL THE REASONS WHY THE ANSWERING PARTY
15 CANNOT TRUTHFULLY ADMIT OR DENY THE MATTER. A
16 DENIAL SHALL FAIRLY MEET THE SUBSTANCE OF THE
17 REQUESTED ADMISSION, AND WHEN GOOD FAITH
18 REQUIRES THAT A PARTY QUALIFY HIS ANSWER OR DENY
19 ONLY A PART OF THE MATTER OF WHICH AN ADMISSION
20 IS REQUESTED, HE SHALL SPECIFY SO MUCH OF IT AS
21 IS TRUE AND QUALIFY OR DENY THE REMAINDER. AN
22 ANSWERING PARTY MAY NOT GIVE LACK OF INFORMATION
23 OR KNOWLEDGE AS A REASON FOR FAILURE TO ADMIT OR
24 DENY UNLESS HE STATES THAT HE HAS MADE
25 REASONABLE INQUIRY AND THAT THE INFORMATION
26 KNOWN OR READILY OBTAINABLE BY HIM IS
27 INSUFFICIENT TO ENABLE HIM TO ADMIT OR DENY..."
28

1 DEFINITIONS

2 A. As referred to herein, the terms "PETITIONER," "YOU",
3 "YOUR", and "YOURS" mean not only Petitioner INTELLECT TECHNICAL
4 SOLUTIONS, INC. but also any predecessors in title or interest to,
5 and any persons who are, or were at any time to which the claims
6 involved in this case relate, in control or otherwise associated
7 with any of the foregoing, as well as any divisions or subsidiaries,
8 and attorneys, agents, employees, salesmen or representatives of any
9 of the foregoing, whether independent contractors, agents, or
10 otherwise, including all persons purporting to act on behalf of
11 INTELLECT TECHNICAL SOLUTIONS, INC. "PETITIONER" and "YOU" also
12 include any and all businesses, entities, partnerships,
13 organizations or associations in which any of the foregoing have
14 control.

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

22 C. The term "RESPONDENT" shall refer to Registrant Milena
23 Soni, her predecessors in interest, subsidiaries, affiliates,
24 divisions, joint venturers, present AND former officers AND
25 directors, employees AND agents, AND all other persons acting on her
26 OR their behalf OR at her OR their direction OR control, including
27 her OR their representatives AND attorneys.

1 D. The term "CANCELLATION" means the Petition for
2 Cancellation filed by YOU in this proceeding, namely Cancellation
3 No. 92050920 in the United States Patent and Trademark Office, and
4 all of the allegations therein.

5 E. The designation "USPTO" means the United States Patent and
6 Trademark Office.

7 F. The term "REGISTRANT'S MARK" means the term (for example,
8 but not limited to, mark, service mark, trademark, trade mark OR
9 trade name) that is the subject of REGISTRANT'S United States
10 ("U.S.") Registration No. 3,009,990 for the ENTELLECT mark, issuing
11 from the USPTO trademark application having serial no. 76/539,434.

12 G. The term "YOUR PARENT APPLICATION" means the USPTO
13 trademark Application No. 77/363,060.

14 H. The term "YOUR CHILD APPLICATION" means the USPTO
15 trademark Application No. 77/957,757.

16 I. The term "YOUR APPLICATIONS" means the USPTO trademark
17 Applications Nos. 77/363060 AND 77/957757.

18 J. The term "YOUR MARK" means the term (for example, but not
19 limited to, mark, service mark, trademark, trade mark OR trade name)
20 that is the subject of U.S. Trademark Applications Nos. 77/363,060
21 AND 77/957,757.

22 K. The term "DATE(S) OF FIRST USE" refers to the earliest
23 date of use of a trademark OR service mark by the first sale of a
24 product OR service in conjunction with the mark, as well as any
25 other date on which such use of such a mark was recommenced after
26 use of the mark was discontinued for more than one month.

27 L. The term "INSTANCES OF ACTUAL CONFUSION" means any
28 event(s) in which a consumer OR potential consumer ("customer") of a

1 product OR service of a party to this proceeding behaved in a manner
2 that suggested the customer believed a product OR service came from
3 one of the parties to this proceeding, when in fact the product OR
4 service came from the other party to this proceeding.

5 M. The term "INTERNATIONAL CLASS 35" means the classification
6 used by the USPTO as a classification of services, which includes
7 "placement services" as is identified in YOUR APPLICATIONS.

8 N. The term "MARKETING CHANNELS" means the means in the
9 marketplace by which YOU sell and distribute YOUR products AND
10 services using a trademark or service mark, including, but not
11 limited to, Internet websites, particular retail stores, wholesale
12 distributors, mail OR delivery service.

13
14 **INSTRUCTIONS**

15 1. Pursuant to Fed. R. Civ. P., Rule 26(e), these requests
16 shall be deemed to be continuing so as to require further AND
17 supplemental responses in the event additional information is
18 obtained OR discovered between the time of the initial responses AND
19 the time of a motion, hearing, testimony period, trial OR other
20 event in this proceeding.

21 2. If objection is made to any part of a particular request,
22 that part should be specified (together with the grounds for the
23 objection), AND any other portion of the request to which no
24 objection is made should be answered.

25 3. If any request set forth herein is objected to on the
26 grounds of privilege, then state the specific privilege upon which
27 such objection is based, provide sufficient information to permit an
28 evaluation of the propriety of the claim of privilege, AND further

1 provide all information responsive to the request that does not fall
2 within the claim of privilege.

3

4

5

REQUESTS FOR ADMISSIONS

6

7 **REQUEST NO. 1:**

8 Admit that YOU did not advertise OR promote any of the services
9 listed in INTERNATIONAL CLASS 35 in association with YOUR MARK in
10 the U.S. prior to May 1, 2002.

11

12 **REQUEST NO. 2:**

13 Admit that YOU did not sell, offer to sell, provide OR market
14 any of the services listed in INTERNATIONAL CLASS 35 in association
15 with YOUR MARK in the U.S. prior to May 1, 2002.

16

17 **REQUEST NO. 3:**

18 Admit that YOU did not advertise OR promote any of the services
19 identified in YOUR PARENT APPLICATION in association with YOUR MARK
20 in the U.S. prior to May 1, 2002.

21

22 **REQUEST NO. 4:**

23 Admit that YOU did not sell, offer to sell, provide OR market
24 any of the services identified in YOUR PARENT APPLICATION in
25 association with YOUR MARK in the U.S. prior to May 1, 2002.

26 ///

27 ///

28 ///

1 **REQUEST NO. 5:**

2 Admit that YOU did not advertise OR promote any of the services
3 listed in INTERNATIONAL CLASS 35 in association with YOUR MARK in
4 the U.S. as of December 31, 2007.

5
6 **REQUEST NO. 6:**

7 Admit that YOU did not sell, offer to sell, provide OR market
8 any of the services listed in INTERNATIONAL CLASS 35 in association
9 with YOUR MARK in the U.S. as of December 31, 2007.

10
11 **REQUEST NO. 7:**

12 Admit that YOU did not advertise or promote any of the services
13 identified in YOUR PARENT APPLICATION in association with YOUR MARK
14 in the U.S. as of December 31, 2007.

15
16 **REQUEST NO. 8:**

17 Admit that YOU did not sell, offer to sell, provide OR market
18 any of the services identified in YOUR PARENT APPLICATION in
19 association with YOUR MARK in the U.S. as of December 31, 2007.

20
21 **REQUEST NO. 9:**

22 Admit that RESPONDENT's DATE OF FIRST USE of the mark
23 "ENTELLECT" is prior to the date YOU filed YOUR PARENT APPLICATION.

24
25 **REQUEST NO. 10:**

26 Admit that Registrant's DATE OF FIRST USE of the mark
27 "ENTELLECT" is prior to YOUR DATE OF FIRST USE of YOUR MARK.

28

1 **REQUEST NO. 11:**

2 Admit that YOU do not presently advertise OR promote any of the
3 services listed in INTERNATIONAL CLASS 35 in association with YOUR
4 MARK in the U.S.

5
6 **REQUEST NO. 12:**

7 Admit that YOU do not presently sell, offer to sell, provide OR
8 market any of the services listed in INTERNATIONAL CLASS 35 in
9 association with YOUR MARK in the U.S.

10
11 **REQUEST NO. 13:**

12 Admit that YOU do not presently advertise OR promote any of the
13 services identified in YOUR PARENT APPLICATION in association with
14 YOUR MARK in the U.S.

15
16 **REQUEST NO. 14:**

17 Admit that YOU do not presently sell, offer to sell, provide OR
18 market any of the services identified in YOUR PARENT APPLICATION in
19 association with YOUR MARK in the U.S.

20
21 **REQUEST NO. 15:**

22 Admit that YOU do not currently own a website having the URL of
23 "www.intellectstaffing.com."

24
25 **REQUEST NO. 16:**

26 Admit that YOU did not own a website having the URL of
27 "www.intellectstaffing.com" any time prior to May 1, 2002.

28

1 **REQUEST NO. 17:**

2 Admit that YOU do not currently own any website having an URL
3 that includes the terms "INTELLECT" OR "intellect".

4
5 **REQUEST NO. 18:**

6 Admit that YOU did not own any website having an URL that
7 includes the terms "INTELLECT" OR "intellect" any time prior to May
8 1, 2002.

9
10 **REQUEST NO. 19:**

11 Admit that YOU have no present intention of using YOUR MARK in
12 the future for any of the services listed in INTERNATIONAL CLASS 35.

13
14 **REQUEST NO. 20:**

15 Admit that YOU have no present intention of using YOUR MARK in
16 the future for placement services.

17
18 **REQUEST NO. 21:**

19 Admit that YOU were aware of RESPONDENT's use of the mark
20 "ENTELLECT" prior to filing YOUR PARENT APPLICATION.

21
22 **REQUEST NO. 22:**

23 Admit that prior to adopting your mark, you conducted a search
24 for use of the term "INTELLECT" OR "intellect".

25
26 **REQUEST NO. 23:**

27 Admit that the term "INTELLECT" is generic.
28

1 REQUEST NO. 24:

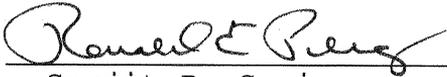
2 Admit that the term "INTELLECT" is suggestive of "intelligence"
3 OR "a man of intelligence."
4

5 REQUEST NO. 25:

6 Admit that the term "INTELLECT" is an English word known to the
7 general public.
8
9

10 Dated: December 24, 2009

THE SONI LAW FIRM

11
12 By: 
13 Surjit P. Soni
14 Ronald E. Perez
15 WooSoon Choe
16 Attorneys for Respondent
17 Milena Soni
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S FIRST SET OF REQUESTS FOR ADMISSIONS TO PETITIONER** was served upon the Petitioner via First-Class Mail on this 24th day of December 2009, as follows:

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

A handwritten signature in cursive script, appearing to read "Ronald E. Perez", is written above a horizontal line.

Ronald E. Perez

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

Petitioner, INTELLECT TECHNICAL SOLUTIONS, INC., pursuant to Rule 36 of the Federal Rules of Civil Procedure and TTAB 2.120 responds to Respondent's First Set of Requests for Admission as follows:

GENERAL RESPONSE

Petitioner has not completed its investigation of facts, witnesses, or documents, relating to this case, has not completed discovery, has not completed analysis of available information and has not completed preparation for trial. However, based upon information presently at hand, and as a result of a reasonable search, Petitioner responds to these requests as set forth below. If Petitioner subsequently determines that any of the responses set forth below are inaccurate in anyway, Petitioner reserves the right to correct and/or supplement these responses when or if subsequently discovered information is made available to Petitioner.

GENERAL OBJECTIONS

Petitioner objects to Respondent's attempt to create definitions of words devoid of any common sense or rational basis. Specifically, Petitioner objects to any attempt by Respondent to construe "and" as disjunctive or to construe "or" as conjunctive and objects to any attempt to defining the past tense as including the present tense, and shall respond to these requests with "and" being construed conjunctively, with "or" being construed disjunctively, and with the tenses of verbs being construed as indicated on their respective faces.

RESPONSES TO REQUESTS FOR ADMISSION

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Petitioner is unable to admit or deny the truth of this request because Petitioner is without knowledge as to the date of first use of the mark ENTELLECT by Respondent.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.

15. Admitted.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Petitioner admits that James Barge may have looked at local telephone directories and similar sources, but otherwise denies this request.

23. Petitioner is unable to admit or deny this request, because a term can be generic in the trademark sense only with respect to certain definitions of goods or services.

24. Admitted.

25. Petitioner objects to this request as being irrelevant to any issue in this proceeding but admits that the word "Intellect" does appear in the Merriam-Webster 3rd International Dictionary.

Date: 1/28/2010



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

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petitioner's Response to Respondent's First Set of Requests for Admission on Respondent's counsel at the following address:

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

via First Class United States Mail, postage prepaid, and deposited with the United States Postal Service on January 28, 2010.

Dated: January 28, 2010



William G. Giltinan

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S FIRST NOTICE OF RELIANCE AND SONI EXHIBIT NO. 7** were served upon the PETITIONER via email transmission and USPS First Class Mail on this 31st day of March 2011, as follows:

William Giltinan
Carlton Fields, P.A.
PO Box 3239
Tampa FL 33601-3239
tgiltinan@carltonfields.com

By: 
Lauren P. Coyle